

# Summary of Enactments 86th Legislature

Regular Session  
2019

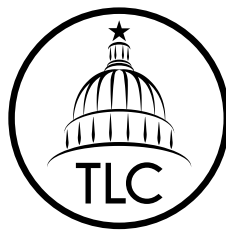


Texas Legislative Council

# Summary of Enactments 86th Legislature

Regular Session  
2019

Prepared by the Research Division  
of the  
Texas Legislative Council



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Texas Legislative Council  
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Speaker Dennis Bonnen, Joint Chair  
Jeff Archer, Executive Director

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# Introduction

*Summary of Enactments, 86th Legislature*, provides summaries of all bills and joint resolutions passed by the Texas Legislature during the 2019 Regular Session, from January 8 through May 27. 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.

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 the **Vetoed by the Governor** chapter.

	<b>Filed</b>	<b>Passed</b>	<b>Vetoed</b>
<b>Bills</b>	<b>7,324</b>	<b>1,429</b>	<b>56</b>
<b>Joint Resolutions</b>	<b>217</b>	<b>10</b>	-

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

The joint resolutions that were passed proposed amendments to the Texas Constitution, which were submitted for voter approval at the November 5, 2019 election. All of the amendments were approved except the amendment proposed by House Joint Resolution 72 relating to permitting a person to hold more than one office as a municipal judge at the same time. For more in-depth analyses of the proposed amendments, see the [Texas Legislative Council's publications web page](#).

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# Enactments of the 86th Legislature

## Agriculture

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

### House Bill 70

**Effective:** Vetoed

**House Author:** González, Mary et al.

**Senate Sponsor:** Hall

House Bill 70 amends the Agriculture Code to require the Department of Agriculture to include in its strategic plan a goal of preventing crop diseases and plant pests in Texas.

Governor's Reason for Veto: "House Bill 70 would unnecessarily direct the Department of Agriculture to include in its strategic plan the goal of preventing crop diseases and plant pests. That subject is adequately covered in the Department of Agriculture's most recent strategic plan, and that is not expected to change in future iterations. See TEX. GOV'T CODE 2056.002(b)."

### House Bill 191

**Effective:** 9-1-19

**House Author:** Stephenson et al.

**Senate Sponsor:** Kolkhorst

House Bill 191 amends the Agriculture Code to require the Department of Agriculture (TDA) to organize pesticide waste and pesticide container collection activities statewide in coordination with the Texas Commission on Environmental Quality and the Texas A&M AgriLife Extension Service and to authorize those entities to contract for services to implement those activities and facilitate the collection of unwanted pesticide products and pesticide containers. The bill creates the pesticide disposal fund to be administered by the TDA to fund those activities, provides for the deposit of pesticide registration fees to the fund, and prohibits the TDA from increasing such a fee for purposes related to those activities. Implementation of a provision of this bill by the TDA is mandatory only if a specific appropriation is made for that purpose.

### House Bill 410

**Effective:** 9-1-19

**House Author:** White et al.

**Senate Sponsor:** Johnson et al.

House Bill 410 amends the Health and Safety Code to exempt a low-volume livestock processing establishment that is exempt from federal inspection and processes fewer than 500 domestic rabbits in a calendar year from the requirement to register with the Department of State Health Services and from the requirement to develop a sanitary operation procedures plan.

### House Bill 1325

**Effective:** 6-10-19

**House Author:** King, Tracy O. et al.

**Senate Sponsor:** Perry et al.

House Bill 1325 amends the Agriculture Code to provide for the regulation of hemp production in Texas by the Department of Agriculture (TDA). Among other provisions, the bill provides for the authorized cultivation of hemp and the related regulatory powers and duties of the TDA and prohibits local regulation of hemp cultivation, handling, transportation, or sales. The bill establishes a hemp grower's license for cultivating and handling hemp and provides for inspections by the TDA and the Department of Public Safety (DPS) of land where hemp plants are cultivated or handled and for the testing of the plants. The bill sets out requirements for testing hemp plants, including those for preharvest and postharvest testing, and requirements for license holders in harvesting the plants and in using or disposing of plants based on the results of tetrahydrocannabinol concentration tests. The bill provides for the certification or approval of hemp seed and sets out provisions relating to the authorized manufacture, possession,



## Agriculture

transportation, and sale of nonconsumable hemp products. The bill creates third degree felony offenses for certain violations relating to hemp cultivation.

House Bill 1325 sets out requirements for the transportation of hemp in Texas, including documentation and other shipping requirements, and establishes a civil penalty and misdemeanor offense for violating those requirements. The bill provides for the authority of a peace officer to inspect and collect certain cannabis plant material found in vehicles and to detain or, in certain circumstances, seize hemp in transport. The bill provides for the enforcement of its hemp cultivation provisions by the TDA through the imposition of sanctions and penalties for related violations.

House Bill 1325 amends the Health and Safety Code to establish provisions relating to the manufacture, distribution, and sale of consumable hemp products (CHP). The bill provides for the related regulatory powers and duties of the executive commissioner of the Health and Human Services Commission and prohibits local regulation of hemp processing or the manufacture or sale of a CHP. The bill establishes a CHP manufacturer license issued by the Department of State Health Services (DSHS) to a person seeking to process hemp or manufacture a CHP in Texas and sets out requirements for testing a CHP before it may be manufactured or sold. The bill provides for the retail sale of a CHP and for the regulation of certain cannabinoid oils, including a process for random testing of cannabinoid oils by DSHS and DPS, and requires retailers of a CHP containing cannabidiol to register with DSHS. The bill establishes a deceptive trade practice relating to the sale or distribution of a cannabinoid oil processed or manufactured in a noncompliant manner and sets out packaging and labeling requirements for a CHP before it may be distributed or sold. The bill excludes hemp from the definitions of “controlled substance” and “marihuana” under the Texas Controlled Substances Act.

**House Bill 2155**  
**Effective:** 9-1-19

**House Author:** Guerra et al.  
**Senate Sponsor:** Lucio et al.

House Bill 2155 amends the Agriculture Code to provide for the establishment and administration by the Department of Agriculture (TDA) of a temporary grant program to reduce wait times for agricultural inspections of vehicles at ports of entry along the Texas-Mexico border. Implementation of a provision of this bill by the TDA is mandatory only if a specific appropriation is made for that purpose.

**House Bill 2223**  
**Effective:** 5-17-19

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

House Bill 2223 amends the Agriculture Code to specify that a commercial weighing or measuring device is exempt from statutory provisions relating to state inspection and registration if the device is exclusively used to weigh food that is not exempted from sales and use tax and is sold ready for immediate consumption, regardless of whether the food is consumed on the premises where it is weighed and sold.

**Senate Bill 743**  
**Effective:** 4-25-19

**Senate Author:** Hall et al.  
**House Sponsor:** Buckley

Senate Bill 743 amends the Agriculture Code to create the Texas Olive Oil Industry Advisory Board to assist the Department of Agriculture in assessing, promoting, and expanding the olive and olive oil industry in Texas.

**Senate Bill 979**

**Effective:** 5-25-19

**Senate Author:** Hughes

**House Sponsor:** Kacal

Senate Bill 979 amends the Agriculture Code to include cuttings as a form of propagation for the citrus budwood and citrus nursery stock certification programs.

**Senate Bill 1939**

**Effective:** 9-1-19

**Senate Author:** Hancock et al.

**House Sponsor:** Burrows

Senate Bill 1939 amends the Agriculture Code to provide for the storage of grapes in a public warehouse and for the issuance of a warehouse receipt by the warehouse operator for the deposit of grapes in the warehouse. The bill establishes that a natural byproduct of grapes stored in such a warehouse is an agricultural commodity and not subject to regulation under other law until the byproduct is removed from the warehouse or mixed with another ingredient.

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## 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 1443**  
**Effective:** 9-1-19

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

House Bill 1443 amends the Alcoholic Beverage Code to set express deadlines for the county clerk or city secretary or clerk, as applicable, of the county or city in which a request for certification by a prospective applicant for a permit or license issued by the Texas Alcoholic Beverage Commission is made to certify whether the location or address given in the request is in a wet area and whether the sale of alcoholic beverages for which the permit or license is sought is prohibited by a respective order, charter, or ordinance.

**House Bill 1997**  
**Effective:** 9-1-19

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

House Bill 1997 amends the Alcoholic Beverage Code to authorize the holder of a distiller's and rectifier's permit and the holder of a nonresident seller's permit or the holder's agent or employee to provide a sample of distilled spirits to the holder of a retail permit authorizing the sale of distilled spirits or the holder's agent or employee or to provide a distilled spirits product tasting on the retailer's premises for the holder of the retail permit or the holder's agent or employee.

**House Bill 2016**  
**Effective:** 9-1-19

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

House Bill 2016 amends the Alcoholic Beverage Code to authorize the holder of a wine and beer retailer's permit to sell for on-premise consumption dessert-flavored wine or rice wine containing alcohol in excess of one-half of one percent by volume and not more than 24 percent by volume. The bill increases to 24 percent the maximum percentage of alcohol by volume contained in wine, beer, ale, or malt liquor that a mixed beverage permit holder may purchase in containers of any legal size from any permittee or licensee authorized to sell those beverages for resale and may sell for on-premise consumption.

**House Bill 2196**  
**Effective:** 9-1-19

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

House Bill 2196 amends the Alcoholic Beverage Code and Special District Local Laws Code to authorize the Texas State Railroad Authority to contract with an applicably licensed or permitted person for the retail sale of alcoholic beverages on authority property that is used as a station for passenger rail services.

**House Bill 2633**  
**Effective:** 9-1-19

**House Author:** Morrison  
**Senate Sponsor:** Kolkhorst

House Bill 2633 amends the Alcoholic Beverage Code and Education Code to provide for the adoption by a school district of a policy allowing the consumption, possession, and sale of an alcoholic beverage at an event not sponsored or sanctioned by the district that is held at a district-owned performing arts facility leased to a nonprofit organization. The bill applies to a school district located in a county with a population of not more than 300,000 and in which a component university of the University of Houston System is located.

## Alcoholic Beverages

### **House Bill 2790**

**Effective:** 9-1-19

**House Author:** Goldman

**Senate Sponsor:** Johnson

House Bill 2790 repeals the Alcoholic Beverage Code provision that makes possession of more than one quart of liquor in a dry area and possession in a dry area of more than 24 twelve-ounce bottles of beer, or an equivalent amount, prima facie evidence that it is possessed with intent to sell.

### **House Bill 2791**

**Effective:** 9-1-19

**House Author:** Goldman

**Senate Sponsor:** Watson

House Bill 2791 amends the Alcoholic Beverage Code to clarify that a person who purchases an alcoholic beverage for the person's own consumption may personally transport it from a place where its sale is legal to a place where its possession is legal without holding a license or permit.

### **House Bill 2792**

**Effective:** 9-1-19

**House Author:** Goldman

**Senate Sponsor:** Watson

House Bill 2792 amends the Alcoholic Beverage Code to establish the requisite state of mind for conduct that constitutes an offense of making a false statement or false representation in an application for a permit or license or in an instrument filed with the Texas Alcoholic Beverage Commission.

### **House Bill 2793**

**Effective:** 9-1-19

**House Author:** Goldman et al.

**Senate Sponsor:** Zaffirini

House Bill 2793 repeals an Alcoholic Beverage Code provision that establishes proof of the sale or delivery of certain amounts of distilled spirits in a single or continuous transaction as prima facie evidence that the sale was at wholesale or was a retail sale.

### **House Bill 3006**

**Effective:** 10-1-19

**House Author:** Burrows

**Senate Sponsor:** West

House Bill 3006 amends the Tax Code to require an applicable permittee subject to mixed beverage taxes to file a tax return with the comptroller of public accounts not later than the 20th day of each month. The tax due for the preceding month must accompany the return and must be payable to the state. The bill makes a statutory provision providing for the confidentiality of information in or derived from a record, report, or other instrument required to be furnished under the Limited Sales, Excise, and Use Tax Act inapplicable to mixed beverage taxes.

### **House Bill 3222**

**Effective:** See below

**House Author:** King, Ken

**Senate Sponsor:** Hancock

House Bill 3222 amends the Alcoholic Beverage Code to create a nonresident brewer's or nonresident manufacturer's agent permit. Except as otherwise provided, the bill takes effect September 1, 2019.

**House Bill 3754**  
**Effective:** 9-1-19

**House Author:** Burrows  
**Senate Sponsor:** West

House Bill 3754 amends the Alcoholic Beverage Code to give the Texas Alcoholic Beverage Commission (TABC) the option to suspend a permit or license issued under the Alcoholic Beverage Code as an alternative to canceling the permit or license if TABC finds the permittee or licensee has not paid an applicable local permit or license fee within 180 days after the date the fee was levied. The bill authorizes a city, town, or county to enter into a contract with a private attorney or a public or private vendor for the collection of an unpaid local permit or license fee that is more than 60 days past due. The bill authorizes a city, town, or county to enter into an interlocal agreement with another entity authorized to levy a local permit or license fee for the collection of a fee that is more than 60 days past due on behalf of the other.

**House Bill 3768**  
**Effective:** 9-1-19

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

House Bill 3768 amends the Alcoholic Beverage Code to authorize a person who holds a license or permit to manufacture alcoholic beverages in Texas to conduct product tastings without the issuance of another license or permit at tastings conducted during the State Fair of Texas as part of the “Go Texan” partner program.

**House Bill 4456**  
**Effective:** 9-1-19

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

House Bill 4456 amends the Alcoholic Beverage Code to update the applicability of statutory provisions relating to the change of wet or dry status for a territory annexed or owned by the City of Grapevine.

**House Bill 4542**  
**Effective:** 9-1-19

**House Author:** Guillen  
**Senate Sponsor:** Hinojosa

House Bill 4542 amends the Tax Code to subject a person required to hold a brewpub license to certain sales and use tax reporting requirements for persons involved in the manufacture and distribution of alcoholic beverages.

**Senate Bill 928**  
**Effective:** 9-1-19

**Senate Author:** Hancock  
**House Sponsor:** Goldman

Senate Bill 928 amends the Alcoholic Beverage Code to authorize the holder of a brewer’s permit to import ale and malt liquor for manufacturing purposes from a holder of a nonresident brewer’s permit, to authorize the holder of a manufacturer’s license to import for manufacturing purposes beer from the holder of a nonresident manufacturer’s license and ale and malt liquor from a holder of a nonresident brewer’s permit, and to authorize the mixing and blending of such imported beer, ale, and malt liquor and the bottling and sale of the resultant product.

Senate Bill 928 authorizes the holder of a manufacturer’s license to import ale and malt liquor into Texas in barrels or other containers in accordance with Alcoholic Beverage Code provisions and removes the prohibition against a person shipping beer into Texas in tank cars.

## Alcoholic Beverages

### **Senate Bill 1210**

**Effective:** 9-1-19

**Senate Author:** Hancock

**House Sponsor:** Harless

Senate Bill 1210 amends the Alcoholic Beverage Code to provide for the removal from a retailer's inventory of uninsured ale, malt liquor, or beer that becomes unfit for public consumption as the result of a natural disaster and for the subsequent destruction and disposal of such beverages.

### **Senate Bill 1232**

**Effective:** 9-1-19

**Senate Author:** Creighton

**House Sponsor:** Goldman

Senate Bill 1232 amends the Alcoholic Beverage Code to authorize the holder of a wine and beer retailer's permit who is also the holder of a local cartage permit to make deliveries to and collections from ultimate consumers in the same manner as the holder of a package store permit.

### **Senate Bill 1450**

**Effective:** 9-1-19

**Senate Author:** Hancock

**House Sponsor:** Paddie

Senate Bill 1450 amends the Alcoholic Beverage Code to authorize the holder of a mixed beverage permit to deliver, or have delivered by a third party, an alcoholic beverage from the permitted premises to an ultimate consumer located off-premises and in an area where the sale of the beverage is legal if certain specified conditions are met. The bill creates a consumer delivery permit, the holder of which may contract with or employ a driver for the delivery of an alcoholic beverage from the premises of the holder of a retailer's permit to an ultimate consumer located in an area where the sale of the beverage is legal. The bill sets out additional provisions relating to such deliveries with respect to areas and hours of delivery, driver requirements, a delivery training program and software verification system, retailer responsibilities, and responsibilities of the holder of a consumer delivery permit applicable to the actions of a delivery driver. The bill makes the delivery for commercial purposes of an alcoholic beverage to an intoxicated person with criminal negligence a misdemeanor offense.

### **Senate Bill 2410**

**Effective:** 6-10-19

**Senate Author:** Menéndez

**House Sponsor:** Goldman

Senate Bill 2410 amends the Alcoholic Beverage Code to clarify that a public entertainment facility, for purposes of the Industry Public Entertainment Facilities Act, includes a parking area adjacent to such a facility.

## Appropriations and State Finance

This chapter covers the General Appropriations Act for the 2020-2021 state fiscal biennium and legislation on supplemental appropriations, revenue dedication, investment of public funds, and payment of claims against the state.

### House Bill 1

**Effective:** 9-1-19

**House Author:** Zerwas

**Senate Sponsor:** Nelson

House Bill 1, the General Appropriations Act, appropriates approximately \$250.7 billion for the 2020-2021 state fiscal biennium, of which \$126 billion is for state fiscal year 2020 and \$124.7 billion is for state fiscal year 2021. Those amounts include all funding sources except interagency contracts. Of the total amount appropriated, more than \$125 billion, or roughly 50 percent, is derived from general revenue, both dedicated and nondedicated. Another \$86.4 billion, or 34.5 percent, represents federal funding, while the remaining \$39.2 billion, or 15.6 percent, comes from other funds such as the state highway fund and the economic stabilization fund. (Figures and percentages may not add up due to rounding.) The \$250.7 billion budgetary total represents an increase of approximately 15.6 percent over the budget approved for the 2018-2019 state fiscal biennium.

Legislative appropriations for major governmental functions and services for the 2020-2021 biennium compared with appropriations for the preceding biennium are as follows, listed by budgetary article:

- Article I - General Government receives \$7.4 billion, an increase of 19.1 percent;
- Article II - Health and Human Services receives \$84.4 billion, an increase of 6.2 percent;
- Article III - Agencies of Education receives \$83 billion, an increase of 3.2 percent;
- Article IV - The Judiciary receives \$892.3 million, an increase of 8.3 percent;
- Article V - Public Safety and Criminal Justice receives \$16 billion, an increase of 30.3 percent;
- Article VI - Natural Resources receives \$9 billion, an increase of 98.3 percent;
- Article VII - Business and Economic Development receives \$37.1 billion, an increase of 16.4 percent;
- Article VIII - Regulatory receives \$647.4 million, an increase of 2.7 percent;
- Article IX - General Provisions receives \$11.8 billion, an increase of 13,972.3 percent; and
- Article X - The Legislature receives \$392.1 million, an increase of 1.2 percent.

Of the \$11.8 billion in appropriations contained in Article IX of the budget, approximately \$11.5 billion is for purposes of House Bill 3, which provides for public school finance reform and the compression of school district property tax rates. Additionally, Article IX contains the position classification plan and salary schedule for the 2020-2021 biennium.

### House Bill 2235

**Effective:** 5-24-19

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

**Senate Sponsor:** Perry

House Bill 2235 amends the Government Code to raise the cap on the total amount of money received by the attorney general for a debt, a penalty, or restitution that may be credited to the judicial fund for programs approved by the Supreme Court of Texas that provide basic civil legal services to the indigent from \$50 million per state fiscal biennium to \$50 million per state fiscal year.



**House Bill 2570**

**Effective:** 9-1-19

**House Author:** Zerwas

**Senate Sponsor:** Nelson et al.

House Bill 2570 amends the Government Code to extend the deadline by which a claim relating to a grant awarded by the Cancer Prevention and Research Institute of Texas Oversight Committee must be presented to the comptroller of public accounts for payment to be eligible to be paid from an appropriation from two years after the end of the fiscal year for which the appropriation from which the claim is to be paid was made to seven years after the end of that fiscal year.

**House Bill 2706**

**Effective:** 9-1-19

**House Author:** Capriglione et al.

**Senate Sponsor:** Nelson

House Bill 2706 amends the Public Funds Investment Act, Government Code, to expand the authority of a governmental entity governed by the act to purchase, sell, and invest public funds by authorizing investment in repurchase agreements that are secured by commercial paper and corporate bonds. Among other provisions, the bill includes as an authorized investment commercial paper with a stated maturity of 365 days or fewer from the date of issuance, changes the calculation of yield for an authorized investment through an eligible investment pool, and revises eligibility standards for receiving funds from and investing funds on behalf of an applicable entity. The bill provides for a study conducted by the Texas Education Agency regarding the investment and management of funds by public school districts and open-enrollment charter schools.

**House Bill 3317**

**Effective:** See below

**House Author:** Zerwas

**Senate Sponsor:** Nelson

House Bill 3317, the biennial funds consolidation bill, 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 86th Legislature, Regular Session, 2019, except those specifically exempted from abolishment under the bill's provisions. The bill creates and re-creates certain accounts and funds and 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 3317 amends the Education Code, Government Code, Health and Safety Code, Parks and Wildlife Code, and Transportation Code to revise provisions governing certain accounts or the dedication of certain revenue. The bill reenacts provisions of the Water Code relating to the strategic mapping account and the water resource management account. Among other provisions, the bill postpones the expiration date for the Texas B-On-time student loan account until 2024 and requires revenue from the commercial gulf shrimp unloading licensing fee to be deposited to the credit of the game, fish, and water safety account. Effective September 1, 2019, the bill postpones the expiration date of statutory provisions governing the use of dedicated revenue in treasury funds by the comptroller of public accounts and revises the deadline by which the comptroller is required to eliminate all dedicated accounts for specialty license plates.

Except as otherwise provided, House Bill 3317 takes effect June 14, 2019.

**House Bill 4071**

**Effective:** 9-1-19

**House Author:** Longoria

**Senate Sponsor:** Hinojosa

House Bill 4071 appropriates money out of the following funds and accounts for the payment of itemized claims and judgments plus interest, if any, against the State of Texas: the general

revenue fund, the state highway fund, the Texas Commission on Law Enforcement general revenue account, the water resource management general revenue account, the federal civil defense and disaster relief general revenue account, the veterans financial assistance program fund, the hazardous and solid waste remediation fees general revenue account, the unemployment compensation clearance account, and the lottery general revenue account. The bill requires any claim or judgment paid from the appropriated money 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 itemized claim or judgment not verified or substantiated as such by August 31, 2021, from being paid.

**Senate Bill 68**  
**Effective:** 6-7-19

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

Senate Bill 68 amends the Government Code to require the Legislative Budget Board (LBB) to perform a strategic fiscal review for each state agency currently the subject of Sunset Advisory Commission review under the Texas Sunset Act, except for certain river authorities that are not subject to the legislative appropriations process. The bill requires the LBB to prepare and submit a report of findings from the review to the governor and to the presiding officers and members of the appropriate committees of each house of the legislature for consideration as part of that appropriations process.

**Senate Bill 69**  
**Effective:** 9-1-19

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

Senate Bill 69 amends the Government Code to remove provisions providing for the biennial determination and adoption of a sufficient balance of the economic stabilization fund (ESF) and the use of that adopted balance in making adjustments to the constitutional allocations of certain oil and gas production tax revenue to the ESF and the state highway fund. The bill requires the comptroller of public accounts, beginning with the 2022 state fiscal year, to determine and adopt instead for the state fiscal biennium an amount equal to seven percent of the certified general revenue-related appropriations made for that state fiscal biennium to be used in making those adjustments. The bill sets these provisions to expire December 31, 2034, and changes from the 2026 state fiscal year to the 2036 state fiscal year the fiscal year beginning with which the comptroller is required to adjust the allocations so that the total amount is transferred to the ESF, subject to the limit on the total ESF balance for the biennium.

Senate Bill 69 revises provisions governing the investment of certain ESF balances to require, among other provisions, that at least one-quarter of the ESF balance be invested in a manner that ensures liquidity of that amount and to authorize the comptroller to pool ESF assets with other state assets for investment purposes.

**Senate Bill 500**  
**Effective:** 6-6-19

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

Senate Bill 500 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.

## Appropriations and State Finance

Unencumbered appropriations for the 2018-2019 state fiscal biennium from the general revenue fund, from dedicated accounts in the general revenue fund, and from federal funds are reduced by roughly \$1.04 billion. The bill makes supplemental appropriations for the 2018-2019 state fiscal biennium totaling \$2 million from the Coastal Protection Account and approximately \$2.72 billion from the general revenue fund, \$4.97 billion from the economic stabilization fund (ESF), and \$2.16 billion from federal funds. Additionally, certain fee revenues collected from expedited permit review surcharges assessed under the Texas Clean Air Act and deposited to the Clean Air Account are appropriated to the Texas Commission on Environmental Quality for the 2019 state fiscal year. The bill also appropriates \$1.16 billion for the 2020-2021 state fiscal biennium from the ESF to the Teacher Retirement System of Texas and the Texas Education Agency (TEA).

Senate Bill 500 sets the sum-certain appropriation to the foundation school program for the 2019 state fiscal year at \$21,495,735,602. The bill provides for the cancellation of the Texas Child Support Enforcement System 2.0 project and requires TEA to report to the Legislative Budget Board and the governor's office regarding the use of supplemental appropriations for purposes of providing grants during the 2019 fiscal year to reimburse school districts for certain costs associated with special education.

Senate Bill 500 provides for the reimbursement of money appropriated by the bill if the applicable state agency or public institution of higher education receives reimbursement for an expenditure paid from the appropriation and for the deposit of any reimbursed appropriation to the credit of the ESF.

**Senate Bill 962**  
**Effective:** 9-1-19

**Senate Author:** Nichols  
**House Sponsor:** Zerwas

Senate Bill 962 amends the Government Code to postpone to December 31, 2034, the expiration date of statutory provisions providing for the determination of a sufficient minimum balance for the economic stabilization fund (ESF) and for the adjustment of the constitutional allocations of certain oil and gas production tax revenue to the ESF and the state highway fund for a state fiscal year.

**Senate Bill 1138**  
**Effective:** 6-10-19

**Senate Author:** Watson  
**House Sponsor:** Wray

Senate Bill 1138 amends the Government Code to authorize the Texas Treasury Safekeeping Trust Company to enter into trust agreements, fiduciary instruments, or other contracts, as principal or as trustee, with the comptroller of public accounts and other third parties and makes the trust company liable under those agreements, instruments, or contracts in accordance with their terms. The bill provides for the guarantee of certain securities contracts with third parties and for a limited waiver of sovereign immunity by and on behalf of the trust company.

**Senate Bill 1474**  
**Effective:** 9-1-19

**Senate Author:** Lucio et al.  
**House Sponsor:** Murphy et al.

Senate Bill 1474 amends the Education Code and Government Code to revise provisions with respect to the regulation of private activity bonds, including provisions regarding certain state ceiling allocations and the percentage of the state ceiling available for certain reservations, reservation limitations for single projects, certain closing and reservation request deadlines, and applicable maximum carryforward designations. Among other provisions, the bill expands the permissible use of alternative education loans.

## Business and Commerce

This chapter covers legislation on issues relating to business and commerce generally, including business organization and regulation, business transactions, 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 996

**Effective:** 9-1-19

**House Author:** Collier et al.

**Senate Sponsor:** Paxton et al.

House Bill 996, the Fair Consumer Debt Collection Act, amends the Finance Code to prohibit an applicable debt buyer from directly or indirectly commencing an action against or initiating arbitration with a consumer to collect a consumer debt after the expiration of the applicable limitations period provided by the Civil Practice and Remedies Code or the Business & Commerce Code.

### House Bill 1152

**Effective:** 9-1-19

**House Author:** Bernal et al.

**Senate Sponsor:** Campbell

Current law makes it a false, misleading, or deceptive trade practice under the Deceptive Trade Practices-Consumer Protection Act to take advantage of a disaster by selling or leasing during a declared disaster certain necessities at an exorbitant or excessive price or by demanding an exorbitant or excessive price in connection with such a sale or lease. House Bill 1152 amends the Business & Commerce Code to include lodging, building materials, and construction tools among those necessities and to specify that a declared disaster includes a disaster declared by the president of the United States. The bill defines a “designated disaster period” for purposes of price gouging, with respect to those necessities, during a declared disaster.

### House Bill 1159

**Effective:** 9-1-19

**House Author:** Price et al.

**Senate Sponsor:** Watson

House Bill 1159 amends the Civil Practice and Remedies Code to establish a short form for certificates of acknowledgment for a limited liability company and to provide for the acknowledgment of a written instrument on behalf of a limited liability company by a member, manager, authorized officer, or agent acting for the company. The bill also allows for the acknowledgment of a written instrument on behalf of a partnership by an authorized officer or agent acting for the partnership.

### House Bill 1731

**Effective:** 9-1-19

**House Author:** Davis, Yvonne

**Senate Sponsor:** Hancock

House Bill 1731 amends the Occupations Code to require a funeral establishment that receives a dead human body transferred from another funeral establishment to include in the purchase agreement any amount owed by the customer to the transferring funeral establishment. The bill requires the recipient funeral establishment to remit to the transferring funeral establishment any amount collected on behalf of the transferring establishment.

### House Bill 1941

**Effective:** 9-1-19

**House Author:** Phelan et al.

**Senate Sponsor:** Watson et al.

House Bill 1941 amends the Business & Commerce Code to establish that a freestanding emergency medical care facility providing emergency care at an unconscionable price or demanding or charging an unconscionable price for emergency or other care at the facility

## Business and Commerce

constitutes a false, misleading, or deceptive act or practice for purposes of the Deceptive Trade Practices-Consumer Protection Act. Among other provisions, the bill provides for the methods of determining the minimum price alleged to be unconscionable that triggers the authority of the consumer protection division of the attorney general's office to bring an action in the name of the state. The bill does not create a private cause of action for a false, misleading, or deceptive act or practice.

**House Bill 1992**  
**Effective:** 9-1-19

**House Author:** Leman et al.  
**Senate Sponsor:** Schwertner et al.

House Bill 1992 amends the Business & Commerce Code to prohibit a telemarketer from causing misleading information to be transmitted to a recipient's caller identification service or device or otherwise misrepresenting the origin of a telemarketing call and to except from this prohibition a telemarketer that substitutes the name and telephone number of the person on whose behalf the call is made for the telemarketer's name and telephone number.

**House Bill 2779**  
**Effective:** 9-1-19

**House Author:** Wray  
**Senate Sponsor:** Rodríguez

House Bill 2779 amends the Property Code to revise provisions relating to the exemption for certain savings plans from attachment, execution, or other seizure for creditors' claims.

**House Bill 2856**  
**Effective:** Vetoed

**House Author:** Morrison  
**Senate Sponsor:** Kolthorst et al.

House Bill 2856 amends the Business & Commerce Code to create a Class B misdemeanor offense for a disaster remediation contractor who unlawfully requires a person to make a full or partial payment under a contract before the contractor begins work or requires that the amount of any partial payment under the contract exceed an amount reasonably proportionate to the work performed. The bill enhances the penalty for the offense to a third degree felony if the offense was committed with the intent to defraud the person contracting for disaster remediation services.

Governor's Reason for Veto: "House Bill 2856 attempts to address the very real problem of disaster-remediation contractors who take advantage of disaster victims. But it does so with a stiff criminal penalty in an area where civil remedies already exist, which could discourage well-intentioned, quality tradespeople from seeking work in Texas following a disaster. This could inadvertently harm victims and impede recovery. We must take a more measured approach to this issue—as was done in House Bill 2320, which I have signed into law this session. I look forward to working with the author next session."

**House Bill 2945**  
**Effective:** 9-1-19

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

House Bill 2945 amends the Business & Commerce Code and Government Code to provide for the reporting and investigation of payment card skimmers on motor fuel dispensers, for related enforcement provisions, and for the creation of a payment fraud fusion center. Implementation of the fusion center provisions is mandatory only if a specific appropriation is made for that purpose.

**House Bill 3603**  
**Effective:** 9-1-19

**House Author:** Martinez Fischer  
**Senate Sponsor:** Hancock

House Bill 3603 amends the Business Organizations Code to revise and harmonize certain provisions relating to derivative proceedings involving for-profit corporations, limited liability companies, and limited partnerships.

**House Bill 3609**  
**Effective:** 9-1-19

**House Author:** Martinez Fischer  
**Senate Sponsor:** Hancock

House Bill 3609 repeals Business & Commerce Code provisions requiring a corporation, limited partnership, limited liability partnership, limited liability company, or foreign filing entity to file an assumed name certificate in the office of each applicable county clerk.

**House Bill 3855**  
**Effective:** 9-1-19

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

House Bill 3855 amends the Finance Code to require the interest charged by a consumer loan contract that is not secured by real property to be contracted for, charged, or received using the scheduled installment earnings method or the true daily earnings method.

**House Bill 4171**  
**Effective:** 1-1-22

**House Author:** Leach  
**Senate Sponsor:** Kolkhorst

House Bill 4171 enacts a nonsubstantive revision of The Securities Act.

**House Bill 4390**  
**Effective:** See below

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

Current law requires a person who conducts business in Texas and owns or licenses computerized data that includes sensitive personal information to disclose any breach of system security as quickly as possible to any individual whose sensitive personal information was, or is reasonably believed to have been, acquired by an unauthorized person. House Bill 4390 amends the Business & Commerce Code, effective January 1, 2020, to establish a specific deadline for that required disclosure. If the breach involves at least 250 Texas residents, the person must also notify the attorney general of the breach. The bill, in temporary provisions that are effective September 1, 2019, creates the Texas Privacy Protection Advisory Council to study data privacy laws in Texas, other states, and relevant foreign jurisdictions and to make recommendations to the legislature.

**Senate Bill 726**  
**Effective:** 9-1-19

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

Senate Bill 726 amends the Finance Code to raise the cap on certain aggregate investments of a predominately civic, community, or public nature a state bank may make under the Texas Banking Act.

**Senate Bill 1037**  
**Effective:** 5-31-19

**Senate Author:** Taylor et al.  
**House Sponsor:** Lucio III

Senate Bill 1037 amends the Business & Commerce Code to prohibit a consumer reporting agency from furnishing a consumer report containing information related to a collection account with a medical industry code if the consumer was covered by a health benefit plan at the time of the event giving rise to the collection and the collection is for an outstanding balance, after copayments, deductibles, and coinsurance, owed to an emergency care provider or a facility-based provider for an out-of-network benefit claim.

**Senate Bill 1189**  
**Effective:** 9-1-19

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

Senate Bill 1189 amends the Government Code to set out required warnings and disclosures that a television advertisement for legal services must contain and to prohibit

certain deceptive practices with regard to such an advertisement. The bill establishes that a violation of its provisions is a deceptive act or practice actionable under the Deceptive Trade Practices-Consumer Protection Act as an enforcement action by the consumer protection division of the attorney general's office or by a district or county attorney.

**Senate Bill 1258**

**Effective:** 9-1-19

**Senate Author:** Buckingham

**House Sponsor:** Moody

Senate Bill 1258 amends the Penal Code to apply to a limited liability company or another entity or organization governed by the Business Organizations Code statutory provisions governing the criminal responsibility of a corporation or association, the criminal responsibility of a person for conduct in behalf of a corporation or association, the defense to such criminal responsibility, and the authorized punishments for corporations and associations.

**Senate Bill 1778**

**Effective:** 9-1-19

**Senate Author:** Paxton

**House Sponsor:** Holland

Senate Bill 1778 amends the Business & Commerce Code to authorize a lessee under a personal, family, or household motor vehicle lease agreement to contract with a lessor for an excess wear and use waiver in connection with the lease agreement. The waiver must be in writing and must contain certain specified disclosures. The bill makes a lessor who violates the bill's provisions liable for a civil penalty, provides for injunctive relief for a person injured or threatened with injury by a violation of the bill's provisions, and authorizes the attorney general or a county or district attorney to bring an action for the civil penalty, the injunctive relief, or both.

**Senate Bill 1822**

**Effective:** 9-1-19

**Senate Author:** Campbell

**House Sponsor:** Flynn

Senate Bill 1822 amends the Finance Code to change certain deadlines relating to the annual acknowledged written notice of abandoned money a seller of prepaid funeral benefits must furnish to the banking commissioner of Texas and to change the deadline by which the seller is required to deliver abandoned money and a report to the comptroller of public accounts. The bill provides for the recovery of the reasonable costs incurred in connection with certain applicable investigations.

**Senate Bill 1823**

**Effective:** 9-1-19

**Senate Author:** Campbell

**House Sponsor:** Murphy

Senate Bill 1823 amends the Finance Code to prohibit the disclosure of certain information regarding investigatory subpoenas issued by the banking commissioner and to set out certain exceptions to that prohibition. Among other provisions, the bill expands the definition of "third-party service provider," subjects a third-party service provider refusing to submit to examination by the banking commissioner or to pay an assessed fee for an examination to an enforcement action under the Texas Banking Act or Texas Trust Company Act, and sets out the conditions under which a statutorily regulated transaction regarding a company intending to acquire a Texas bank or bank holding company is exempt from certain transfer of ownership interest requirements.

**Senate Bill 1859****Effective:** 9-1-19**Senate Author:** Hancock**House Sponsor:** Martinez Fischer

Senate Bill 1859 amends the Business Organizations Code to revise certain provisions relating to partnerships, limited liability companies, the use of electronic data systems, and the delayed effectiveness of filing instruments.

**Senate Bill 1969****Effective:** 9-1-19**Senate Author:** Hancock**House Sponsor:** Martinez Fischer

Senate Bill 1969 amends the Business Organizations Code to establish a process by which the board of directors of a domestic nonprofit corporation may ratify a defective corporate act taken by the corporation. The bill also authorizes an action to be brought in an applicable district court regarding the validity of a defective corporate act by certain affected persons and sets out provisions relating to such an action, including provisions regarding court proceedings and the jurisdiction to hear and determine the action.

**Senate Bill 1971****Effective:** 9-1-19**Senate Author:** Hancock**House Sponsor:** Martinez Fischer

Senate Bill 1971 amends the Business Organizations Code to revise, update, and clarify certain provisions with respect to domestic corporations and other domestic entities. Among other provisions, the bill includes provisions relating to a written voting agreement, the rights of dissent and appraisal of an ownership interest, an exception to the required notice of redemption of redeemable shares, shareholder approval of a ratified defective corporate act and related notice requirements, and certain matters regarding meetings of the members of a nonprofit corporation, the corporation's board of directors, or any committee designated by the board.

**Senate Bill 2330****Effective:** 11-24-19**Senate Author:** Creighton**House Sponsor:** Parker

Senate Bill 2330 amends the Texas Secure and Fair Enforcement for Mortgage Licensing Act of 2009, Finance Code, to provide for the temporary authority of certain individuals to engage in business as a residential mortgage loan originator in Texas.

**Senate Bill 2409****Effective:** 9-1-19**Senate Author:** Menéndez**House Sponsor:** Moody et al.

Senate Bill 2409 amends the Business & Commerce Code to prohibit, with certain exceptions, a website operator from intentionally using an Internet domain name, or any subdomain of the domain name, in a ticket website's uniform resource locator that contains: the name of a performer, an organization or association that is associated with a performer, a venue in Texas, or an exhibition, performance, or other event to be held at a venue in Texas; any name substantially similar to such a name, including a misspelling of the name; or a trademark not owned by the website operator, including a trademark owned by an authorized agent or partner of the venue or event. The bill establishes that a violation of the bill's provisions is a deceptive trade practice under the Deceptive Trade Practices-Consumer Protection Act and is actionable under that act.



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## Civil Remedies and Procedures

This chapter covers legislation relating to the rules and standards governing the adjudication of civil litigation, including legislation relating to civil immunities, judgments, liabilities, and penalties. The chapter includes legislation relating to immunity for certain disaster assistance and recovery.

### **House Bill 685**

**Effective:** 6-14-19

**House Author:** Clardy et al.

**Senate Sponsor:** Hughes

House Bill 685 amends the Government Code to exempt a court clerk from liability for the release of certain court documents and to grant immunity from suit and from liability to a court clerk, the county in which the court is located, and the commissioners court of that county for the release or disclosure of information that is confidential or otherwise prohibited from disclosure and that is accessed from a state court document database if the clerk performs the duties as clerk in good faith.

### **House Bill 687**

**Effective:** 6-10-19

**House Author:** Guillen

**Senate Sponsor:** Perry

House Bill 687 amends the Civil Practice and Remedies Code to include rock climbing among the activities classified as recreation for purposes of the limitation of a landowner's liability under the recreational use statute.

### **House Bill 770**

**Effective:** 9-1-19

**House Author:** Davis, Sarah

**Senate Sponsor:** Zaffirini

House Bill 770 amends the Government Code to require the Office of Court Administration of the Texas Judicial System to establish and maintain an electronic database that contains personal injury or wrongful death settlement agreements for which a minor or incapacitated person is the beneficiary. The bill authorizes a party to such an agreement or a guardian, next friend, or guardian ad litem to record the agreement in the database, authorizes the collection of a fee for such recording, and restricts access to a recorded agreement.

### **House Bill 883**

**Effective:** 9-1-19

**House Author:** Thierry

**Senate Sponsor:** Zaffirini

House Bill 883 amends the Anti-Phishing Act, Business & Commerce Code, to authorize a court to award up to treble damages in an action brought under the act for a violation that adversely affected an elderly individual.

### **House Bill 1693**

**Effective:** 9-1-19

**House Author:** Smithee

**Senate Sponsor:** Hughes

House Bill 1693 amends the Civil Practice and Remedies Code to revise the deadlines by which a copy of an affidavit or counteraffidavit concerning cost and necessity of services must be served by a party offering the affidavit or counteraffidavit in evidence in a civil action and to require the party to file notice with the court clerk when serving the copy. The bill clarifies that such an affidavit is not evidence of and does not support a finding of the causation element of the cause of action that is the basis for the civil action and prohibits use of the counteraffidavit to controvert that causation element.

**House Bill 1999**  
**Effective:** 6-14-19

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

House Bill 1999 amends the Government Code to set out provisions relating to a claim asserted by a governmental entity against a contractor, subcontractor, supplier, or design professional for damages arising from damage to or loss of real or personal property caused by an alleged construction defect in an improvement to real property that is a public building or public work or for indemnity or contribution for such damages. Among other provisions, the bill requires a governmental entity to provide certain parties with a report and an opportunity to inspect and correct any construction defect or related condition before bringing an action asserting such a claim and provides for the dismissal of an action brought by a governmental entity that does not comply with these requirements.

**House Bill 2053**  
**Effective:** 9-1-19

**House Author:** Murr  
**Senate Sponsor:** Flores

House Bill 2053 amends the Local Government Code and Natural Resources Code to limit liability for property damage, personal injury, or death caused by or resulting from a prescribed burn to the burn boss responsible for directing the burn under a written prescription plan or to another person who commits gross negligence or intentionally causes the damage, injury, or death. The bill removes references to prescribed burning organizations in provisions governing prescribed burning.

**House Bill 2164**  
**Effective:** 9-1-19

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

House Bill 2164 amends the Code of Criminal Procedure to subject an establishment serving the public that prohibits or otherwise restricts a peace officer or special investigator from lawfully carrying a weapon on the establishment's premises to a civil penalty of \$1,000 for each violation. The bill authorizes the attorney general to sue to collect the civil penalty.

**House Bill 2730**  
**Effective:** 9-1-19

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

House Bill 2730 amends the Civil Practice and Remedies Code to revise certain definitions for purposes of provisions governing civil actions involving the exercise of certain constitutional rights and to revise the applicability of those provisions. The bill changes the conditions under which a party may file a motion to dismiss such an action and the conditions under which a court is required to dismiss such an action, sets deadlines for providing notice of the hearing on the motion to dismiss and for filing a response to the motion, and expands the types of evidence required to be considered in making a determination on an action. The bill makes the award of sanctions to the moving party in an action that is dismissed discretionary and authorizes the award of reasonable attorney's fees to the moving party on the dismissal of a compulsory counterclaim found to be frivolous or solely intended for delay.

**House Bill 3300**  
**Effective:** 9-1-19

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

Previous law required a trial court in a civil proceeding to award costs and reasonable and necessary attorney's fees to the prevailing party when granting or denying a motion to dismiss a cause of action that has no basis in law or fact. House Bill 3300 amends the Civil Practice and Remedies Code to make the award of such costs and fees by the trial court discretionary.

**House Bill 3365**  
**Effective:** 6-2-19

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

House Bill 3365 amends the Civil Practice and Remedies Code to grant a charitable organization; a local, state, or federal entity; and such an entity's authorized representative immunity from liability for the act or omission of a person providing disaster assistance at the organization's, entity's, or representative's request. The bill also grants a person immunity from civil liability for an act or omission that occurs in providing disaster assistance at the request of a charitable organization, with certain exceptions.

**House Bill 3809**  
**Effective:** 9-1-19

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

House Bill 3809 amends the Civil Practice and Remedies Code to increase the statute of limitations for bringing a suit for personal injury arising from certain offenses involving child sexual abuse from 15 years after the day the cause of action accrues to 30 years after such day.

**House Bill 4345**  
**Effective:** 6-10-19

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

House Bill 4345 amends the Civil Practice and Remedies Code to grant immunity from civil liability to a charitable organization, or an employee, volunteer, or independent contractor of the organization, for any good faith act to disclose to an individual's current or prospective employer information reasonably believed to be true about an allegation that an individual employed by or serving as a volunteer or independent contractor for the charitable organization or its associated charitable organizations engaged in sexual misconduct, sexual abuse, sexual harassment, or certain sexual offenses. An individual is not immune from civil or criminal liability for disclosing the individual's own conduct or for acting in bad faith or with a malicious purpose in making a disclosure.

**Senate Bill 27**  
**Effective:** 9-1-19

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

Senate Bill 27 amends the Civil Practice and Remedies Code and Government Code to provide for the award of reasonable attorney's fees and costs capped at \$1 million to the prevailing party in a contested case involving a frivolous regulatory action and to prohibit a state agency from vacating or modifying an order of an administrative law judge that awards such fees and costs. The bill caps at \$1 million the total amount of fees, expenses, and reasonable attorney's fees that may be awarded to a party in a civil suit for a frivolous claim by a state agency.

**Senate Bill 230**  
**Effective:** 6-14-19

**Senate Author:** Perry  
**House Sponsor:** Guillen

Senate Bill 230 amends the Civil Practice and Remedies Code to include rock climbing among the activities classified as recreation for purposes of the limitation of a landowner's liability under the recreational use statute.

**Senate Bill 752**  
**Effective:** 9-1-19

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

Senate Bill 752 amends the Civil Practice and Remedies Code to grant a volunteer health care provider immunity from civil liability for an act or omission that occurs in giving care, assistance, or advice in relation to a disaster that endangers or threatens to endanger individuals, property, or the environment, with certain exceptions. The bill grants a health care institution immunity

from civil liability for an act or omission by a volunteer health care provider providing such care, assistance, or advice at the institution's facility or under the institution's direction if the provider qualifies for immunity and the institution does not have an expectation of compensation from or on behalf of the recipient of the services in excess of reimbursement for expenses incurred by the institution in connection with the provision of the services.

**Senate Bill 772**  
**Effective:** 9-1-19

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

Senate Bill 772 amends the Civil Practice and Remedies Code to establish that evidence of a person's failure to exercise the option to forbid the carrying of a handgun by a handgun license holder on the property of a business, such as the fact that there is no posted sign forbidding such carrying, is not admissible as evidence in a trial on the merits in an action that is brought against a person who owns, controls, or manages the property and in which the cause of action arises from an injury sustained on the property, nor does the evidence support such a cause of action against such a person.

**Senate Bill 988**  
**Effective:** 9-1-19

**Senate Author:** Watson  
**House Sponsor:** Capriglione

Senate Bill 988 amends the Government Code to condition a court's authorization to assess litigation costs or reasonable attorney's fees incurred by a plaintiff or defendant who substantially prevails in a public information suit on whether the court finds the action or the defense of the action was groundless in fact or law.

**Senate Bill 1575**  
**Effective:** Vetoed

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

Senate Bill 1575 amends the Civil Practice and Remedies Code to grant a municipality governmental immunity to suit and from liability for a cause of action arising from the municipality entering into a contract for a purpose related to disaster recovery after a gubernatorial disaster declaration or taking an action under that contract.

Senate Bill 1575 amends the Local Government Code to exempt certain disaster recovery contracts from provisions relating to the adjudication of claims arising under written contracts with local governmental entities.

Governor's Reason for Veto: "Disaster-recovery tools are critically important in Texas, and this session I have signed into law important legislation that will help Texans rebuild from prior disasters and prepare for future ones. But Senate Bill 1575 goes too far in shielding municipalities from being sued for all sorts of contracts they may enter into for an unspecified period after a disaster declaration. I look forward to working with the Legislature on a more tailored approach to this issue next session."

**Senate Bill 1755**  
**Effective:** 6-10-19

**Senate Author:** Creighton  
**House Sponsor:** Oliverson

Senate Bill 1755 amends the Civil Practice and Remedies Code to establish that, for purposes of the Texas Tort Claims Act, a resident or fellow in a graduate medical training program for physicians that is sponsored by a governmental unit is considered to be an employee of a governmental unit regardless of the method or source of payment of the resident or fellow.

**Senate Bill 1928**  
**Effective:** 6-10-19

**Senate Author:** Fallon  
**House Sponsor:** Krause

Current law requires a plaintiff to file a supporting affidavit of a third-party licensed or registered professional in an action or arbitration proceeding for damages arising out of the

provision of professional services by a licensed architect, licensed professional engineer, registered professional land surveyor, or registered landscape architect. Senate Bill 1928 amends the Civil Practice and Remedies Code to make this requirement applicable to any claimant in such an action or proceeding and to require that the third-party professional practice in the defendant's area of practice.

**Senate Bill 2140**

**Effective:** 9-1-19

**Senate Author:** Hughes

**House Sponsor:** Burrows

Senate Bill 2140 amends the Business & Commerce Code to decrease the maximum civil penalty for a violation of the Deceptive Trade Practices-Consumer Protection Act.

**Senate Bill 2364**

**Effective:** 9-1-19

**Senate Author:** Hughes

**House Sponsor:** Krause

Senate Bill 2364 amends the Civil Practice and Remedies Code to entitle a judgment creditor to receive aid from a justice court through injunction or other means in order to reach property to obtain satisfaction on the judgment.

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## Corrections

This chapter covers legislation relating to correctional facilities, incarcerated individuals, and community supervision and parole, as well as the functions and duties of the Texas Department of Criminal Justice and the Commission on Jail Standards. Legislation relating to juvenile justice is in the **Juvenile Justice** chapter.

**House Bill 374**  
**Effective:** 9-1-19

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

House Bill 374 amends the Government Code to require a community supervision and corrections department (CSCD) to adopt a policy regarding the scheduling of meetings or visits between a defendant on community supervision and a supervision officer. The policy must require the supervision officer to take into consideration the defendant's work, treatment, or community service schedule when scheduling any required meetings or visits. The bill authorizes a CSCD to permit a defendant to report to a supervision officer by use of videoconference technology if the CSCD determines that an in-person meeting or visit is unnecessary.

**House Bill 650**  
**Effective:** 9-1-19

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

House Bill 650 amends the Government Code to set out certain requirements for the Texas Department of Criminal Justice (TDCJ) with regard to female inmates and pregnant inmates. Among other provisions, the bill requires TDCJ to conduct a trauma history screening of each female inmate during the diagnostic process and refer the inmate as needed to the appropriate medical or mental health care professional for treatment. The bill requires TDCJ to provide training relating to medical and mental health care issues applicable to pregnant inmates to certain TDCJ correctional officers and employees and sets out certain educational programming, nutrition, postpartum recovery, and housing requirements regarding pregnant inmates. The bill prohibits certain invasive searches of a pregnant inmate. The bill prohibits the placement of restraints around the ankles, legs, or waist of a pregnant woman in TDCJ custody at any time after the pregnancy has been confirmed by a medical professional but sets out the limited circumstances under which restraints may be used. The bill requires TDCJ to conduct a study of the effect of TDCJ visitation policies on the relationships between inmates or defendants and their children and sets out related reporting requirements.

**House Bill 812**  
**Effective:** 9-1-19

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

House Bill 812 amends the Government Code to change the health care services fee certain inmates of the Texas Department of Criminal Justice must pay for a visit initiated by an inmate to a health care provider from \$100 for all visits until the first anniversary of the imposition of the fee to \$13.55 per visit and to prohibit an inmate from being required to pay more than \$100 during a state fiscal year.

**House Bill 918**  
**Effective:** 1-1-20

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

House Bill 918 amends the Government Code to require the Texas Department of Criminal Justice (TDCJ), when an inmate who is determined to be able to work by TDCJ is discharged or released on parole, mandatory supervision, or conditional pardon and whose intended residence is in Texas, to provide the inmate with certain relevant documentation to assist the inmate in



obtaining post-release employment. The bill also requires TDCJ to determine whether an inmate who is discharged or released on parole, mandatory supervision, or conditional pardon has a certified copy of the inmate's birth certificate and a copy of the inmate's social security card. If the inmate does not have such a document, TDCJ is required to submit a request for the issuance of the applicable document to the appropriate entity on behalf of the inmate.

**House Bill 1191**  
**Effective:** 9-1-19

**House Author:** Johnson, Jarvis et al.  
**Senate Sponsor:** Whitmire

House Bill 1191 amends the Government Code to require the annual report by the Texas Department of Criminal Justice summarizing statistical information concerning the total number of inmates who have at any time been in the conservatorship of a state agency responsible for providing child protective services to include the number of inmates, disaggregated by age, who have not previously served a term of imprisonment.

**House Bill 1374**  
**Effective:** 6-14-19

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

House Bill 1374 amends the Government Code to authorize the community justice assistance division of the Texas Department of Criminal Justice to award a grant to a community supervision and corrections department for the development and operation of a pretrial intervention program for defendants who are pregnant or the primary caretaker of a child.

**House Bill 1651**  
**Effective:** 9-1-19

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

House Bill 1651 amends the Government Code to require the Commission on Jail Standards (TCJS) to adopt rules and procedures that meet certain criteria regarding the use of restraints to control or restrict the movement of pregnant prisoners or prisoners who gave birth in the preceding 12 weeks. The bill requires each county jail to submit to TCJS an annual report regarding the jail's use of restraints in that manner. The bill also requires TCJS to adopt rules and procedures establishing minimum requirements for a county jail to identify when a pregnant prisoner is in labor and provide appropriate care to the prisoner.

**House Bill 2169**  
**Effective:** 9-1-19

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

House Bill 2169 amends the Government Code to require the Commission on Jail Standards (TCJS) to adopt reasonable rules and procedures establishing minimum standards for the quantity and quality of feminine hygiene products provided to a female prisoner. The bill adds a category for female prisoners to the mandatory monthly county jail population reports submitted to TCJS.

**House Bill 2758**  
**Effective:** 9-1-19

**House Author:** Hernandez  
**Senate Sponsor:** Huffman

House Bill 2758 amends the Code of Criminal Procedure and the Health and Safety Code to include certain trafficking and prostitution-related offenses among the offenses for which a defendant who is charged, adjudged guilty, or convicted is ineligible for deferred adjudication community supervision or judge-recommended or jury-recommended community supervision. The bill limits the eligibility of a defendant adjudged guilty of aggravated promotion of prostitution or compelling prostitution for judge-ordered community supervision to a victim of

certain trafficking or prostitution-related offenses. Implementation of a provision of this bill is mandatory only if a specific appropriation is made for that purpose.

**House Bill 3116**  
**Effective:** 9-1-19

**House Author:** White  
**Senate Sponsor:** West

House Bill 3116 establishes a temporary task force to study and make recommendations regarding best practice standards for the detention of persons with an intellectual or developmental disability and submit a related report that must be made publicly available on the Commission on Jail Standards website.

**House Bill 3227**  
**Effective:** 9-1-19

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

House Bill 3227 amends the Government Code to require the Texas Department of Criminal Justice (TDCJ) to adopt a policy to increase the availability of formal and informal peer support services to a person confined in a TDCJ facility and to develop and implement policies that increase and promote a female inmate's access to programs offered to inmates in TDCJ custody.

**House Bill 3440**  
**Effective:** 9-1-19

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

House Bill 3440 amends the Government Code to require the Commission on Jail Standards (TCJS) to establish a system for the electronic submission of forms, data, and documents required to be submitted to TCJS under state law or administrative rules. The bill requires a person to submit all such forms, data, or documents through that system unless TCJS allows the submission in a nonelectronic format, in which case TCJS must set and collect a reasonable fee to cover related processing costs.

**House Bill 4468**  
**Effective:** 9-1-19

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

House Bill 4468 amends the Government Code to set out provisions relating to mental health professional access in county jails and community mental health programs in certain counties. The bill increases the maximum capacity of a county jail for which the Commission on Jail Standards (TCJS) may provide a grant from the prisoner safety fund to a county for capital improvements related to the provision of mental health services. The bill authorizes the Department of State Health Services to award a grant to an entity for the purpose of establishing a community mental health program in a county with a population of less than 250,000, provided the entity meets certain requirements. The bill requires the compliance status of certain municipal or county jail facilities operated by a private entity to be reviewed by TCJS when the facility is issued a notice of noncompliance.

House Bill 4468 amends the Occupations Code to require a county jailer appointed on a temporary basis to be enrolled in the preparatory training program for county jailers and prohibits a jailer so appointed from being promoted to a supervisory position in a county jail.

**House Bill 4559**  
**Effective:** 9-1-19

**House Author:** Fierro  
**Senate Sponsor:** Rodríguez

House Bill 4559 amends the Government Code to require the Commission on Jail Standards to adopt procedures by which a mental health authority or other mental health services provider providing contracted services to a county jail prisoner who is covered by health benefits coverage

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may collect from the prisoner any information necessary for the prisoner to obtain benefits under the coverage. The bill authorizes such a provider to arrange for the issuer of the health benefits coverage to pay for those services.

### **House Bill 4754**

**Effective:** 6-14-19

**House Author:** Lopez et al.

**Senate Sponsor:** Menéndez

House Bill 4754 requires the Texas Department of Criminal Justice (TDCJ) to conduct a study relating to parole officer caseloads and how they are administered. The bill requires TDCJ to prepare and submit a related report to the legislature not later than September 1, 2020.

### **Senate Bill 1147**

**Effective:** 9-1-19

**Senate Author:** Buckingham et al.

**House Sponsor:** White

Senate Bill 1147 amends the Code of Criminal Procedure to authorize a judge to require a defendant who is convicted of certain intoxication offenses and granted community supervision to submit to an evaluation by a licensed physician to determine whether the defendant would benefit from medication-assisted treatment for alcohol dependence. A defendant is entitled to refuse to participate in such treatment and a judge may not require the defendant to participate as a condition of community supervision.

### **Senate Bill 1700**

**Effective:** 9-1-19

**Senate Author:** Whitmire

**House Sponsor:** Miller

Senate Bill 1700 amends the Code of Criminal Procedure to establish a uniform time period for a defendant's release from county jail on the day the defendant discharges the sentence but to provide for the authority of a sheriff or other county jail administrator to release a defendant at times outside of that period or on the day preceding the discharge day under certain conditions. The bill amends the Government Code to authorize the Commission on Jail Standards to monitor compliance with statutory provisions relating to the release of a prisoner from county jail.

## 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, court costs and fees, specialty court programs, and the functions and duties of the Office of Court Administration of the Texas Judicial System. 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 36

**Effective:** 6-14-19

**House Author:** Ortega et al.

**Senate Sponsor:** Rodríguez

House Bill 36 amends the Civil Practice and Remedies Code and Local Government Code to provide for expedited proceedings in cases involving dangerously damaged or deteriorated or substandard buildings or improvements in a municipality with a population of 500,000 or more.

### House Bill 51

**Effective:** Vetoed

**House Author:** Canales

**Senate Sponsor:** Zaffirini

House Bill 51 amends the Government Code to require the Office of Court Administration of the Texas Judicial System to create, promulgate, and update standard forms for use in criminal actions by the courts. The bill requires a court to accept such a form unless it has been completed in a manner that causes a substantive defect that cannot be cured.

Governor's Reason for Veto: "House Bill 51 would require the creation and use of standardized forms for certain actions in criminal cases. The Office of Court Administration can already create forms for courts to use, so House Bill 51 is unnecessary for that purpose. But in going further and mandating that judges use these standardized forms, the bill as drafted could create larger problems. The author's good intentions are appreciated, but the bill may end up discouraging judges from giving individualized attention to the important matters being waived or otherwise addressed by the forms, and it risks creating loopholes for criminal defendants to exploit whenever the forms are not used. It also could preclude judges from handling these matters orally on the record, which unduly restricts the ability of judges to run their courtrooms."

### House Bill 93

**Effective:** Vetoed

**House Author:** Canales

**Senate Sponsor:** Hinojosa

House Bill 93 amends the Code of Criminal Procedure to require any signed order that is issued by a magistrate, or any signed order pertaining to such an order, to include the magistrate's name.

Governor's Reason for Veto: "House Bill 93 would mandate that all orders by magistrate judges not only be signed, but also include the magistrate's name in legible print or writing. Yet it does not address what the consequences would be if the magistrate's name is not printed in the form prescribed, which could create loopholes for opportunistic litigants and prompt needless challenges to court orders. The author may have intended to address the integrity of court orders against possible forgery, but the bill as drafted is not the right answer."

### House Bill 300

**Effective:** 6-10-19

**House Author:** Murr et al.

**Senate Sponsor:** Whitmire

House Bill 300 amends the Code of Criminal Procedure to remove the requirement for a justice of the peace to deliver to the district clerk for safekeeping evidence accumulated in the course of an inquest that tends to show the real cause of death or identify the person who caused the death. The bill repeals a provision requiring the certification and delivery of a copy of an inquest summary report by a justice of the peace and its retention by a district clerk.

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**House Bill 435**  
**Effective:** 9-1-19

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

House Bill 435 amends the Government Code to authorize the clerk of a court in which a court cost or fee was imposed on a party in a civil case, other than the supreme court, the court of criminal appeals, or a court of appeals, to request the court to make a finding that the cost or fee is uncollectible if the cost or fee has been unpaid for at least 15 years. On such a finding, the court may order the clerk to designate the cost or fee as uncollectible in the fee record.

House Bill 435 makes Code of Criminal Procedure provisions governing uncollectible costs and fees in criminal actions and proceedings applicable to all counties.

**House Bill 452**  
**Effective:** 9-1-19

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

House Bill 452 amends the Government Code to provide for the appointment of truancy masters to serve in the justice courts of Bell County having jurisdiction in truancy matters.

**House Bill 504**  
**Effective:** 9-1-19

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

House Bill 504 amends the Civil Practice and Remedies Code to make statutory provisions relating to a juror's right to reemployment applicable to a person who serves as a grand juror.

**House Bill 598**  
**Effective:** 9-1-19

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

House Bill 598 amends the Government Code to include the continuing legal education of part-time masters, magistrates, and referees and certain full-time and part-time associate judges among the purposes for which the judicial and court personnel training fund is used.

**House Bill 1279**  
**Effective:** 9-1-19

**House Author:** Allen  
**Senate Sponsor:** Menéndez

House Bill 1279 amends the Code of Criminal Procedure to revise the jury instructions relating to good conduct time given to a jury in the penalty phase of a trial of a felony case in which the defendant has been found guilty of a certain offense or in which the judgment contains an affirmative finding regarding the use or exhibition of a deadly weapon with respect to certain offenses.

**House Bill 1494**  
**Effective:** 9-1-19

**House Author:** Guillen  
**Senate Sponsor:** Zaffirini

House Bill 1494 amends the Government Code and Local Government Code to revise the surety bond requirements for deputy clerks and other employees of a district or county clerk.

**House Bill 1717**  
**Effective:** See below

**House Author:** White  
**Senate Sponsor:** Huffman

House Bill 1717 amends the Government Code to remove the condition on the authority of a person to hold the office of municipal judge for more than one municipality at the same time that each office is filled by appointment. The bill takes effect January 1, 2020, contingent on voter approval of the constitutional amendment proposed by House Joint Resolution 72.

**House Bill 2481****Effective:** Vetoed**House Author:** Metcalf et al.**Senate Sponsor:** Creighton et al.

House Bill 2481 amends the Code of Criminal Procedure and Government Code to authorize a commissioners court of a county to establish a juvenile family drug court program. The bill also authorizes a veterans treatment court program to transfer responsibility for supervising a defendant's participation in the program to another program located in a county adjacent to the county where the defendant works or resides, if the program and the defendant consent. The bill sets out related provisions, including provisions regarding participant payment for treatment and services and program funding.

Governor's Reason for Veto: "House Bill 2481, as passed by the House, represented an improvement in access to specialty treatment courts for our Texas veterans. Unfortunately, a last-minute amendment was added in the Senate and would create a juvenile family drug court program that is entirely different and unrelated. This new program would authorize a court to exercise jurisdiction over an individual who has never been charged with any crime, but who resides in the home of a child subject to a case under Title 3 of the Family Code and who is suspected by the Department of Family and Protective Services of having a substance abuse problem. The lack of due-process protections is unacceptable. Next session, I look forward to increasing the ability of our Texas veterans to access treatment without this concerning program attached."

**House Bill 2737****Effective:** 9-1-19**House Author:** Wu et al.**Senate Sponsor:** Johnson

House Bill 2737 amends the Government Code to require the Texas Supreme Court, in conjunction with the Permanent Judicial Commission for Children, Youth and Families, to annually provide guidance to judges who preside over child protective services cases or juvenile cases for purposes of establishing greater uniformity in certain related issues across the state.

**House Bill 2757****Effective:** 9-1-19**House Author:** Leach**Senate Sponsor:** Taylor

House Bill 2757 amends the Civil Practice and Remedies Code to establish that the American Law Institute's Restatements of the Law are not controlling in any action governed by state law concerning rights and obligations under the law.

**House Bill 2955****Effective:** 9-1-19**House Author:** Price et al.**Senate Sponsor:** Zaffirini

House Bill 2955 amends the Government Code to change from the criminal justice division of the governor's office to the Office of Court Administration of the Texas Judicial System (OCA) the entity to which a specialty court program is required to provide certain notice and documentation to operate. The bill sets out certain oversight duties for OCA with respect to specialty court programs and requires a specialty court program to report to the Texas Judicial Council any information required by the council regarding the program's performance.

**House Bill 3014****Effective:** 9-1-19**House Author:** Burrows**Senate Sponsor:** Perry

House Bill 3014 amends the Government Code to exempt the municipal court of record of the City of Lubbock from statutory requirements for the clerk and other court personnel to perform their duties under the direction and control of the presiding judge and for the municipality's governing body by ordinance to provide for the hiring, direction, supervision, and removal of the personnel authorized in the annual budget for the clerk's office.

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### **House Bill 3040**

**Effective:** 6-14-19

**House Author:** Hunter et al.

**Senate Sponsor:** Huffman

House Bill 3040 establishes the temporary Texas Commission on Judicial Selection to study and review the method by which certain judges and justices are selected for office in Texas and issue a report that must be submitted to the governor and the legislature. Implementation of a provision of this bill by the Office of Court Administration of the Texas Judicial System is mandatory only if a specific appropriation is made for that purpose.

### **House Bill 3081**

**Effective:** 9-1-19

**House Author:** Noble

**Senate Sponsor:** Paxton

House Bill 3081 amends the Government Code to revise the eligibility requirements for appointment as a temporary justice of the peace.

### **House Bill 3361**

**Effective:** 6-14-19

**House Author:** Canales

**Senate Sponsor:** Hinojosa

House Bill 3361 amends the Government Code to increase the amount of the court reporter service fee collected in civil cases by the clerk of a court with an official court reporter from \$15 to \$30 in Hidalgo County.

### **House Bill 3529**

**Effective:** 6-10-19

**House Author:** Gutierrez

**Senate Sponsor:** Menéndez

House Bill 3529 amends the Government Code to require the community justice assistance division of the Texas Department of Criminal Justice to collaborate with the judges in Bexar County who have jurisdiction over cases involving family violence to establish a family violence pretrial diversion pilot program for individuals who are charged with an offense involving family violence and who suffer from a substance abuse disorder or chemical dependency. The bill expires September 1, 2023.

### **House Bill 3531**

**Effective:** 6-14-19

**House Author:** Shine

**Senate Sponsor:** Buckingham

House Bill 3531 amends the Government Code to provide for the disqualification and replacement of a judge or a prosecuting attorney in a case investigated by the public integrity unit of the Texas Rangers because the judge or attorney is the subject of such a criminal investigation. The bill also provides for the recusal of a judge for good cause in a case investigated by the public integrity unit.

### **House Bill 3642**

**Effective:** 9-1-19

**House Author:** Krause

**Senate Sponsor:** Powell

House Bill 3642 amends the Government Code to grant the County Courts at Law Nos. 2 and 3 of Tarrant County criminal jurisdiction.

### **House Bill 4716**

**Effective:** 6-14-19

**House Author:** Button

**Senate Sponsor:** Johnson

House Bill 4716 repeals provisions of the Uniform Municipal Courts of Record Act that provide for the specific operation of the municipal court of record of the City of Rowlett.

**House Joint Resolution 72**  
**For Election:** 11-5-19 (Failed)

**House Author:** White  
**Senate Sponsor:** Huffman

House Joint Resolution 72 proposes an amendment to the Texas Constitution to authorize a person to hold more than one office as an elected or appointed municipal judge in more than one municipality at the same time.

**Senate Bill 31**  
**Effective:** 9-1-19

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

Senate Bill 31 amends the Government Code to require the Office of Court Administration of the Texas Judicial System (OCA) to establish and maintain a guardianship abuse, fraud, and exploitation deterrence program designed to provide additional resources and assistance to courts that have jurisdiction over guardianship proceedings. The bill requires a court that is selected by OCA for participation in the program to participate in the program and allow guardianship compliance specialists to conduct reviews and audits and authorizes the administrative director of OCA to notify the State Commission on Judicial Conduct regarding possible judicial misconduct in connection with a report by such a specialist. The bill also provides for an annual report by OCA regarding the performance of the program.

**Senate Bill 40**  
**Effective:** 6-7-19

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

Senate Bill 40 amends the Government Code and Local Government Code to set out and revise provisions relating to alternate locations, terms and sessions, and procedures for conducting court proceedings following certain disasters. Among other provisions, the bill increases the maximum length of time an order to modify or suspend procedures for the conduct of any court proceeding affected by a disaster may extend unless renewed by the supreme court from 30 days from the date the order was signed to 90 days from that date. The bill authorizes a building or rooms provided by a county commissioners court for housing a county or district court to be located anywhere in the county at the discretion of the commissioners court.

**Senate Bill 41**  
**Effective:** 9-1-19

**Senate Author:** Zaffirini  
**House Sponsor:** Smithee

Current law requires the use of a rotation system for the appointment of attorneys ad litem, guardians ad litem, mediators, and guardians, with certain exceptions, and requires courts to report on such appointments. Senate Bill 41 amends the Government Code to exempt from the rotation system and reporting requirements an attorney ad litem, guardian ad litem, amicus attorney, or mediator providing services without expectation or receipt of compensation or providing services as a volunteer of a nonprofit organization that provides pro bono legal services to the indigent. The bill also authorizes a court to appoint a person whose name does not appear first on the list from which the court makes appointments using a rotation system or a person who meets statutory or other requirements to serve and who is not included on the list if, within 30 days preceding the date of appointment, an initial declaration of a state of disaster is made for the area served by the court.

**Senate Bill 325**  
**Effective:** 9-1-19

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

Senate Bill 325 amends the Government Code to require the Office of Court Administration of the Texas Judicial System (OCA) to establish and maintain a centralized, publicly accessible, Internet-based registry for applications for protective orders filed or issued in Texas on or after



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September 1, 2020. Implementation of a provision of this bill by OCA is mandatory only if a specific appropriation is made for that purpose.

### **Senate Bill 341**

**Effective:** 9-1-19

**Senate Author:** Huffman

**House Sponsor:** Murr

Senate Bill 341 amends the Code of Criminal Procedure and Government Code to limit the county attorneys that may be appointed to serve as an attorney pro tem to a county attorney with criminal jurisdiction. The bill clarifies that an attorney pro tem may be appointed from any county or district and revises the compensation to which an attorney pro tem is entitled.

### **Senate Bill 346**

**Effective:** 1-1-20

**Senate Author:** Zaffirini et al.

**House Sponsor:** Leach et al.

Senate Bill 346 amends the Alcoholic Beverage Code, Business & Commerce Code, Code of Criminal Procedure, Family Code, Government Code, Health and Safety Code, Human Resources Code, Local Government Code, Parks and Wildlife Code, and Transportation Code to consolidate certain court costs and fees and to change certain other court costs and fees. Among other provisions, the bill eliminates certain court costs and fees imposed on a defendant convicted of a criminal offense, increases the consolidated court costs required to be paid to the comptroller of public accounts by such a defendant, and revises the prescribed manner of allocating such consolidated court costs. The bill also provides for the consolidation and standard collection of fees payable to a local government in criminal matters; requires a defendant convicted of a criminal offense to pay a local consolidated court cost, ranging from \$14 to \$123 depending on the level of the offense; and provides for the allocation of those costs to specified accounts and funds. The bill reclassifies certain fees, court costs, and other payments as fines or reimbursement fees, as applicable, and provides for the reconsideration of fines and costs imposed on a defendant if the defendant has difficulty in paying the fines and costs.

### **Senate Bill 370**

**Effective:** 9-1-19

**Senate Author:** Watson

**House Sponsor:** Smithee

Senate Bill 370 amends the Civil Practice and Remedies Code to expand the employment protections for a person who serves as a juror.

### **Senate Bill 467**

**Effective:** Vetoed

**Senate Author:** Zaffirini

**House Sponsor:** Leach

Senate Bill 467 amends the Government Code to change the requirement that the State Commission on Judicial Conduct (SCJC) notify a person who filed a written complaint with SCJC of the status of the investigation at least quarterly to a requirement for SCJC to notify such a person of any change in the status of the complaint investigation. The bill expands the type of complaint data that SCJC must include in its annual report and requires SCJC to maintain certain information regarding complaints on the SCJC website, to establish sanction guidelines, and to establish a complaint schedule.

Governor's Reason for Veto: "Senate Bill 467 is not needed because it would require the State Commission on Judicial Conduct to take actions that it can already do without a statutory change."

### **Senate Bill 536**

**Effective:** Vetoed

**Senate Author:** Zaffirini

**House Sponsor:** Murr

Senate Bill 536 amends the Government Code to establish a system of regional specialized courts with jurisdiction over guardianship proceedings and protective services proceedings to be served by associate judges appointed by the presiding judge of each administrative judicial region.

Governor's Reason for Veto: "Senate Bill 536 highlights that the answer to a perceived problem cannot always be to throw more state money and bureaucracy at it. The Legislature has not shown that it is necessary to create new associate judgeships to specialize in guardianship proceedings, and Senate Bill 536 was misguided in its attempt to create this expensive new system. The Legislature should find a better way to address this issue."

**Senate Bill 658**

**Effective:** 9-1-19

**Senate Author:** Zaffirini

**House Sponsor:** Clardy et al.

Previous law temporarily increased the cap on district court records archive fees, county records management and preservation fees, and county records archive fees from \$5 to \$10. Senate Bill 658 amends the Government Code and Local Government Code to make that increase permanent.

**Senate Bill 827**

**Effective:** 9-1-19

**Senate Author:** Huffman

**House Sponsor:** Smithee

Senate Bill 827 amends the Government Code to prohibit the judicial panel on multidistrict litigation from transferring an action brought for Medicaid fraud or for deceptive trade practices, except for an action specifically authorized by Business & Commerce Code provisions relating to consumer relief from deceptive trade practices.

**Senate Bill 891**

**Effective:** See below

**Senate Author:** Huffman et al.

**House Sponsor:** Leach et al.

Senate Bill 891 is an omnibus bill relating to the operation and administration of courts in the judicial branch of state government.

Senate Bill 891 amends the Business & Commerce Code, Business Organizations Code, Civil Practice and Remedies Code, Code of Criminal Procedure, Estates Code, Family Code, Government Code, Health and Safety Code, Human Resources Code, and Local Government Code. Among other provisions, the bill:

- creates nine district courts and eight statutory county courts;
- revises the jurisdiction of certain statutory county courts;
- authorizes certain county commissioners courts to appoint masters or magistrates to perform specified duties;
- authorizes the certification of apprentice court reporters, the provisional certification of court reporters, and the waiver of prerequisites to obtaining a court reporter certification for eligible applicants who hold a certification or license issued by another jurisdiction;
- requires the Office of Court Administration of the Texas Judicial System (OCA) to develop and maintain a public information website that allows for the posting of certain notices required to effectuate service of citation by publication and for the easy access, search, and sorting of such notices;
- requires OCA to contract with the National Center for State Courts to conduct a study of the caseloads of the district and statutory county courts in Texas; and
- provides for certain grant programs to be administered by the Permanent Judicial Commission for Children, Youth and Families and the Texas Judicial Commission on Mental Health for purposes of improving the administration of justice for children and individuals with mental health needs or an intellectual or developmental disability, as applicable.

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The bill's provisions take effect September 1, 2019, with certain exceptions. Implementation of a provision of this bill by OCA is mandatory only if a specific appropriation is made for that purpose.

### **Senate Bill 1840**

**Effective:** 9-1-19

**Senate Author:** Hinojosa

**House Sponsor:** Murr

Senate Bill 1840 amends the Code of Criminal Procedure and the Government Code to rename the justice court technology fund created by each county commissioners court as the justice court assistance and technology fund. The bill expands the authorized uses of such a fund, which include an authorization to finance the cost of providing court personnel, salaries, and benefits and of continuing education and training for all court personnel.

### **Senate Bill 2215**

**Effective:** 6-10-19

**Senate Author:** Perry

**House Sponsor:** Lambert

Senate Bill 2215 amends the Government Code to require Fisher, Mitchell, and Nolan Counties to enter into an interlocal agreement allocating the financial obligations of each county in relation to the 1st Multicounty Court at Law and the budget, powers, and duties of the court and salaries of court personnel. If such an agreement is not in place before the first day of a fiscal year, the court's administrative and operational costs for the fiscal year will be funded by the counties proportionately based on caseload. The bill revises the manner in which the salaries of the court's official court reporter and court administrator are set.

### **Senate Bill 2342**

**Effective:** 9-1-20

**Senate Author:** Creighton

**House Sponsor:** Leach

Senate Bill 2342 amends the Government Code to revise the jurisdiction of and practices and procedures in civil cases before justice courts, county courts, statutory county courts, and district courts for purposes of promoting judicial expediency. Among other provisions, the bill increases the maximum amount in controversy in civil cases over which justice courts, county courts, and statutory county courts have jurisdiction. The bill requires a jury in a civil case pending in a statutory county court in which the matter in controversy exceeds \$250,000 to be composed of 12 members, with certain exceptions, and makes changes relating to jury size in specific statutory county courts. The bill establishes that practices relating to jurors in a statutory county court are governed by laws and rules pertaining to district courts for matters of concurrent jurisdiction with district courts.

## Criminal Justice

This chapter covers legislation relating to criminal offenses and penalties, crime victims' rights and services, criminal procedures, and criminal history record information. Legislation on correctional facilities, the incarceration and release of individuals, and the functions and duties of the Texas Department of Criminal Justice is in the **Corrections** chapter. Legislation relating to law enforcement agencies, handgun and firearm possession, and the functions and duties of the Department of Public Safety is in the **Public Safety** chapter. Legislation relating to juvenile justice and juvenile court proceedings is in the **Juvenile Justice** chapter.

### House Bill 8

**Effective:** 9-1-19

**House Author:** Neave et al.

**Senate Sponsor:** Nelson et al.

House Bill 8, the Lavinia Masters Act, amends the Code of Criminal Procedure, Government Code, and Health and Safety Code to extend the statute of limitations for certain sex offenses and require an audit of untested rape kits across Texas. Among other provisions, the bill expands the applicability of provisions of the Sexual Assault Prevention and Crisis Services Act relating to the analysis of sexual assault evidence and the chain of custody of that evidence to include sex offenses other than sexual assault and establishes the statewide telehealth center for sexual assault forensic medical examination to expand access to sexual assault nurse examiners for underserved populations. Implementation of a provision of the bill by the Department of Public Safety or the Department of State Health Services, as applicable, is mandatory only if a specific appropriation is made for that purpose.

### House Bill 37

**Effective:** 9-1-19

**House Author:** Minjarez et al.

**Senate Sponsor:** Perry et al.

House Bill 37 amends the Penal Code to create the offense of mail theft with penalties ranging from a Class A misdemeanor to a third degree felony based on the number of addressees from whom the mail is appropriated. The bill enhances the penalty for the offense if the victim is disabled or elderly or if the mail contains certain identifying information used to facilitate an offense of the fraudulent use or possession of identifying information.

### House Bill 98

**Effective:** 9-1-19

**House Author:** González, Mary et al.

**Senate Sponsor:** Huffman et al.

House Bill 98 amends the Civil Practice and Remedies Code and Penal Code to revise the conduct constituting unlawful disclosure of intimate visual material. The bill expands the conditions under which a defendant is liable to a person depicted in the material for damages arising from the disclosure.

### House Bill 101

**Effective:** 9-1-19

**House Author:** Canales et al.

**Senate Sponsor:** Hughes

House Bill 101 amends the Penal Code to create the Class A misdemeanor offense of false caller identification information display and to set out defenses to prosecution for the offense.

### House Bill 427

**Effective:** 9-1-19

**House Author:** Shaheen et al.

**Senate Sponsor:** Hughes

House Bill 427 amends the Penal Code to establish a schedule of penalties for an offense of fraudulent destruction, removal, or concealment of a writing if the writing at the time of the offense was attached to tangible property to indicate the property's sale price and if the

actor engaged in such conduct to obtain the property for a lesser price indicated by a separate writing. The penalties range from a Class C misdemeanor to a first degree felony, depending on the difference between the impaired writing and the lesser price.

**House Bill 446**  
**Effective:** 9-1-19

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

House Bill 446 amends the Penal Code to remove clubs from among the instruments whose intentional, knowing, or reckless carrying constitutes an unlawful carrying weapons offense. The bill removes the instrument of knuckles from among the prohibited weapons whose intentional or knowing possession, manufacture, transportation, repair, or sale constitutes an offense.

**House Bill 601**  
**Effective:** 9-1-19

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

House Bill 601 amends the Code of Criminal Procedure, Government Code, and Health and Safety Code to provide for the interview of a defendant in custody who is suspected of having a mental illness or intellectual disability for purposes of identifying whether the defendant has such an illness or disability. The bill provides for the written report of such an interview and requires the Texas Correctional Office on Offenders with Medical or Mental Impairments to approve a standard form for purposes of providing such a report. The bill requires a county that transfers a defendant to the Texas Department of Criminal Justice to deliver a copy of any information regarding the mental health of the defendant and any such report. The bill requires the Texas Judicial Council to adopt rules requiring the reporting of the number of such reports and the submission of the written reports to the Office of Court Administration of the Texas Judicial System.

**House Bill 616**  
**Effective:** 9-1-19

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

House Bill 616 amends the Code of Criminal Procedure and Health and Safety Code to revise provisions relating to reporting of a sexual assault. Among other provisions, the bill does the following:

- extends the period within which a sexual assault must be reported, or within which the victim must arrive at a health care facility, for the victim to be entitled to a forensic medical examination; and
- provides for reimbursement from the attorney general of the reasonable costs of the forensic portion of a sexual assault examination and the evidence collection kit for the applicable health care facility, sexual assault examiner, or sexual assault nurse examiner.

**House Bill 667**  
**Effective:** 9-1-19

**House Author:** King, Ken et al.  
**Senate Sponsor:** Perry

House Bill 667, Melissa's Law, amends the Penal Code to enhance the penalty for sexual assault from a second degree felony to a first degree felony if the victim was a person with whom the actor was prohibited from engaging in sexual intercourse or deviate sexual intercourse under state law establishing the offense of prohibited sexual conduct. The bill establishes as an affirmative defense to prosecution for sexual assault against a person of 14 years of age or older but younger than 17 years of age that the victim was not a person with whom the actor was prohibited from engaging in sexual intercourse or deviate sexual intercourse under that state law and the actor met certain conditions.

**House Bill 869**  
**Effective:** 9-1-19

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

House Bill 869 amends the Penal Code to expand the conduct that constitutes the offense of engaging in organized criminal activity to include committing or conspiring to commit the offense of unlawful interception, use, or disclosure of wire, oral, or electronic communications with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang.

**House Bill 881**  
**Effective:** 9-1-19

**House Author:** Bell, Cecil et al.  
**Senate Sponsor:** Campbell

House Bill 881 amends the Code of Criminal Procedure to extend the right of a parent of a deceased person younger than 18 years of age to view the person's body before an autopsy is performed to a parent of a deceased person of any age.

**House Bill 888**  
**Effective:** 9-1-19

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

House Bill 888 amends the Penal Code to create a Class B misdemeanor offense for a person who, with intent to commit an offense of trafficking of persons, knowingly misrepresents a child as a family member to a peace officer or federal special investigator at a port of entry.

**House Bill 902**  
**Effective:** 9-1-19

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

House Bill 902 amends the Penal Code to enhance the penalty for assault in which the actor intentionally, knowingly, or recklessly causes bodily injury to another from a Class A misdemeanor to a third degree felony if the offense is committed against a person the actor knows is pregnant at the time of the offense.

**House Bill 929**  
**Effective:** Vetoed

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

House Bill 929 amends the Code of Criminal Procedure to require a magistrate to inform a person who is arrested and taken before the magistrate that a plea of guilty or nolo contendere for the offense charged may affect the person's eligibility for enlistment or reenlistment in the U.S. armed forces or may result in the person's discharge from the U.S. armed forces.

Governor's Reason for Veto: "Under current law, a magistrate must inform an arrested person of important constitutional protections, such as the right to counsel. House Bill 929 would have added yet more recitations about non-constitutional matters, making these magistrations warnings less helpful to arrestees. Magistrations should focus arrestees on exercising their constitutional rights at the beginning of the criminal justice process."

**House Bill 979**  
**Effective:** 9-1-19

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

House Bill 979 amends the Government Code to require a defendant convicted of a Class A misdemeanor offense of unlawful restraint or assault to provide one or more specimens to a law enforcement agency after conviction for the purpose of creating a DNA record.

**House Bill 1028**  
**Effective:** 9-1-19

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

House Bill 1028 amends the Penal Code to increase the punishment for the following offenses committed in an area subject to a declaration of a state of disaster or to an emergency

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evacuation order: arson, burglary of coin-operated or coin collection machines, burglary of vehicles, and criminal trespass.

### **House Bill 1168**

**Effective:** Vetoed

**House Author:** Anchia et al.

**Senate Sponsor:** West

House Bill 1168 amends provisions of the Penal Code establishing the offense of possessing or going with certain prohibited weapons in or into a secured area of an airport to revise the definition of “secured area.” The bill establishes as a defense to prosecution for that offense that the actor was authorized by a federal agency or the airport operator to possess a firearm in a secured area.

Governor’s Reason for Veto: “House Bill 1168 would impose an unacceptable restraint on the Second Amendment rights of law-abiding travelers. The Legislature may have intended simply to keep firearms off the tarmac, but the bill as drafted would newly prohibit carrying in *any* part of the airport terminal building, even ahead of the TSA inspection checkpoint. By vetoing this bill, I am ensuring that Texans can travel without leaving their firearms at home. I look forward to working with the next Legislature on the good idea behind this bill.”

### **House Bill 1343**

**Effective:** 9-1-19

**House Author:** Leach

**Senate Sponsor:** Paxton et al.

House Bill 1343 amends the Code of Criminal Procedure to require the attorney representing the state, if an application for a protective order has not yet been filed with regard to a victim of stalking or certain sexual, trafficking, or prostitution-related offenses, to promptly file the application following the offender’s conviction of or placement on deferred adjudication community supervision for the offense but prohibits the attorney from doing so if the victim is at least 18 years of age and requests that the attorney not file the application. The bill establishes that an offender’s conviction of or placement on deferred adjudication community supervision for such an offense constitutes reasonable grounds for purposes of the issuance of a protective order. The bill provides for the issuance of a protective order effective for the duration of the lives of the offender and the victim if the offender is convicted or placed on deferred adjudication for such an offense and if the offender is required to register for life as a sex offender.

House Bill 1343 amends the Penal Code to expand the conduct that constitutes the offense of improper contact with a victim. The bill provides for the enhancement to a state jail felony of an offense of violating certain court orders or conditions of bond in a family violence, child abuse or neglect, sexual assault or abuse, stalking, or trafficking case if it is shown at the trial of the offense that the defendant violated an order issued as a result of an application filed with respect to stalking or certain sexual, trafficking, or prostitution-related offenses.

### **House Bill 1399**

**Effective:** 9-1-19

**House Author:** Smith et al.

**Senate Sponsor:** Creighton et al.

House Bill 1399, the Krystal Jean Baker Act, amends the Code of Criminal Procedure and Government Code to require a defendant arrested for certain felony offenses to provide one or more specimens for the purpose of creating a DNA record. Implementation of a provision of the bill by the Department of Public Safety is mandatory only if a specific appropriation is made for that purpose.

**House Bill 1505**  
**Effective:** 9-1-19

**House Author:** Martinez  
**Senate Sponsor:** Hancock

House Bill 1505 amends the Transportation Code to require a convicting court to notify the Department of Public Safety of a conviction of an offense for engaging in or soliciting the transportation of household goods for compensation without the requisite registration for recording in the person's driving record.

**House Bill 1661**  
**Effective:** 9-1-19

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

House Bill 1661, Rachel's Law, amends the Code of Criminal Procedure and Penal Code to authorize an offense of continuous violence against the family to be prosecuted in any county in which the defendant assaulted the victim. The bill establishes that members of a jury that is the trier of fact in the prosecution of such an offense are not required to agree unanimously on the county in which each instance of conduct constituting the offense occurred.

**House Bill 1996**  
**Effective:** 9-1-19

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

House Bill 1996 amends the Code of Criminal Procedure to require a court to make both orally and in writing the admonition required to be given to a defendant before accepting a plea of guilty or nolo contendere that, if the defendant is not a U.S. citizen, such a plea may result in deportation, exclusion from admission to the United States, or denial of naturalization under federal law. The bill requires the court to receive a signed statement by the defendant and the defendant's attorney that the defendant understands the admonition and is aware of the plea's consequences and to make a record if the defendant is unable or refuses to sign the statement.

**House Bill 2079**  
**Effective:** 9-1-19

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

House Bill 2079 amends the Code of Criminal Procedure to authorize a child who is a victim of a murder attempt in the child's place of residence to receive a onetime-only assistance payment for certain expenses under the Crime Victims' Compensation Act.

**House Bill 2298**  
**Effective:** 9-1-19

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

House Bill 2298 amends the Government Code to designate January 28 as Sexual Assault Survivors Day.

**House Bill 2502**  
**Effective:** 9-1-19

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

House Bill 2502 amends the Code of Criminal Procedure to provide for a mandatory term of confinement of not less than 120 days for a defendant who is placed on community supervision for an offense involving a vehicle accident resulting in the death of a person.

**House Bill 2524**  
**Effective:** 9-1-19

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

House Bill 2524 amends the Penal Code to expand the conduct for which intent to avoid payment is presumed for the application of the offense of theft of service and to create an exception by which such a presumption may be refuted with regard to a defendant that intended but was unable to return the applicable property. The bill authorizes the delivery of a notice



demanding payment or return of property to be made by commercial delivery service as an alternative to registered or certified mail and changes the date on which it is presumed that written notice was delivered from five days after the notice was sent to two days after the notice was sent.

**House Bill 2613**

**Effective:** 9-1-19

**House Author:** Frullo et al.

**Senate Sponsor:** Huffman

House Bill 2613 amends the Code of Criminal Procedure and Penal Code to create the Class A misdemeanor offense of operation of a stash house and to expand the definition of “contraband” for purposes of contraband forfeiture procedures. The bill requires the gross amount credited from the forfeiture of contraband relating to the commission of such an offense or certain smuggling, trafficking, or prostitution-related offenses to be used to provide direct victim services or to cover the costs of a contract with a local nonprofit organization to provide direct services to crime victims.

**House Bill 2623**

**Effective:** 9-1-19

**House Author:** White

**Senate Sponsor:** Whitmire

House Bill 2623 amends the Family Code to include among the conditions under which a court may order a change of name for a person with a final felony conviction or who is required to register as a sex offender a person’s request to change the person’s name to the primary name used in the person’s criminal history record information.

**House Bill 2624**

**Effective:** 9-1-19

**House Author:** Perez et al.

**Senate Sponsor:** Zaffirini

House Bill 2624 amends the Code of Criminal Procedure to authorize the prosecution of a credit or debit card abuse offense in any county in which the offense was committed or in the county in which the victim of the offense resides. The bill establishes that, in trials for such offenses and offenses involving the fraudulent use or possession of identifying information, intent to defraud any particular person does not need to be proved.

**House Bill 2625**

**Effective:** 9-1-19

**House Author:** Perez et al.

**Senate Sponsor:** Zaffirini

House Bill 2625 amends the Penal Code to create the offense of fraudulent use or possession of credit card or debit card information.

**House Bill 2697**

**Effective:** 9-1-19

**House Author:** Meyer et al.

**Senate Sponsor:** Zaffirini

House Bill 2697 amends the Business & Commerce Code and Penal Code to expand the conduct that constitutes the offense of fraudulent use or possession of identifying information.

**House Bill 2789**

**Effective:** 9-1-19

**House Author:** Meyer et al.

**Senate Sponsor:** Huffman et al.

House Bill 2789 amends the Penal Code to create the Class C misdemeanor offense of unlawful electronic transmission of sexually explicit visual material.

**House Bill 3078**

**Effective:** Vetoed

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

**Senate Sponsor:** Zaffirini

House Bill 3078 amends the Code of Criminal Procedure to require the Board of Pardons and Paroles, in consultation with the governor, to appoint a panel of experts to review an application

for clemency from a person who was convicted of an offense committed while under duress or coercion or as a result of being a victim of human trafficking or family violence, dating violence, or violence in the household.

Governor's Reason for Veto: "I have signed into law this session a number of important bills that will help Texas continue to lead on the issue of human trafficking. This is a priority for me, and I applaud the author's contribution to this effort. But adding a thick layer of bureaucracy to the Board of Pardons and Paroles, as House Bill 3078 would have done, is not the way to help victims of human trafficking."

**House Bill 3082**  
**Effective:** Vetoed

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

House Bill 3082 amends the Government Code to change the requisite intent for an offense of operating an unmanned aircraft over a correctional facility, detention facility, or critical infrastructure facility from intentionally or knowingly committing the applicable conduct to committing that conduct with criminal negligence. The bill requires a peace officer who investigates such an offense to notify the Department of Public Safety of the investigation.

Governor's Reason for Veto: "Current law already imposes criminal penalties for the conduct addressed in House Bill 3082. This proposed legislation would expose too many Texans to criminal liability for unintentional conduct. Negligently flying a drone over a railroad switching yard should not result in jail time."

**House Bill 3091**  
**Effective:** 9-1-19

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

House Bill 3091 amends the Government Code and Penal Code to make confidential under state public information law information that relates to the location or physical layout of a family violence or victims of trafficking shelter center. The bill creates a Class A misdemeanor offense for the disclosure or publication of such information with the intent to threaten the safety of any inhabitant of a center.

**House Bill 3490**  
**Effective:** Vetoed

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

House Bill 3490 amends the Penal Code to expand the conduct that constitutes the Class B misdemeanor offense of harassment to include publishing on a website, including a social media platform, repeated electronic communications in a manner reasonably likely to harass, abuse, or torment another person.

Governor's Reason for Veto: "Cyberbullying is unacceptable and must be stopped. In 2017, I signed Senate Bill 179 into law because cyberbullying is a very real problem. House Bill 3490 shares the same good intentions. Unfortunately, the language used in the bill is overbroad and would sweep in conduct that legislators did not intend to criminalize, such as repeated criticisms of elected officials on Internet websites. I look forward to working next session to forcefully counter cyberbullying in ways that can be upheld constitutionally."

**House Bill 3557**  
**Effective:** 9-1-19

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

House Bill 3557, the Critical Infrastructure Protection Act, amends the Government Code to create the criminal offenses of damaging or destroying a critical infrastructure facility, impairing or interrupting operation of a critical infrastructure facility, intent to damage or destroy a critical infrastructure facility, and intent to impair or interrupt operation of a critical infrastructure facility. The bill makes a defendant who engages in conduct constituting such an offense and any organization that knowingly compensated the defendant for engaging in that conduct civilly liable to the owner of the applicable property for damages.

**House Bill 3582**  
**Effective:** 9-1-19

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

House Bill 3582 amends the Code of Criminal Procedure, Government Code, and Penal Code to make a defendant charged with the offense of driving while intoxicated with a child passenger ineligible for deferred adjudication community supervision. If the defendant is subsequently charged with that offense, an ignition interlock device must be installed on a defendant's motor vehicle as a condition of the defendant's release from custody. Among other provisions, the bill requires a judge granting deferred adjudication community supervision to a defendant for driving or boating while intoxicated to require the installation of an ignition interlock device on the defendant's motor vehicle as a condition of community supervision, with certain exceptions.

**House Bill 4173**  
**Effective:** 1-1-21

**House Author:** Leach  
**Senate Sponsor:** Kolkhorst

House Bill 4173 enacts a nonsubstantive revision of provisions of the Code of Criminal Procedure relating to protective orders, grand jury organization, grand jury proceedings, rights of crime victims, crime victims' compensation, and the confidentiality of certain crime victim information.

**Senate Bill 20**  
**Effective:** 9-1-19

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

Senate Bill 20 amends the Civil Practice and Remedies Code, Code of Criminal Procedure, Government Code, Health and Safety Code, and Penal Code to set out provisions relating to the prevention, reporting, investigation, and consequences of trafficking of persons and related criminal offenses. Among other provisions, the bill creates the offenses of online promotion of prostitution and aggravated online promotion of prostitution and increases the penalty for prostitution in which an actor knowingly offers or agrees to pay a fee for purposes of engaging in sexual conduct with another person. The bill provides for the placement on community supervision of a defendant who is a victim of prostitution instead of the imposition of the defendant's sentence.

Senate Bill 20 revises the applicability of provisions governing orders of nondisclosure of criminal history record information for certain victims of trafficking of persons by making those provisions applicable to a victim of compelling prostitution and adding as a condition of eligibility for such an order that the person provide certain assistance at the request of a law enforcement agency or prosecuting attorney.

Senate Bill 20 requires the Health and Human Services Commission (HHSC), in collaboration with a health-related institution of higher education designated by HHSC, to establish a program to improve the quality and accessibility of care for victims of child sex trafficking in Texas. The bill requires HHSC to establish a matching grant program for municipal sex trafficking prevention programs and requires the governor, in collaboration with the Child Sex Trafficking Prevention Unit, to establish and administer a sex trafficking prevention grant program for local law enforcement. The bill sets out a prohibition against bids and the award of contracts by a state agency that include proposed financial participation by certain persons involved in human trafficking.

**Senate Bill 194****Effective:** See below**Senate Author:** Perry et al.**House Sponsor:** Moody et al.

Senate Bill 194 amends the Code of Criminal Procedure, Government Code, and Penal Code to create the Class A misdemeanor offense of indecent assault and to set out judicial protections for victims of indecent assault. Among other provisions, the bill makes certain rights of victims of sexual assault or abuse, stalking, or trafficking applicable to a victim of indecent assault and authorizes the issuance of a protective order, a temporary ex parte order, and a magistrate's order for emergency protection with respect to such a victim. The bill takes effect September 1, 2019, except for a requirement for the comptroller of public accounts to determine whether certain changes made to the Penal Code by the 85th Legislature took effect.

**Senate Bill 201****Effective:** 9-1-19**Senate Author:** Huffman et al.**House Sponsor:** Oliverson

Senate Bill 201 amends the Penal Code to increase the punishment for the following offenses committed in an area subject to a declaration of a state of disaster or to an emergency evacuation order: arson, burglary of vehicles, and criminal trespass.

**Senate Bill 207****Effective:** 9-1-19**Senate Author:** Kolkhorst**House Sponsor:** Parker et al.

Senate Bill 207 amends the Penal Code to include a digital currency in the definition of "funds" for purposes of the offense of money laundering.

**Senate Bill 306****Effective:** 4-25-19**Senate Author:** Watson et al.**House Sponsor:** Israel

Senate Bill 306 amends the Code of Criminal Procedure to authorize a peace officer to release an individual who is not a child who commits a public intoxication offense in lieu of arrest if the individual verbally consents to voluntary admission to a facility that provides a place for individuals to become sober under supervision and the facility admits the individual. The release of an individual to such a facility may not be considered by a peace officer or magistrate in determining whether the individual should be released to such a facility for a subsequent incident or arrest.

**Senate Bill 405****Effective:** 9-1-19**Senate Author:** Birdwell**House Sponsor:** Moody et al.

Senate Bill 405 amends the Penal Code to expand the conduct that constitutes the offense of making a false report to a peace officer, federal special investigator, or law enforcement employee to include knowingly making a false statement that is material to a criminal investigation to a corrections officer or jailer with the intent to deceive.

**Senate Bill 550****Effective:** Vetoed**Senate Author:** West et al.**House Sponsor:** Thompson, Senfronia

Senate Bill 550 amends the Government Code to set out provisions relating to an order of nondisclosure of criminal history record information for a person who on conviction of certain offenses is placed on community supervision and with respect to whom the conviction is set aside by the court, in addition to meeting other conditions.

Governor's Reason for Veto: "I vetoed similar legislation in 2015 and must do so again here. Convicted criminals should have a pathway to reintegrating into society after they complete their sentences, and the law rightfully allows them to clear their records in certain circumstances. For example, this session I have signed into law Senate Bill 20, which expands the ability of human trafficking victims to seek orders

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of nondisclosure. Senate Bill 550, however, would allow individuals who were convicted of violent felonies to hide their dangerous conduct from society and from potential employers. I look forward to working with the next Legislature on a more tailored approach.”

### **Senate Bill 562**

**Effective:** 6-14-19

**Senate Author:** Zaffirini et al.

**House Sponsor:** Price et al.

Senate Bill 562 amends the Code of Criminal Procedure, Government Code, and Health and Safety Code to revise provisions relating to the commitment of a defendant who is incompetent to stand trial or who is acquitted by reason of insanity. Among other provisions, the bill removes the condition on the commitment of certain defendants that such commitment must be to a maximum security unit. The bill provides for an assessment of whether a defendant committed to a maximum security unit by the Health and Human Services Commission is manifestly dangerous and for the transfer of a defendant who is determined not to be manifestly dangerous to a non-maximum security facility.

Senate Bill 562 requires each commissioners court of a county with a population of more than 200,000 to establish a mental health court program in accordance with certain provisions governing specialty courts, subject to certain funding and verification, and authorizes the commissioners courts of two or more counties to elect to establish a mental health court program for the participating counties. The bill provides for the expunction of criminal records of a person who completes a mental health court program and meets other conditions.

### **Senate Bill 583**

**Effective:** 9-1-19

**Senate Author:** Hinojosa

**House Sponsor:** Rose

Senate Bill 583 amends the Code of Criminal Procedure to require the countywide procedures for the timely and fair appointment of counsel for an indigent defendant in a criminal proceeding to provide for the priority appointment of a public defender’s office in a county with such an office and to revise the exceptions to the requirement that a court appoint such an office for an indigent defendant.

### **Senate Bill 719**

**Effective:** 9-1-19

**Senate Author:** Fallon et al.

**House Sponsor:** Frank

Senate Bill 719, Lauren’s Law, amends the Code of Criminal Procedure and Penal Code to include the murder of an individual 10 to 14 years of age as conduct that constitutes capital murder. The bill prohibits the sentencing to death of a defendant who is found guilty of capital murder of such an individual and prohibits the state from seeking the death penalty in any case based solely on such a capital murder.

### **Senate Bill 815**

**Effective:** Vetoed

**Senate Author:** Rodríguez

**House Sponsor:** Moody et al.

Previous law required a record of communication between a magistrate and a person arrested under warrant and taken before the magistrate to be preserved for certain optional time periods based on the category of the offense. Senate Bill 815 amends the Code of Criminal Procedure to require instead such a record to be retained in compliance with the applicable local government records retention schedule prepared by the director and librarian of the Texas State Library and Archives Commission.

Governor’s Reason for Veto: “The law requires that arrested individuals be brought before a magistrate to be informed about the charges against them and to receive important warnings about their rights. Records must be made of these communications, and while a statute currently fixes the periods for which courts must retain the records, Senate Bill 815 would instead have delegated to an agency the discretion

to set—and change—the retention periods. Administrative flexibility is not a virtue in this instance. The Legislature should be the one to provide clear direction on this issue.”

**Senate Bill 1125**

**Effective:** 9-1-19

**Senate Author:** Hinojosa

**House Sponsor:** Calanni et al.

Senate Bill 1125 amends the Code of Criminal Procedure to authorize the testimony of a forensic analyst required to testify as a witness in a criminal prosecution proceeding to be conducted by video teleconferencing under certain conditions.

**Senate Bill 1151**

**Effective:** 6-10-19

**Senate Author:** Huffman

**House Sponsor:** Longoria

Senate Bill 1151 amends the Civil Practice and Remedies Code to give a person entitled to compensation from the state for wrongful imprisonment the option to elect to receive reduced alternative annuity payments as compensation not later than the 45th day after the date on which the claimant experiences a qualifying life-changing event.

Senate Bill 1151 amends the Government Code to entitle the comptroller of public accounts to obtain from the Department of Public Safety criminal history record information that the comptroller believes is necessary for the enforcement or administration of statutory provisions governing state compensation for wrongful imprisonment.

**Senate Bill 1164**

**Effective:** 9-1-19

**Senate Author:** Rodríguez

**House Sponsor:** Moody

Senate Bill 1164 amends the Code of Criminal Procedure to require a court entering the judgment of conviction or order of deferred adjudication community supervision for a trademark counterfeiting offense to order that any item bearing or identified by a counterfeit mark seized in connection with the offense be destroyed or forfeited to the owner of the protected mark at the owner’s request.

**Senate Bill 1219**

**Effective:** 9-1-19

**Senate Author:** Alvarado

**House Sponsor:** Thompson, Senfronia

Senate Bill 1219 amends the Government Code to provide for the display of signs at certain transportation hubs that contain information regarding services and assistance available to victims of human trafficking.

**Senate Bill 1259**

**Effective:** 9-1-19

**Senate Author:** Huffman

**House Sponsor:** Klick et al.

Senate Bill 1259 amends the Code of Criminal Procedure and Penal Code to expand the conduct that constitutes the offense of sexual assault without the consent of the other person to include knowingly using human reproductive material from a donor by a health care services provider in the course of performing an assisted reproduction procedure on another person who has not expressly consented to such use. The bill makes such conduct punishable as a state jail felony and sets out the statute of limitations for such conduct.

**Senate Bill 1268**

**Effective:** 9-1-19

**Senate Author:** Watson

**House Sponsor:** Moody

Senate Bill 1268 amends the Code of Criminal Procedure to prohibit a court from imposing a limit on the number of victims, close relatives, or guardians who may appear and present victim impact statements unless the court finds that additional statements would unreasonably delay the proceeding.

**Senate Bill 1754**

**Effective:** 9-1-19

**Senate Author:** Huffman

**House Sponsor:** Bell, Keith et al.

Senate Bill 1754 amends the Penal Code to remove the requisite intent for the offense of taking or attempting to take a weapon from a peace officer, federal special investigator, employee or official of a correctional facility, parole officer, community and corrections department officer, or commissioned security officer that the actor took or attempted to take the weapon with the intention of harming the officer, investigator, employee, or official or another person.

**Senate Bill 1801**

**Effective:** 9-1-19

**Senate Author:** Huffman

**House Sponsor:** Hunter et al.

Senate Bill 1801 amends the Code of Criminal Procedure and Government Code to revise the applicability of provisions governing orders of nondisclosure of criminal history record information for certain victims of trafficking of persons by making those provisions applicable to a victim of compelling prostitution. The bill adds as a condition of eligibility for such an order that the person provide certain assistance at the request of law enforcement or a prosecuting attorney. Among other provisions, the bill revises the conditions of eligibility and procedures for an order with regard to such a person, authorizes an eligible person to file more than one petition for an order, as applicable, and provides for the consolidation of such petitions.

**Senate Bill 1802**

**Effective:** 9-1-19

**Senate Author:** Huffman

**House Sponsor:** Hunter et al.

Senate Bill 1802 amends the Code of Criminal Procedure and Penal Code to expand the conduct that constitutes the offenses of trafficking of persons and compelling prostitution and to increase the penalties for promotion of prostitution, aggravated promotion of prostitution, and compelling prostitution if the actor knowingly causes another by force, threat, coercion, or fraud to commit prostitution. The bill includes aggravated promotion of prostitution among the offenses of which conviction or an adjudication is considered a reportable conviction or adjudication for purposes of the sex offender registration program.

**Senate Bill 1820**

**Effective:** 9-1-19

**Senate Author:** Huffman

**House Sponsor:** Collier

Senate Bill 1820 amends the Penal Code to revise the conduct that constitutes the offense of impersonating a public servant involving knowingly purporting to exercise any function of a public servant or of a public office.

**Senate Bill 2136**

**Effective:** 9-1-19

**Senate Author:** Powell

**House Sponsor:** Collier

Senate Bill 2136 amends the Code of Criminal Procedure to make provisions governing the admissibility of evidence in a criminal proceeding in the prosecution of a defendant for certain offenses involving family violence or dating violence, or an attempt or conspiracy to commit those offenses, applicable to such a proceeding for any offense or attempt or conspiracy to commit any offense for which the alleged victim is a member of the defendant's family or household or person in a dating relationship with the defendant. The bill establishes that, in the prosecution of an offense of exploitation of a child, elderly individual, or disabled individual, evidence that the defendant has engaged in other conduct that is similar to the alleged criminal conduct may be admitted for certain purposes.

**Senate Bill 2390**

**Effective:** 9-1-19

**Senate Author:** Powell

**House Sponsor:** Guillen

Senate Bill 2390 amends the Code of Criminal Procedure and Government Code to authorize a court to protect a person's mailing address by rendering an order for emergency protection on request by the protected person or if determined necessary by the magistrate. The bill removes conditions under which certain information is excepted from inclusion in the law enforcement information system relating to active orders of protection and for emergency protection.



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## 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 303

**Effective:** 5-23-19

**House Author:** Paul

**Senate Sponsor:** Taylor et al.

House Bill 303 amends the Local Government Code to make a municipality with a population of two million or more eligible to authorize the creation of a spaceport development corporation. The bill requires the governing body of a single such municipality that authorizes the creation of such a corporation to appoint the corporation's directors and excludes the corporation from the application of provisions authorizing a spaceport development corporation to exercise the power of eminent domain.

### House Bill 2402

**Effective:** 6-14-19

**House Author:** Geren et al.

**Senate Sponsor:** Fallon

House Bill 2402 amends Vernon's Texas Civil Statutes to include a Big 12 Football Conference Championship game, a World Wrestling Entertainment WrestleMania event, a championship event in the National Reined Cow Horse Association (NRCHA) Championship Series, and a CONVRG conference among the events eligible for funding under the major events reimbursement program.

### House Bill 4174

**Effective:** 4-1-21

**House Author:** Leach

**Senate Sponsor:** Kolkhorst

House Bill 4174 enacts a nonsubstantive revision of the event reimbursement programs, including the Pan American Games trust fund, Olympic Games trust fund, major events reimbursement program fund, motor sports racing trust fund, and events trust fund.

### Senate Bill 450

**Effective:** 9-1-19

**Senate Author:** Powell

**House Sponsor:** Metcalf

Senate Bill 450 amends the Local Government Code to change the deadline for the board of directors of a Type A or Type B economic development corporation to submit a required annual report to the comptroller of public accounts from February 1 of each year to April 1 of each year.

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## Elections

This chapter covers legislation on issues relating to statewide and local election regulation, including legislation regarding election information and procedures and political contributions and expenditures.

### **House Bill 88**

**Effective:** 9-1-19

**House Author:** Swanson et al.

**Senate Sponsor:** Fallon

House Bill 88 amends the Election Code to change the order of candidate names on a ballot for an election held to resolve a tie vote and on a runoff election ballot from an order determined by a drawing to the relative order of names on the original election ballot. The bill authorizes the secretary of state to prescribe the form and content of a ballot for an election using a voting system that uses ballot marking devices.

### **House Bill 273**

**Effective:** 9-1-19

**House Author:** Swanson et al.

**Senate Sponsor:** Zaffirini

House Bill 273 amends the Election Code to change from the 45th day before election day to the 37th day before election day the deadline by which the statutory mailing date of balloting materials for early voting by mail must occur in order to trigger the exception to the requirement that those materials be mailed to the applicable voter not later than the seventh calendar day after the later of the date the clerk accepts the voter's application for a ballot to be voted by mail or the date the ballots become available for mailing.

### **House Bill 368**

**Effective:** 6-10-19

**House Author:** Cain et al.

**Senate Sponsor:** Hall

House Bill 368 repeals Government Code provisions which prohibit a person from using audio or visual materials produced by or under the direction of the legislature or of a house, committee, or agency of the legislature in political advertising.

### **House Bill 831**

**Effective:** 1-1-20

**House Author:** Huberty

**Senate Sponsor:** Huffman

House Bill 831 amends the Election Code to establish the conditions under which a person who claims an intent to return to a residence after a temporary absence may establish that intent for purposes of satisfying the continuous residency requirement to be eligible for public elective office.

### **House Bill 933**

**Effective:** 9-1-19

**House Author:** Bucy et al.

**Senate Sponsor:** Zaffirini

House Bill 933 amends the Election Code to set out requirements regarding the posting of certain election information on the secretary of state's website and each county website, including county election office contact information and information regarding polling place locations.

### **House Bill 1048**

**Effective:** 6-14-19

**House Author:** Guillen

**Senate Sponsor:** Zaffirini

House Bill 1048 amends the Election Code to prohibit a political subdivision, other than a county, that holds an election on the November uniform election date in which the political subdivision is not holding a joint election with a county and has not executed a contract with a

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county elections officer for the sharing of early voting polling places from designating as an early voting polling place a location other than an eligible county polling place unless each eligible county polling place located in the political subdivision is designated as an early voting polling place by the political subdivision.

### **House Bill 1067**

**Effective:** 5-24-19

**House Author:** Ashby

**Senate Sponsor:** Schwertner

House Bill 1067 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 choose to omit from the ballot a candidate who dies on or before the deadline for filing an application for a place on the ballot and to extend the filing deadline for such an application for the office sought by the candidate until the fifth day after the filing deadline.

### **House Bill 1241**

**Effective:** 9-1-19

**House Author:** Bucy et al.

**Senate Sponsor:** Powell et al.

House Bill 1241 amends the Election Code to require a written notice of a polling place location to state the building name, if any, and street address of the polling place.

### **House Bill 1421**

**Effective:** 9-1-19

**House Author:** Israel et al.

**Senate Sponsor:** Zaffirini

House Bill 1421 amends the Election Code to require the secretary of state to adopt rules defining classes of protected election data and establishing best practices for identifying and reducing risk to the electronic use, storage, and transmission of election data and the security of election systems. The bill sets out requirements for county election officers regarding annual cybersecurity training, an assessment of the cybersecurity of the county's election system, and the implementation of certain cybersecurity measures.

### **House Bill 1850**

**Effective:** 9-1-19

**House Author:** Klick et al.

**Senate Sponsor:** Fallon

House Bill 1850 amends the Election Code to provide for the publication of the branch daily register each day early voting is conducted and for the electronic submission to the secretary of state of a record of each voter participating in a primary, a runoff primary, a general election, or any special election ordered by the governor. The bill changes the deadline by which information on the early voting roster for a person who votes an early voting ballot must be made available for public inspection and establishes the methods by which that information must be made available.

### **House Bill 1888**

**Effective:** 9-1-19

**House Author:** Bonnen, Greg et al.

**Senate Sponsor:** Huffman et al.

House Bill 1888 repeals Election Code provisions restricting the days and hours for early voting by personal appearance at a temporary branch polling place based on county population and amends the Election Code to require such voting to remain open for at least eight hours each day or three hours each day if the city or county clerk does not serve as the early voting clerk for the territory holding the election and the territory has fewer than 1,000 registered voters.

**House Bill 2075**  
**Effective:** 9-1-19

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

House Bill 2075 amends the Election Code to authorize a candidate for elected office to use any surname acquired by law or marriage on the ballot.

**House Bill 2504**  
**Effective:** 9-1-19

**House Author:** Springer  
**Senate Sponsor:** Hughes

House Bill 2504 amends the Election Code to require a candidate for a state or county office who is nominated by convention to pay a filing fee or submit a valid petition in lieu of a filing fee in order to be eligible to be placed on the ballot. The bill provides for the deposit of the fees in the state treasury to the credit of the general revenue fund or the county treasury to the credit of the county general fund, as applicable.

**House Bill 2554**  
**Effective:** 9-1-19

**House Author:** Bucy  
**Senate Sponsor:** Zaffirini

House Bill 2554 transfers certain provisions of the Local Government Code and the Property Code relating to regulation of the display of signs containing political advertising to the Election Code. The bill redesignates certain related provisions of the Election Code and amends the Government Code to make a conforming change.

**House Bill 2586**  
**Effective:** 9-1-19

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

House Bill 2586 amends the Election Code to establish provisions relating to political contributions and political expenditures made to or by political committees. Among other provisions, the bill requires a campaign treasurer appointment by a general-purpose committee or specific-purpose committee for supporting or opposing a candidate to include an affidavit stating certain facts before the committee may use a political contribution from a corporation or a labor organization to make a direct campaign expenditure in connection with a campaign for an elective office. The bill authorizes a corporation or labor organization to make campaign contributions from its own property to a political committee that has filed such an affidavit.

**House Bill 2628**  
**Effective:** 9-1-19

**House Author:** Vo  
**Senate Sponsor:** Hughes

House Bill 2628 amends the Election Code to include an election for a county or precinct office among the elections for which the county clerk is required to prepare county election returns and to revise certain requirements relating to the delivery of those returns. Among other provisions, the bill expands the contents of the list required to be delivered to the secretary of state by an authority with whom an application for nomination by a convention is filed.

**House Bill 2640**  
**Effective:** 9-1-19

**House Author:** Cortez  
**Senate Sponsor:** Hughes

House Bill 2640 amends the Election Code to revise provisions relating to participation in political party affairs, party governance, primary elections, and party conventions, including provisions relating to party affiliation procedures, the organization of parties nominating by primary election, applicable executive committees, primary election ballots, the conduct of a primary election, and primary election financing.

**House Bill 2677**

**Effective:** 9-27-19

**House Author:** Goldman et al.

**Senate Sponsor:** Hughes

House Bill 2677 amends the Election Code and Government Code to prohibit a person required to register as a lobbyist from knowingly making or authorizing a direct campaign expenditure or a political contribution or expenditure to another candidate, officeholder, or political committee from political contributions accepted in certain contexts, including as candidate or officeholder. With certain exceptions, the bill prohibits a person who knowingly makes or authorizes such a contribution or expenditure from engaging in any activities that require the person to register as a lobbyist during the two-year period after the date the person makes or authorizes the contribution or expenditure.

**House Bill 2910**

**Effective:** 9-1-19

**House Author:** Klick et al.

**Senate Sponsor:** Hughes

House Bill 2910 amends the Election Code and Government Code to expand the list of information furnished on a voter registration application that is considered confidential and that does not constitute public information for purposes of state public information law. Among other provisions, the bill expands the applicability of provisions prohibiting disclosures of a judge's residence address in connection with election administration to other individuals and includes a special investigator among the individuals who may opt to have certain personal information excepted from disclosure under state public information law.

**House Bill 3044**

**Effective:** 9-1-19

**House Author:** Klick et al.

**Senate Sponsor:** Hughes

House Bill 3044 amends the Election Code to specify that the political expenditures authorized to be made by a corporation to finance the solicitation of political contributions to a general-purpose committee include fully or partially matching contributions to charitable organizations exempted from federal income tax under the federal Internal Revenue Code of 1986.

**House Bill 3100**

**Effective:** 6-7-19

**House Author:** Wray

**Senate Sponsor:** Zaffirini

House Bill 3100 amends the Election Code to provide for the confidentiality of the residence address of the spouse of a peace officer contained in a voter registration application.

**House Bill 3233**

**Effective:** 6-2-19

**House Author:** Klick et al.

**Senate Sponsor:** Fallon

House Bill 3233 amends the Judicial Campaign Fairness Act, Election Code, to revise provisions regarding certain restrictions on contributions and expenditures set out in the act and to repeal certain provisions relating to voluntary expenditure limits for judicial candidates. The bill, among other provisions, sets out additional specific limits on a political contribution in excess of \$50 to a judicial candidate or officeholder by a general-purpose committee, establishes that a political contribution by the spouse of an individual is not considered to be a contribution by the individual for the purposes of the act, and prohibits a judicial candidate from being prohibited from, or penalized for, a joint campaign activity conducted by two or more judicial candidates. The bill requires the Texas Ethics Commission (TEC) to post online the required written certification of the population of each judicial district for which a candidate for judge or justice must file a campaign treasurer appointment with the TEC.

**House Bill 3252**  
**Effective:** Vetoed

**House Author:** Allen  
**Senate Sponsor:** Zaffirini

House Bill 3252 amends the Election Code to require the written notice of the date, hour, and place for each precinct, county, senatorial, or state convention that a voter in the precinct may be eligible to attend during an election year to be posted and remain posted continuously during the early voting period for a primary election. The bill changes the posting location of a primary election notice and the notice of consolidated precincts for general and special elections to the county clerk's website.

Governor's Reason for Veto: "House Bill 3252 would change how the public is notified about a primary election, but in a way that could cause confusion and is now unnecessary. House Bill 3252 would require that notice of a primary election be posted on the county clerk's website, but in Texas, some county clerks are not responsible for administering elections. And House Bill 2640, which I have signed into law, now requires the same notice of a primary election to be posted on the county's official website. Disapproving House Bill 3252 will help ensure that voters know where to find information about how to cast their ballot."

**House Bill 3580**  
**Effective:** 9-1-19

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

House Bill 3580 amends the Election Code to authorize a corporation or labor organization to make a political contribution from its own property to certain political committees. The bill repeals Government Code provisions relating to certain campaign finance laws regarding a candidate for speaker of the house and to the prohibition against a person from using legislatively produced audio or visual materials in political advertising.

**House Bill 3965**  
**Effective:** 9-1-19

**House Author:** Bohac  
**Senate Sponsor:** Huffman

House Bill 3965 amends the Election Code to require each countywide polling place to post a notice of the four nearest countywide polling place locations by driving distance. The bill requires all countywide polling places, if a court orders any countywide polling place to remain open after 7 p.m., to remain open for the length of time required in the court order.

**House Bill 4129**  
**Effective:** 9-1-19

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

House Bill 4129 amends the Election Code to authorize an authority responsible for preparing the ballots in an election other than the general election for state and county officers to choose to omit a withdrawing candidate from the ballot if the applicable notice of the requisite test of logic and accuracy has not been published for an election using a voting system that uses direct recording electronic voting machines.

**House Bill 4130**  
**Effective:** 9-1-19

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

House Bill 4130 amends the Election Code to provide for the use of an electronic device to accept voters. The bill authorizes the use of such a device as the poll list required to be maintained by an election officer and a combination form used in connection with the acceptance of voters at polling places to be in the form of such a device.



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### **Senate Bill 30** **Effective:** 9-1-19

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

Senate Bill 30 amends the Education Code, Election Code, and Government Code to prescribe certain ballot language requirements for a proposition seeking voter approval for the issuance of certain debt obligations by a public school district or a political subdivision and to set out the conditions under which certain propositions must be stated as separate propositions.

### **Senate Bill 751** **Effective:** 9-1-19

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

Senate Bill 751 amends the Election Code to create a Class A misdemeanor offense for a person who, with intent to injure a candidate or influence the result of an election, creates a deep fake video and causes the video to be published or distributed within 30 days of an election.

### **Senate Bill 893** **Effective:** 9-1-19

**Senate Author:** Menéndez  
**House Sponsor:** Klick

Senate Bill 893 amends the Election Code to remove the comptroller of public accounts as a recipient of a certified copy of certain orders adopted in connection with the administration of elections.

### **Senate Bill 902** **Effective:** 9-1-19

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

Senate Bill 902 amends the Election Code to require an election record that is considered public information to be made available not later than the 15th day after election day in an electronic format for a maximum fee of \$50. Among other provisions, the bill sets out requirements relating to the maintenance and posting of a list of the election day vote total for certain elections and revises the deadline by which information on early voting rosters is required to be made available for public inspection and submitted to the secretary of state for posting on the secretary's website.

## Emergency Response

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

### House Bill 5

**Effective:** 9-1-19

**House Author:** Phelan et al.

**Senate Sponsor:** Kolkhorst

House Bill 5 amends the Texas Disaster Act of 1975, Government Code, to require the Texas Division of Emergency Management (TDEM) to develop a catastrophic debris management plan and model guide for use by political subdivisions in the event of a disaster, including information on preparing for debris removal before a disaster. The bill requires TDEM to develop and publish a model contract for debris removal services to be used by political subdivisions following a disaster and requires the Texas A&M Engineering Extension Service to establish a training program on the use of trench burners in debris removal. The bill establishes the wet debris study group to study and report on issues related to the removal of wet debris following a disaster and establishes a work group to study and report on local restrictions that impede disaster recovery efforts.

### House Bill 6

**Effective:** 9-1-19

**House Author:** Morrison et al.

**Senate Sponsor:** Kolkhorst et al.

House Bill 6 amends the Government Code, Natural Resources Code, and Tax Code to require the Texas Division of Emergency Management (TDEM) to develop a disaster recovery task force that operates throughout the long-term recovery period following disasters by providing specialized assistance for communities and individuals to address financial issues and assist recovery efforts. The bill requires a county emergency management program to provide for catastrophic debris management and requires certain emergency management coordinators to complete a course of emergency management training provided by TDEM. The bill provides for the temporary allocation of certain hotel occupancy tax revenue to benefit counties adjacent to the Gulf of Mexico or Corpus Christi Bay. Implementation of a provision of this bill by TDEM is mandatory only if a specific appropriation is made for that purpose.

### House Bill 7

**Effective:** 9-1-19

**House Author:** Morrison et al.

**Senate Sponsor:** Huffman

House Bill 7 amends the Texas Disaster Act of 1975, Government Code, to require the governor's office to compile and maintain a comprehensive list of regulatory statutes and rules that may require suspension during a disaster. On request by the governor's office, any applicable state agency that would be impacted by such a suspension is required to review the list for accuracy and advise the governor's office regarding any statutes or rules that should be added to the list.

House Bill 7 requires the Texas Division of Emergency Management (TDEM), in consultation with other appropriate state agencies, to develop a plan to assist political subdivisions with executing contracts for services likely to be needed following a disaster. The bill also requires TDEM to consult with the comptroller of public accounts regarding including a contract for such services on the schedule of multiple award contracts or as part of another cooperative purchasing program.

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### **House Bill 41**

**Effective:** 9-1-19

**House Author:** Metcalf et al.

**Senate Sponsor:** Alvarado

House Bill 41 amends the Government Code to provide paid leave for training and emergency response for a state employee who is a search and rescue volunteer.

### **House Bill 1090**

**Effective:** 9-1-19

**House Author:** Bell, Cecil et al.

**Senate Sponsor:** Kolkhorst

House Bill 1090 amends the Government Code to classify as a first responder for purposes of the governor's interoperable radio communications program an emergency response operator or emergency services dispatcher who provides communication support services for a governmental entity by responding to requests for assistance in emergencies and other emergency response personnel employed by a governmental entity.

### **House Bill 1307**

**Effective:** 9-1-19

**House Author:** Hinojosa et al.

**Senate Sponsor:** Huffman

House Bill 1307 amends the Government Code to require the Texas Division of Emergency Management (TDEM), subject to the availability of funds, to contract with a vendor to develop and maintain an electronic disaster case management system, which may be used for case management during and after a disaster by persons selected by TDEM.

### **House Bill 2203**

**Effective:** 5-31-19

**House Author:** Miller et al.

**Senate Sponsor:** Kolkhorst

House Bill 2203 amends the Health and Safety Code to require the Department of State Health Services or any other state agency that receives a required report of a release of a radioactive substance into the environment to immediately provide notice to each political subdivision of the state into which the substance was released.

### **House Bill 2305**

**Effective:** 9-1-19

**House Author:** Morrison et al.

**Senate Sponsor:** Kolkhorst

House Bill 2305 requires the Texas Division of Emergency Management to establish a work group of persons knowledgeable on emergency management to study and develop a proposal for enhancing the training and credentialing of emergency management personnel on the state or local level and to submit the proposal to the members of the legislature and the governor. The work group is abolished January 1, 2021.

### **House Bill 2315**

**Effective:** 9-1-19

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

**Senate Sponsor:** Kolkhorst

House Bill 2315 amends the Occupations Code to require the Texas Department of Housing and Community Affairs to adopt rules for the application for and automatic issuance of a statement of ownership of a manufactured home purchased by a federal governmental agency and used to provide temporary housing in response to a natural disaster or other declared emergency.

House Bill 2315 amends the Transportation Code to require the Texas Department of Motor Vehicles to establish a process to automatically issue a title to a government agency for a travel trailer used by the agency to provide such temporary housing.

**House Bill 2320**  
**Effective:** 9-1-19

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

House Bill 2320 amends the Government Code and Utilities Code to require the Texas Division of Emergency Management (TDEM) to do the following in collaboration with applicable partners with respect to disaster preparedness and response:

- include private wireless communication, Internet, and cable service providers in the disaster planning process;
- determine the availability of certain private communications services and infrastructure to assist in response and recovery immediately following disasters;
- identify methods for hardening and reducing impact on utility facilities and critical infrastructure; and
- submit a report to members of the legislature on improving the oversight, accountability, and availability of building trade services following disasters.

The bill requires the Public Utility Commission of Texas, in cooperation with TDEM, to promote public awareness of bill payment assistance during a disaster for electric, water, and wastewater services.

**House Bill 2325**  
**Effective:** 9-1-19

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

House Bill 2325 amends the Government Code to provide for the following, among other provisions, with respect to disaster preparedness and response:

- the coordination of state and local government 9-1-1 text message capabilities;
- the development of standards for the use of social media as a communication tool by governmental entities during and after a disaster;
- the development of a mobile application and a comprehensive disaster web portal to facilitate communication of critical information during and following a disaster;
- a study and report on the use of a standard communication format by first responders to create a common interoperable operating framework during a disaster;
- annual disaster preparedness community outreach by certain governmental entities; and
- the purchase of information technology commodity items to assist in providing disaster education or preparing for a disaster.

**House Bill 2330**  
**Effective:** 5-24-19

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

House Bill 2330 requires the Health and Human Services Commission (HHSC) and the Texas Division of Emergency Management (TDEM) to conduct a study to determine the feasibility and cost of developing an automated intake system and a state case management system for state and federal disaster assistance and a related single intake form and to submit a written report to the legislature containing the findings of the study. If it is determined based on the study that implementing the systems and the form results in no additional cost to the state, HHSC and TDEM are authorized to do so.

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### **House Bill 2335**

**Effective:** 6-14-19

**House Author:** Walle et al.

**Senate Sponsor:** Kolkhorst

House Bill 2335 amends the Human Resources Code to require the Health and Human Services Commission to take certain actions to facilitate greater collaboration with local government officials in administering the disaster supplemental nutrition assistance program.

### **House Bill 2340**

**Effective:** 9-1-19

**House Author:** Dominguez et al.

**Senate Sponsor:** Johnson

House Bill 2340 amends the Texas Disaster Act of 1975, Government Code, to do the following:

- establish the unmanned aircraft study group to study and report on issues related to the appropriate use of unmanned aircraft in responding to and recovering from a disaster;
- require the Texas Division of Emergency Management (TDEM) to establish a work group of state agencies involved in disaster management to develop and report recommendations for improving the manner in which electronic information is stored by and shared among state agencies to improve the capacity of the agencies to respond to a disaster;
- require TDEM to form a task force to be activated when a state of disaster is declared because of weather conditions to expedite environmental permitting and access to funds from federal disaster relief programs and to develop recommendations for performing that action; and
- require the Office of State-Federal Relations to study and report on federal laws and policies related to issues affecting the ability of federal and state agencies and local governments to cooperate in responding to a disaster.

### **House Bill 2345**

**Effective:** 6-14-19

**House Author:** Walle et al.

**Senate Sponsor:** Hinojosa et al.

House Bill 2345 creates the Institute for a Disaster Resilient Texas as a component of Texas A&M University. Among other duties, the institute is tasked with developing data analytical tools relating to disaster planning, mitigation, response, and recovery by the state and creating and maintaining web-based analytical and visual tools to communicate disaster risks and ways to reduce those risks. Implementation of a provision of this bill by the institute is mandatory only if a specific appropriation is made for that purpose.

### **House Bill 2461**

**Effective:** 6-10-19

**House Author:** Stucky et al.

**Senate Sponsor:** Nelson

House Bill 2461 amends the Health and Safety Code to provide for the removal of a municipality from an emergency communication district if the municipality operated a consolidated public safety answering point with at least three emergency communication districts for at least a three-year period before September 1, 2019. The bill authorizes the board of managers of an emergency communication district in a county with a population over 20,000 to impose a 9-1-1 emergency service fee at the statutorily authorized rate regardless of whether voters authorized a different rate at the district's confirmation election.

**House Bill 2794**  
**Effective:** 6-10-19

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

House Bill 2794 amends the Education Code and Government Code to provide for the transfer of the administration of the Texas Division of Emergency Management (TDEM) from the Department of Public Safety to The Texas A&M University System. The bill requires the governor, at least once each biennium, to review the composition of the emergency management council and, if necessary, to update or expand the participating entities. The bill makes the governor the entity responsible for appointing the chief who manages TDEM.

**House Bill 2952**  
**Effective:** 9-1-19

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

House Bill 2952 amends the Government Code to require the governor's office to establish a program to provide grants from the emergency radio infrastructure account to finance interoperable statewide emergency radio infrastructure, excluding radio subscriber equipment.

**House Bill 3022**  
**Effective:** Vetoed

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

House Bill 3022 amends the Government Code and Transportation Code to provide for the development of a local emergency warning system to be operated by a municipality or county.

Governor's Reason for Veto: "House Bill 3022 would require the Texas Department of Public Safety to capture the contact information of driver's license applicants who consent to being part of local emergency warning systems, and to work with local governments on creating those local warning systems. I appreciate the author's good intentions, and I have signed important legislation this session that will help Texans prepare for disasters. But to ensure that the local emergency warning systems use data that is accurate, updated, and used appropriately, local governments—not the State—should be in charge of gathering and managing this type of data."

**House Bill 3070**  
**Effective:** 9-1-19

**House Author:** King, Ken et al.  
**Senate Sponsor:** Zaffirini

House Bill 3070 amends the Government Code to authorize a volunteer fire department whose firefighting equipment is damaged or lost in responding to a declared disaster to request emergency assistance under the rural volunteer fire department assistance program for the replacement or repair of the equipment and the purchase of a machine to clean personal protective equipment. The bill provides for a minimum annual allocation of appropriations from the volunteer fire department assistance fund for use in providing such emergency assistance.

**House Bill 3616**  
**Effective:** 6-14-19

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

House Bill 3616 amends the Government Code to establish the task force on faith-based disaster response to assist the Texas Division of Emergency Management by studying the participation of faith-based organizations in disaster response. Among other provisions, the bill requires the task force to submit to the governor and the legislature a report of the task force's activities and any recommendations for legislative or other action. The task force is abolished September 1, 2021.

**House Bill 3668**  
**Effective:** 9-1-19

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

House Bill 3668 amends the Government Code to require the office of the governor to establish a program to provide grants to qualifying nonprofit organizations in Texas for

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distribution to nonprofit food banks to build the capacity of the nonprofit food banks to respond to disasters. Implementation of a provision of this bill by the office is mandatory only if a specific appropriation is made for that purpose.

### **House Bill 4350**

**Effective:** 6-14-19

**House Author:** Bohac

**Senate Sponsor:** Alvarado

House Bill 4350 amends the Health and Safety Code to establish uniformly across state law relating to emergency communications districts that the authority for public safety answering points to transmit emergency response requests to private safety entities is contingent on the approval of the district's board of managers and the consent of each participating jurisdiction and emergency services district serving the relevant area and that such consent may be withdrawn at any time.

### **Senate Bill 6**

**Effective:** 9-1-19

**Senate Author:** Kolkhorst et al.

**House Sponsor:** Morrison

Senate Bill 6 amends the Government Code to set out provisions relating to emergency and disaster management, response, and recovery. Among other provisions, the bill does the following:

- establishes the wet debris study group to study issues related to preventing the creation of wet debris and best practices for clearing wet debris following a disaster;
- requires the Texas Division of Emergency Management (TDEM) to establish an emergency management work group to study and develop a proposal for enhancing the training and credentialing of emergency management directors and coordinators;
- provides for the creation of a disaster recovery loan program by TDEM to use money to provide short-term loans for disaster recovery projects to eligible political subdivisions;
- requires TDEM to develop a model guide for local officials regarding disaster response and recovery and to provide training on the disaster response guide as part of existing emergency management training to political subdivision officers;
- requires TDEM to develop a catastrophic debris management plan and model guide for use by political subdivisions in the event of a disaster; and
- requires the Health and Human Services Commission and TDEM to conduct a study determining the feasibility of developing a single intake form and an automated intake system for compiling and collecting information individuals would need to obtain disaster assistance from multiple state and federal programs.

Implementation of a provision of the bill establishing the disaster recovery loan program by TDEM is mandatory only if a specific appropriation is made for that purpose.

### **Senate Bill 285**

**Effective:** 9-1-19

**Senate Author:** Miles et al.

**House Sponsor:** Thompson, Ed

Senate Bill 285 amends the Government Code to require the governor to issue an annual proclamation before hurricane season regarding hurricane preparedness for individuals, state agencies, and other governmental entities and to publish a report on state agencies' hurricane preparedness each year after issuing that proclamation. The bill authorizes the governor, by executive order, to take any action necessary to ensure each state agency involved in the state's hurricane response is able to respond to a hurricane.

Senate Bill 285 requires the General Land Office to conduct an annual public information campaign before and during hurricane season to provide local officials and the public with

information regarding housing assistance that may be available in the event of a major hurricane or flooding event.

**Senate Bill 289**

**Effective:** 9-1-19

**Senate Author:** Lucio

**House Sponsor:** Morrison et al.

Senate Bill 289 amends the Texas Disaster Act of 1975, Government Code, to set out provisions relating to disaster recovery. The bill requires the Texas Division of Emergency Management to develop a disaster recovery task force to operate throughout the long-term recovery period following disasters by providing specialized assistance for communities and individuals. The bill requires the task force to brief the legislature and legislative and state agency staff once each quarter on previous disaster response and recovery efforts and related future preparation and planning.

Senate Bill 289 provides for the development and adoption of a local housing recovery plan by local governments for the rapid and efficient construction of permanent replacement housing following a disaster and establishes the duties of the General Land Office (GLO), or another state agency designated by the governor, with regard to developed plans and long-term disaster recovery. The bill requires the Hazard Reduction and Recovery Center at Texas A&M University to provide training on developing plans, to review plans submitted by local governments, and to submit plans it certifies to the GLO for review. The bill provides for the review and acceptance of plans by the GLO and requires the GLO and the center to submit a report to the legislature relating to the disaster housing recovery planning process.

Implementation of a provision of this bill by the GLO or another state agency designated by the governor is mandatory only if a specific appropriation is made for that purpose.

**Senate Bill 300**

**Effective:** 9-1-19

**Senate Author:** Miles

**House Sponsor:** Thompson, Ed

Senate Bill 300 amends the Natural Resources Code to require the General Land Office to enter into four-year indefinite quantity contracts with vendors to provide necessary services to construct, repair, or rebuild property or infrastructure in the event of a natural disaster. Among other provisions, the contract's terms must provide that the contract is contingent on the availability of funds, the occurrence of a natural disaster not later than 48 months after the contract's effective date, and delivery of the services to a disaster area.

**Senate Bill 416**

**Effective:** 5-20-19

**Senate Author:** Huffman

**House Sponsor:** Walle

Senate Bill 416 amends the Government Code to authorize the attorney general to provide legal counsel to a political subdivision subject to a declared state of disaster on issues related to disaster mitigation, preparedness, response, and recovery during the declared state of disaster and the 90-day period following the expiration or termination of the disaster declaration.

**Senate Bill 537**

**Effective:** 5-1-19

**Senate Author:** Kolkhorst

**House Sponsor:** Thompson, Ed

Senate Bill 537 amends the Transportation Code to authorize the Texas Department of Transportation (TxDOT) to use appropriated funds to purchase food and beverages for a TxDOT employee who is providing emergency or disaster response services and is unable to leave the assignment area.



**Senate Bill 799**

**Effective:** See below

**Senate Author:** Alvarado et al.

**House Sponsor:** Murphy

Senate Bill 799 amends the Government Code to establish the business advisory council for purposes of providing advice and expertise on actions state and local governments can take to assist businesses in recovering from a disaster. The bill also establishes the wet debris work group to conduct a study to identify issues and recommendations related to wet debris removal and establishes the disaster recovery task force to develop procedures for preparing and issuing a report listing each project related to a disaster that qualifies for federal assistance, which must be submitted to the appropriate federal agencies as soon as practicable after any disaster.

Senate Bill 799 amends the Education Code and Government Code to provide for the transfer of the administration of the Texas Division of Emergency Management from the Department of Public Safety to The Texas A&M University System, effective September 1, 2019. The bill requires the governor, at least once each biennium, to review the composition of the emergency management council and, if necessary, to update or expand the participating entities.

Provisions of Senate Bill 799 relating to the advisory council, work group, and task force take effect on September 1, 2019, while all other provisions take effect June 10, 2019.

**Senate Bill 981**

**Effective:** 6-14-19

**Senate Author:** Kolkhorst

**House Sponsor:** Zerwas

Senate Bill 981 amends the Human Resources Code to require the Health and Human Services Commission to take certain actions to facilitate greater collaboration with local government officials in administering the disaster supplemental nutrition assistance program.

**Senate Bill 982**

**Effective:** 9-1-19

**Senate Author:** Kolkhorst et al.

**House Sponsor:** Zerwas

Senate Bill 982 amends the Government Code to require the Texas Division of Emergency Management (TDEM) to do the following with respect to the provision of disaster and emergency services:

- develop a plan to increase the capabilities of local emergency shelters in the provision of shelter and care for specialty care populations during a disaster;
- increase awareness of and encourage local government emergency response teams to utilize services provided by local volunteer networks that are available in the area to respond during a disaster or emergency; and
- develop a plan to create and manage state-controlled volunteer mobile medical units in each public health region to assist counties that lack access to such a volunteer network during a disaster or emergency.

Senate Bill 982 requires the Department of State Health Services to take certain actions in collaboration with certain local medical organizations to ensure that licensed physicians are adequately informed about and have knowledge of and access to certain resources with respect to disaster planning and emergency response efforts.

Senate Bill 982 establishes the task force on disaster issues affecting persons who are elderly and persons with disabilities to study methods to more effectively assist such persons during a disaster or emergency evacuation and accommodate those persons in emergency shelters. The bill requires the task force to develop and submit a written report of the study and recommendations to the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the legislature.

Implementation of a provision of Senate Bill 982 by TDEM is mandatory only if a specific appropriation is made for that purpose.

**Senate Bill 986**  
**Effective:** 9-1-19

**Senate Author:** Kolkhorst  
**House Sponsor:** Phelan

Senate Bill 986 amends the Government Code to require the comptroller of public accounts to update the contract management guide to include contract management standards and information for contracts related to emergency management.

**Senate Bill 1082**  
**Effective:** 6-4-19

**Senate Author:** Taylor et al.  
**House Sponsor:** Deshotel

Senate Bill 1082 provides for a temporary legislative joint interim committee to continue to study and report on the feasibility and desirability of creating and maintaining a coastal barrier system in Texas that includes a series of gates and barriers to prevent storm surge damage to gulf beaches or coastal ports, industry, or property.

**Senate Bill 1113**  
**Effective:** 5-31-19

**Senate Author:** Lucio  
**House Sponsor:** Springer

Senate Bill 1113 amends the Agriculture Code to authorize a municipal or county health department that is in a declared state of disaster or that determines immediate action is needed to control the threat of mosquito-borne disease to apply for a waiver from the Department of Agriculture authorizing unlicensed employees of the municipality or county to apply pesticides for mosquito control under the direct supervision of a licensed applicator employed by the municipality or county, a nearby political subdivision, the state, or the federal government.

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## Energy Resources

This chapter covers legislation relating to the oil and gas industry and the duties and functions of the Railroad Commission of Texas. Legislation relating to electric utilities is in the **Utilities** chapter.

**House Bill 864**  
**Effective:** 9-1-19

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

House Bill 864 amends the Utilities Code to require the Railroad Commission of Texas (RRC) by rule to require a distribution gas pipeline facility operator, after a pipeline incident involving the operator's pipelines, to notify the RRC of the incident before the expiration of one hour following the operator's discovery of the incident and to provide certain information to the RRC. The bill requires the RRC to retain state records of the RRC regarding a pipeline incident perpetually and expands the gas pipeline safety standards and rules for which the RRC may assess an administrative penalty for a violation.

**House Bill 866**  
**Effective:** 6-2-19

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

House Bill 866 amends the Utilities Code to prohibit a distribution gas pipeline facility operator from installing as part of the operator's underground system a cast iron, wrought iron, or bare steel pipeline. The bill requires the Railroad Commission of Texas (RRC) by rule to require the operator of a distribution gas pipeline facility system to develop and implement a risk-based program for the removal or replacement of underground distribution gas pipeline facilities and annually remove or replace at least eight percent of the facilities posing the greatest risk in the system and identified for replacement under the program. The bill requires a distribution gas pipeline facility operator to replace any known cast iron pipelines installed as part of the operator's underground system not later than December 31, 2021. The bill expands the gas pipeline safety standards and rules for which the RRC may assess an administrative penalty for a violation.

**House Bill 2127**  
**Effective:** 9-1-19

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

House Bill 2127 amends the Natural Resources Code to replace the licensing of persons engaged in the manufacture of CNG cylinders or LNG containers for use in Texas with the registration of such persons. The bill removes the requirement that a person be licensed to engage in systems work that includes the sale of CNG or LNG systems for use in Texas.

**House Bill 2675**  
**Effective:** 9-1-19

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

House Bill 2675 repeals a Natural Resources Code provision that provides for the suspension of the collection of oil-field cleanup regulatory fees when the balance in the oil and gas regulation and cleanup fund equals or exceeds a specified amount. The bill amends the Natural Resources Code to make conforming changes.

**House Bill 2714**  
**Effective:** 9-1-19

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

House Bill 2714 amends the Liquefied Petroleum Gas Code, Natural Resources Code, to remove the statutorily specified categories of licensed LP-gas activities and to require the Railroad Commission of Texas (RRC) instead to establish by rule license categories for LP-gas

activities. The bill removes the manufacture of containers for use in Texas as a licensed activity and provides instead for the annual registration of container manufacturers and fabricators in accordance with RRC rules.

**House Bill 3226**  
**Effective:** 9-1-19

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

House Bill 3226 amends the Mineral Interest Pooling Act, Natural Resources Code, to change one of the terms for automatic dissolution of an oil or gas pooled unit from one year after its effective date if no production or drilling operations have been had on the unit to two years after that date if no production or drilling operations have been had on the unit or surface location for the unit.

**House Bill 3246**  
**Effective:** 9-1-19

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

House Bill 3246 amends the Natural Resources Code to establish that, unless otherwise expressly provided by a legally binding document, when fluid oil and gas waste is produced and used by a person who takes possession of that waste for the purpose of treating the waste for a subsequent beneficial use, the waste is considered to be the property of the person who takes possession of it for the purpose of treating the waste for subsequent beneficial use until the person transfers the waste or treated waste to another person for disposal or use.

**House Bill 3838**  
**Effective:** 9-1-19

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

House Bill 3838 amends the Property Code to require certain instruments that convey a mineral or royalty interest but are made to look like the transaction is for a lease of a mineral or royalty interest to include certain conspicuous statements warning that the instrument is not an oil and gas lease and that the owner is selling all or a portion of the owner's mineral or royalty interests. The bill voids a conveyance for which the instrument does not include these required statements and provides remedies for a person who has conveyed a royalty or mineral interest in a voided conveyance.

**Senate Bill 1587**  
**Effective:** 9-1-19

**Senate Author:** Hughes  
**House Sponsor:** Ashby

Senate Bill 1587 amends the Government Code to delegate to the Railroad Commission of Texas all purchasing functions relating to purchases under the Texas Uranium Exploration, Surface Mining, and Reclamation Act and the Texas Surface Coal Mining and Reclamation Act.

## Environment

This chapter covers legislation on issues relating to environmental protection and regulation and recycling.

### House Bill 907

**Effective:** 9-1-19

**House Author:** Huberty

**Senate Sponsor:** Creighton

House Bill 907 amends the Water Code to increase to at least once every two years the frequency with which the Texas Commission on Environmental Quality (TCEQ) is required to inspect an active aggregate production operation during the first six years in which the operation is registered. The bill authorizes TCEQ to conduct unannounced periodic inspections of an aggregate production operation that in the preceding three-year period has been issued a notice of violation by TCEQ for a violation of an environmental law or rule under TCEQ jurisdiction. The bill increases the maximum annual aggregate production operation registration fee and the maximum penalties for the operation of an unregistered aggregate production operation.

### House Bill 1331

**Effective:** 9-1-19

**House Author:** Thompson, Ed

**Senate Sponsor:** Miles

House Bill 1331 amends the Solid Waste Disposal Act, Health and Safety Code, to require the Texas Commission on Environmental Quality to charge an applicant for a permit for a municipal solid waste facility an application fee of \$2,000.

### House Bill 1346

**Effective:** 9-1-19

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

**Senate Sponsor:** Powell

House Bill 1346 amends the Health and Safety Code to authorize the Texas Commission on Environmental Quality (TCEQ), for a proposed project that may be considered for a grant under the diesel emissions reduction incentive program other than a project involving a marine vessel or engine, to set the minimum percentage of vehicle miles traveled or hours of operation required to take place in a nonattainment area or affected county at a percentage and for a period that is different from the statutorily specified percentage and period, but prohibits TCEQ from setting the minimum percentage at a level that is less than 55 percent.

### House Bill 1435

**Effective:** 9-1-19

**House Author:** Thompson, Ed

**Senate Sponsor:** Birdwell et al.

House Bill 1435 amends the Solid Waste Disposal Act, Health and Safety Code, to require the Texas Commission on Environmental Quality, before a permit for a proposed municipal solid waste management facility is issued, amended, extended, or renewed, to inspect the facility or site used or proposed to be used to store, process, or dispose of municipal solid waste to confirm applicable information included in the permit application.

### House Bill 1627

**Effective:** 5-23-19

**House Author:** Morrison

**Senate Sponsor:** Kolkhorst

House Bill 1627 amends the Health and Safety Code to remove Victoria County as an affected county for purposes of the Texas emissions reduction plan.

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### **House Bill 1953**

**Effective:** 5-17-19

**House Author:** Thompson, Ed

**Senate Sponsor:** Hancock

House Bill 1953 amends the Solid Waste Disposal Act, Health and Safety Code, to prohibit the Texas Commission on Environmental Quality (TCEQ) from considering post-use polymers or recoverable feedstock to be solid waste if they are converted using pyrolysis or gasification into a valuable raw, intermediate, or final product. The bill subjects the recycling and reuse of post-use polymers and recoverable feedstocks classified as hazardous waste under federal law to the federal hazardous waste recycling requirements.

House Bill 1953 exempts a facility that reuses or converts recyclable materials through pyrolysis or gasification, and the operations conducted and materials handled at the facility, from regulation under certain rules relating to the regulation of certain facilities as solid waste facilities if the owner or operator of the facility demonstrates that the facility's primary function is to convert materials that have a resale value greater than the cost of converting the materials for subsequent beneficial use and that all the solid waste generated from converting the materials is disposed of in a hazardous solid waste management facility or a solid waste facility authorized under the act, as appropriate, with the exception of small amounts of solid waste that may be inadvertently and unintentionally disposed of in another manner.

House Bill 1953 prohibits TCEQ from considering a gasification or pyrolysis facility to be a hazardous waste management facility, a solid waste management facility, or an incinerator; excludes as solid waste post-use polymers or recoverable feedstocks processed through pyrolysis or gasification that do not qualify as hazardous waste under the federal Resource Conservation and Recovery Act of 1976; and includes as recycling the conversion of post-use polymers and recoverable feedstocks through pyrolysis or gasification for purposes of provisions relating to waste reduction programs and disposal fees.

### **House Bill 2726**

**Effective:** 1-1-20

**House Author:** Kuempel

**Senate Sponsor:** Creighton

Previous law in the Texas Clean Air Act authorized a person who had submitted an application for a permit for a modification of or a lesser change to an existing facility to begin, at the person's own risk, construction related to the application after the application had been submitted and before the Texas Commission on Environmental Quality (TCEQ) had issued the permit. House Bill 2726 amends the Texas Clean Air Act, Health and Safety Code, to authorize instead a person who submits an application for a permit amendment to begin, at the person's own risk, construction related to the application after the TCEQ executive director has issued a draft permit including the permit amendment. The bill prohibits a person from beginning the construction if the facility that is the subject of the permit amendment is a concrete batch plant located within 880 yards of a property that is used as a residence.

### **House Bill 2771**

**Effective:** 9-1-19

**House Author:** Lozano

**Senate Sponsor:** Hughes

House Bill 2771, on delegation of National Pollutant Discharge Elimination System (NPDES) permit authority for discharges of produced water, hydrostatic test water, and gas plant effluent to the Texas Commission on Environmental Quality (TCEQ) by the U.S. Environmental Protection Agency under the Federal Water Pollution Control Act, transfers from the Railroad Commission of Texas (RRC) to TCEQ the powers, duties, functions, programs, and activities of the RRC relating to the regulation of such discharges into water in Texas, other than discharges resulting from spills or other unplanned releases. The bill amends the Water Code to make related changes.

**House Bill 3045****Effective:** 9-1-19**House Author:** Nevárez**Senate Sponsor:** Flores

House Bill 3045 amends the County Solid Waste Control Act, Health and Safety Code, to authorize a county to offer, require the use of, and charge a fee for solid waste disposal services in the extraterritorial jurisdiction of a municipality wholly or partly located in Maverick County. The bill prohibits such a municipality from providing solid waste disposal services or charging a fee for those services in the municipality's extraterritorial jurisdiction if a county provides those services as provided by the bill.

**House Bill 3224****Effective:** 9-1-19**House Author:** Lozano**Senate Sponsor:** Zaffirini

House Bill 3224 requires the Texas Commission on Environmental Quality, in consultation with industry stakeholders, to conduct a study on the potential impacts of creating a defense to liability under certain Solid Waste Disposal Act provisions for persons who arrange for recycling of recyclable material who would not be liable for the material under certain federal law based on the person meeting applicable federal criteria and to propose legislative recommendations based on the study.

**House Bill 3745****Effective:** See below**House Author:** Bell, Cecil et al.**Senate Sponsor:** Birdwell et al.

House Bill 3745 amends the Health and Safety Code to convert the Texas emissions reduction plan fund to the Texas emissions reduction plan account and to establish a new Texas emissions reduction plan fund as a trust fund outside the state treasury to be held by the comptroller of public accounts and administered by the Texas Commission on Environmental Quality (TCEQ) as trustee. The bill authorizes money in the new fund to be spent without legislative appropriation and requires TCEQ, not later than the 30th day after the last day of each state fiscal biennium, to transfer the unencumbered balance of the fund remaining on the last day of the state fiscal biennium to the credit of the account. The bill revises statutory provisions relating to the use of the fund and account. These provisions of the bill take effect September 1, 2021.

House Bill 3745 amends the Tax Code and Transportation Code to change the expiration date of statutory provisions providing for Texas emissions reduction plan surcharges, a Texas emissions reduction plan fee, and the remittance of certain money relating to vehicle title fees to the comptroller for deposit to the credit of the Texas emissions reduction plan fund. The bill repeals provisions which continue certain programs under the Texas emissions reduction plan and the funding for those programs until a certain day.

Except as otherwise provided, House Bill 3745 takes effect August 30, 2019.

**House Bill 4584****Effective:** 9-1-19**House Author:** Hefner**Senate Sponsor:** Hughes

House Bill 4584 amends the Business & Commerce Code to make statutory provisions relating to the sale of a plastic bulk merchandise container applicable instead to the sale of a returnable container, as defined by the bill.

**Senate Bill 649****Effective:** 9-1-19**Senate Author:** Zaffirini et al.**House Sponsor:** Thompson, Ed

Senate Bill 649 amends the Solid Waste Disposal Act, Health and Safety Code, to require the Texas Commission on Environmental Quality (TCEQ), in cooperation with the Texas Economic Development and Tourism Office (TEDTO), to produce a plan to stimulate the use of recyclable



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materials as feedstock in processing and manufacturing. The bill requires TCEQ, in cooperation with other state agencies, including the governor's office, to develop a recycling education program intended for the public. The bill provides for the periodic update of the plan and education program. Implementation of a provision of this bill relating to the plan by TEDTO and TCEQ is mandatory only if a specific appropriation is made for that purpose.

### **Senate Bill 698**

**Effective:** 9-1-19

**Senate Author:** Birdwell

**House Sponsor:** Lozano et al.

Senate Bill 698 amends the Texas Clean Air Act, Health and Safety Code, to provide for the use of full-time equivalent Texas Commission on Environmental Quality (TCEQ) employees to support the expedited processing of air permit applications. The bill authorizes TCEQ to set the overtime compensation rate for such employees and authorizes the use of money from the expedited application surcharge for the support of the expedited processing of air permit applications.

## Family Law

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

### House Bill 123

**Effective:** 9-1-19

**House Author:** White et al.

**Senate Sponsor:** Watson

House Bill 123 amends the Family Code, Health and Safety Code, and Transportation Code to provide for the issuance of a personal identification certificate to a foster child or youth, a homeless child or youth, or an unaccompanied youth without a parent or guardian's signature, presence, or permission. The bill exempts such a child or youth from the payment of any fee for the issuance of a personal identification certificate and exempts a homeless child or youth or an unaccompanied youth from the payment of any fee for the issuance of a driver's license. The bill requires the state registrar, a local registrar, or a county clerk to issue a birth record to a requesting homeless child or youth, unaccompanied youth, or foster child or youth without fee or parental consent.

### House Bill 369

**Effective:** 9-1-19

**House Author:** Cain et al.

**Senate Sponsor:** Huffman

House Bill 369 amends the Family Code to require a petition in a suit for adoption of a child to state that the court in which the petition is filed has jurisdiction of the suit. The bill requires a court that has continuing, exclusive jurisdiction of a suit affecting a parent-child relationship to transfer the proceedings to a court that is located in the child's county of residence and in which a suit for adoption of the child is pending on the filing of a motion requesting the transfer.

### House Bill 553

**Effective:** 9-1-19

**House Author:** Thompson, Senfronia

**Senate Sponsor:** Rodríguez

House Bill 553 amends the Family Code to require the possessory conservator of a child under a standard possession order for parents who reside 100 miles or less apart to give the managing conservator 15 days' prior written notice of the location at which the managing conservator is to pick up and return the child for the designated summer weekend during which the managing conservator is to have possession of the child.

### House Bill 554

**Effective:** 9-1-19

**House Author:** Thompson, Senfronia

**Senate Sponsor:** Huffman et al.

Current law authorizes a temporary order enjoining a party from molesting or disturbing the peace of the child or another party during the pendency of an appeal in a suit affecting the parent-child relationship to be rendered without the issuance of a bond between the spouses. House Bill 554 amends the Family Code to revise that authorization by replacing the term "spouses" with the term "parties."

### House Bill 555

**Effective:** 9-1-19

**House Author:** Thompson, Senfronia

**Senate Sponsor:** Rodríguez

House Bill 555 amends the Family Code to grant the sole managing conservator of a child the right to apply for a passport for the child, renew the child's passport, and maintain possession of the child's passport.

**House Bill 558**  
**Effective:** 9-1-19

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

House Bill 558 amends the Family Code to authorize a court that orders support for an adult child with a disability to designate a special needs trust and to provide that the support may be paid directly to the trust for the adult child's benefit. This authorization does not apply in a Title IV-D case.

**House Bill 559**  
**Effective:** 5-24-19

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

House Bill 559 amends the Family Code to establish that a written agreement incident to a divorce or an annulment is not required to be filed with the court or the court clerk if the court incorporates the agreement by reference in the final decree.

**House Bill 1528**  
**Effective:** 9-1-19

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

House Bill 1528 amends provisions of the Code of Criminal Procedure relating to certain procedures applicable to certain offenses involving family violence. The bill, among other provisions, does the following:

- requires a judge or justice of a municipal court to take the plea of a defendant charged with an offense involving family violence in open court;
- requires information in the computerized criminal history system relating to sentencing to include for each sentence whether the judgment imposing the sentence reflects an affirmative finding of family violence; and
- includes an offender charged with a misdemeanor punishable by fine only that involves family violence among the offenders for whom an arresting law enforcement agency is required to prepare a uniform incident fingerprint card and initiate the process of reporting applicable offender data.

On disposition of such a misdemeanor case, the bill requires the clerk of the court exercising jurisdiction over the case to report the applicable information regarding the person's citation or arrest and the disposition of the case to the Department of Public Safety using the uniform incident fingerprint card or an approved electronic methodology.

**House Bill 1689**  
**Effective:** 9-1-19

**House Author:** Deshotel  
**Senate Sponsor:** Miles

House Bill 1689 amends the Family Code to establish disclosure requirements regarding the existence of a gestational agreement in a suit for dissolution of a marriage in which the parties to the suit are the intended parents under the agreement. The bill also provides for the standing of a person who is an intended parent of a child or unborn child under a compliant gestational agreement to file an original suit affecting the parent-child relationship under certain circumstances.

**House Bill 1780**  
**Effective:** 9-1-19

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

House Bill 1780 amends the Family Code to require a court to consider whether a parent made a good faith effort to successfully complete an ordered substance abuse treatment program when considering whether to find that extraordinary circumstances necessitate a child remaining in the temporary managing conservatorship of the Department of Family

and Protective Services (DFPS) in a suit affecting the parent-child relationship requesting the termination of that relationship or the naming of DFPS as the child's conservator.

**House Bill 1854**

**Effective:** 9-1-19

**House Author:** Dutton

**Senate Sponsor:** Hughes

Under current law, a court loses its continuing, exclusive jurisdiction to modify its order in a suit affecting the parent-child relationship if an order of adoption is rendered after the court acquires continuing, exclusive jurisdiction of the suit. House Bill 1854 amends the Family Code to clarify that the loss of jurisdiction is triggered by another court rendering an order of adoption in an original suit filed in the county where the child resides or in the county where the petitioners reside.

**House Bill 1884**

**Effective:** 9-1-19

**House Author:** Minjarez et al.

**Senate Sponsor:** Alvarado et al.

House Bill 1884 amends the Family Code to require information regarding the permanency care assistance program and the option to become verified by a licensed child-placing agency to operate an agency foster home to be provided to certain relatives or other caregivers of children in the conservatorship of the Department of Family and Protective Services in certain circumstances.

**House Bill 2363**

**Effective:** 9-1-19

**House Author:** Harris et al.

**Senate Sponsor:** Birdwell

Current law requires the minimum standards relating to safety and proper storage of firearms and ammunition in certain foster homes to require those items to be stored separately in locked locations. House Bill 2363 amends the Human Resources Code to require that the minimum standards instead allow those items to be stored together in the same locked location if the firearms are stored with a trigger locking device attached to the firearms.

**House Bill 2514**

**Effective:** 9-1-19

**House Author:** Martinez

**Senate Sponsor:** Zaffirini

Current law authorizes a court in a county with a population of less than 500,000 to appoint a child custody evaluator who does not meet the applicable minimum qualifications if a qualified evaluator is not available. House Bill 2514 amends the Family Code to extend that authorization to a county that borders the United Mexican States and is contiguous to the Gulf of Mexico or a bay or inlet opening into the gulf and a county that borders such a county.

**House Bill 2767**

**Effective:** 9-1-19

**House Author:** Martinez Fischer

**Senate Sponsor:** Zaffirini

House Bill 2767 amends the Family Code to authorize a county clerk who records a marriage license, on request by the applicants for the license, to email the license to an email address provided by the applicants in addition to mailing the license.

**House Bill 3145**

**Effective:** 6-14-19

**House Author:** Toth

**Senate Sponsor:** Creighton

House Bill 3145 amends the Family Code to specify that a parent appointed as a conservator of a child has at all times the right to attend school lunches, performances, and field trips.

**House Bill 3390**  
**Effective:** 6-14-19

**House Author:** Sanford et al.  
**Senate Sponsor:** Paxton

House Bill 3390 amends the Family Code and Human Resources Code to provide for a child in the conservatorship of the Department of Family and Protective Services to be asked in a developmentally appropriate manner to identify any adult who could be a relative or designated caregiver for the child. The bill, with respect to a child protection suit, sets out required actions for the court regarding a determination of whether the child was asked to make any such identification and whether any identified individuals are appropriately listed on a proposed child placement resources form.

**Senate Bill 560**  
**Effective:** 9-1-19

**Senate Author:** Kolkhorst  
**House Sponsor:** Smithee

Senate Bill 560 amends the Government Code to require the Texas Judicial Council (TJC) to develop a statewide plan requiring counties and courts in Texas to report information on court-ordered representation for appointments made in suits filed by a governmental entity affecting the parent-child relationship. The bill sets out related reporting requirements for local administrative district judges and county auditors and requires the TJC to prepare an annual report on such court-ordered representation. Implementation of a provision of this bill by the TJC is mandatory only if a specific appropriation is made for that purpose.

**Senate Bill 821**  
**Effective:** 9-1-19

**Senate Author:** Nelson  
**House Sponsor:** Price

State law provides for the establishment of a children's advocacy center to serve a county or two or more contiguous counties with respect to child abuse victims and the delivery of related services. Senate Bill 821 amends the Family Code to revise the duties of such a center and the multidisciplinary team within each center. The bill requires a center to enter into a memorandum of understanding regarding participation in multidisciplinary team responses to abuse and neglect cases. The bill requires the statewide organization with which the Health and Human Services Commission (HHSC) contracts to provide training, technical assistance, evaluation services, among other assistance, for local children's advocacy center programs to develop and adopt standards for children's advocacy centers and to contract with eligible centers to establish, maintain, and enhance the services provided by the centers. The bill revises the eligibility requirements for an organization to receive such a contract from HHSC.

**Senate Bill 1238**  
**Effective:** 9-1-19

**Senate Author:** Johnson  
**House Sponsor:** Rose et al.

Senate Bill 1238 amends the Family Code and Health and Safety Code to establish a process under which a minor's grandparent, adult brother or sister, or adult aunt or uncle who has had actual care, custody, and control of the minor for a period specified by the bill may seek a court order for temporary authorization to consent to voluntary inpatient mental health services for the child and to provide for the admission to an inpatient mental health facility under certain conditions of a minor in the managing conservatorship of the Department of Family and Protective Services. Among other provisions, the bill changes the time frame within which a physical or psychiatric examination must be conducted in order for a prospective voluntary patient to be formally accepted for treatment in an inpatient mental health facility, provides for the immediate discharge of a person who is admitted to a facility before the performance

of the required examinations if the applicable physician determines the person does not meet the clinical standards to receive inpatient mental health services, and prohibits a facility that discharges a patient under those circumstances from billing the patient or the patient's third-party payor for the temporary admission.

**Senate Bill 1494**

**Effective:** 6-10-19

**Senate Author:** Paxton et al.

**House Sponsor:** Wu et al.

Senate Bill 1494 amends the Government Code and Tax Code to provide for the confidentiality of certain address and personal information, including certain information that reveals whether a person has family members, of a current or former child protective services caseworker, adult protective services caseworker, or investigator for the Department of Family and Protective Services (DFPS); a current or former employee of a DFPS contractor performing child protective services caseworker, adult protective services caseworker, or investigator functions for the contractor on behalf of DFPS; or a state officer elected statewide or a member of the legislature.

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## Government Purchasing

This chapter covers legislation on issues relating to the procurement of goods and services by state and local governmental entities.

### **House Bill 793**

**Effective:** 5-7-19

**House Author:** King, Phil et al.

**Senate Sponsor:** Creighton

House Bill 793 amends the Government Code to limit the prohibition against a governmental entity contracting with a company, other than a sole proprietorship, unless the contract contains a written verification that the company will not boycott Israel during the contract term to a contract with a company that has 10 or more full-time employees and that is valued at \$100,000 or more to be paid wholly or partly from the entity's public funds.

### **House Bill 985**

**Effective:** 9-1-19

**House Author:** Parker et al.

**Senate Sponsor:** Hancock

House Bill 985 amends the Education Code and Government Code to prohibit a public institution of higher education or governmental entity awarding a public work contract funded with state money from prohibiting, requiring, discouraging, or encouraging a person bidding on the contract from entering into or adhering to an agreement with a collective bargaining organization relating to the project or discriminating against such a person based on the person's involvement in the agreement. The bill prohibits its provisions from being construed to conflict with certain federal labor laws.

### **House Bill 1524**

**Effective:** 9-1-19

**House Author:** Shaheen

**Senate Sponsor:** Paxton

House Bill 1524 amends the Government Code, Health and Safety Code, Local Government Code, and Natural Resources Code to update outdated references to the former General Services Commission and the former Texas Building and Procurement Commission.

### **House Bill 2826**

**Effective:** 9-1-19

**House Author:** Bonnen, Greg et al.

**Senate Sponsor:** Huffman

House Bill 2826 amends the Government Code to set out requirements for the procurement and approval of contingent fee contracts for legal services entered into by a political subdivision, including a requirement that the contract be reviewed and approved by the attorney general, and to subject such a contract to certain provisions governing contingent fee contracts for legal services entered into by a state governmental entity. The bill establishes that a contract entered into or an arrangement made in violation of provisions governing contingent fee contracts for legal services is void and exempts certain contracts from those provisions.

### **House Bill 2868**

**Effective:** 9-1-19

**House Author:** Phelan

**Senate Sponsor:** West

House Bill 2868 amends the Professional Services Procurement Act, Government Code, to include in the definition of "professional services" services provided by a person lawfully engaged in interior design, regardless of whether the person is registered as an interior designer.



**House Bill 3875**  
**Effective:** 9-1-19

**House Author:** Capriglione  
**Senate Sponsor:** Zaffirini

House Bill 3875 amends the Government Code to require a state agency to ensure, when making purchases for an automated information system or a major information resources project, that the system or project is capable of being deployed and run on cloud computing services. The bill, among other provisions, sets out reasons for a state agency to determine that it is exempt from that requirement and requires the agency to timely notify the Legislative Budget Board or the Department of Information Resources' quality assurance team of the determination.

**Senate Bill 65**  
**Effective:** 9-1-19

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

Senate Bill 65 amends the Government Code to revise various statutory provisions relating to contracting for major information resources projects. The bill, among other provisions, augments the duties of the quality assurance team of the Department of Information Resources, the comptroller of public accounts, the state auditor, and state agencies relating to contracting for such projects and enhances the vendor tracking process used by an agency. The bill subjects the Teacher Retirement System of Texas to provisions relating to state contract management, contracting standards, and oversight. The bill requires a political subdivision to disclose online information relating to certain expenditures made for lobbying activity.

**Senate Bill 1370**  
**Effective:** 9-1-19

**Senate Author:** Nichols  
**House Sponsor:** Ashby

Current law requires an invoice submitted to an executive branch state agency under a contract for legal services between the agency and an outside attorney to be reviewed by the attorney general. Senate Bill 1370 amends the Government Code to set a deadline for the agency's submission of the invoice for review, to limit the scope of the attorney general's review, and to set out duties for the agency's office of general counsel relating to the submission and certification of the invoice. The bill establishes that a payment under such a contract is overdue on the 46th day after the date the agency receives the invoice for legal services and sets out procedures regarding the submission of a corrected invoice when the original invoice is rejected or disputed by the agency or the attorney general.

**Senate Bill 1571**  
**Effective:** 9-1-19

**Senate Author:** Campbell  
**House Sponsor:** Stucky

Senate Bill 1571 amends the Government Code to give the comptroller of public accounts more discretion in conducting recovery audits of payments made by state agencies to vendors. The bill expands the state agencies subject to a recovery audit based on total agency expenditures during a state fiscal biennium by decreasing the applicable expenditures from an amount that exceeds \$100 million to an amount that exceeds \$50 million. The bill, among other provisions, authorizes the comptroller to determine the frequency of such recovery audits.

**Senate Bill 1793**  
**Effective:** Vetoed

**Senate Author:** Zaffirini  
**House Sponsor:** Longoria

Senate Bill 1793 amends the State Purchasing and General Services Act, Government Code, to require the comptroller of public accounts to notify a state agency purchasing a good or service through a contract listed on a multiple award contract schedule of the percentage used to calculate the rebate. The bill, among other provisions, authorizes an officer or employee of

a local workforce development board who is engaged in official board business or an officer or employee of a governmental entity who is engaged in official business of the governmental entity to participate in the comptroller's contract for travel services. The bill exempts an attorney who is licensed to practice law in Texas and who has not been disciplined by the State Bar of Texas for a violation of the Texas Disciplinary Rules of Professional Conduct from the required nepotism disclosure before a state agency may award a major contract for the purchase of goods or services to a business entity.

Governor's Reason for Veto: "Senate Bill 1793 would have given government lawyers a pass on filling out a nepotism disclosure form prescribed by the State Auditor's Office. For procurement contracts worth at least \$1 million, this form compels agency employees to disclose relationships with, and direct or indirect pecuniary interests in, any party to the proposed contract with the state agency. Uncovering such ties to a potential vendor is important even if the procurement employee happens to be a member in good standing of the Texas Bar. Government lawyers should fill out the same nepotism disclosure form as everyone else at the agency."

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## 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, child care, maternal health, Medicaid, CHIP, the operation of cemeteries, the regulation of health-related occupations, the financing and administration of related health and human services programs, the dispensing of certain controlled substances and prescription and over-the-counter drugs, and opioid abuse prevention and response. Legislation relating to hospital districts is in the **Special Districts** 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 16

**Effective:** 9-1-19

**House Author:** Leach et al.

**Senate Sponsor:** Kolkhorst et al.

House Bill 16 amends the Family Code to establish a physician-patient relationship between a child born alive after an abortion and the physician who performed or attempted to perform the abortion. The bill requires the physician to exercise the same degree of professional skill, care, and diligence to preserve the life and health of the child as a reasonably diligent and conscientious physician would render to any other child born alive at the same gestational age. The bill creates a third degree felony offense for a physician or health care practitioner who fails to provide the appropriate medical treatment to such a child and makes a physician who fails to do so liable for a civil penalty. The bill requires a person who has knowledge of a failure to comply with these provisions to report to the attorney general.

### House Bill 18

**Effective:** 12-1-19

**House Author:** Price et al.

**Senate Sponsor:** Watson et al.

House Bill 18 amends the Civil Practice and Remedies Code, Education Code, and Health and Safety Code to set out provisions relating to the mental health of public school students. Among other provisions, the bill provides for implementation of best practice-based programs and research-based practices regarding mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention in public schools. The bill revises provisions relating to continuing education requirements for a classroom teacher, a principal, and a school counselor and provisions relating to the authorized and required components for staff development training provided by a public school district to an educator other than a principal. The bill includes an emphasis on mental health, including certain associated instruction, as an additional requirement for a district's health enrichment curriculum and requires the State Board of Education to adopt essential knowledge and skills for the health enrichment curriculum that address specified matters related to substance abuse, including the use of illegal drugs, abuse of prescription drugs, abuse of alcohol, and other forms of substance abuse. The bill requires the Texas Education Agency (TEA) to compile evidence-based substance abuse awareness programs for use by a district in the district's health enrichment curriculum and changes the method for determining the effectiveness of such a program.

House Bill 18 renames each school's developmental guidance and counseling program as the comprehensive school counseling program and provides for certain requirements relating to such a program. The bill authorizes a district to employ or contract with one or

more nonphysician mental health professionals. The bill expands the scope of coordinated health programs that TEA is required to make available to each district, revises the required recommendations composing part of the duties of a local school health advisory council, and provides for the publication of certain statements relating to district policies and procedures to promote student physical and mental health and regarding whether each campus employs a full-time nurse or full-time counselor in the student handbook and for the posting of those statements on the district's website. The bill provides for TEA-developed guidelines for school districts regarding partnerships with certain mental health providers and regarding obtaining mental health services through Medicaid, a school-based health center at an open-enrollment charter school, and a local health education and health care advisory council established by the governing body of such a school. The bill requires the Health and Human Services Commission (HHSC) and TEA to make information about the mental health first aid program available on their respective websites. The bill revises provisions relating to a local mental health authority's annual report to HHSC and the HHSC report to the legislature.

**House Bill 19**

**Effective:** 9-1-19

**House Author:** Price et al.

**Senate Sponsor:** Watson et al.

House Bill 19 amends the Education Code to require a local mental health authority to employ a non-physician mental health professional to serve as a mental health and substance use resource for a public school district located in the region served by a regional education service center and in which the authority provides services. Implementation of a provision of this bill by a local mental health authority is mandatory only if a specific appropriation is made for that purpose.

**House Bill 25**

**Effective:** 9-1-19

**House Author:** González, Mary et al.

**Senate Sponsor:** Zaffirini et al.

House Bill 25 amends the Government Code to require the Health and Human Services Commission, in collaboration with the Maternal Mortality and Morbidity Task Force, to develop and implement a pilot program in at least one health care service region that allows for a managed transportation organization to arrange for and provide medical transportation program services to a woman who is enrolled in the STAR Medicaid managed care program during the woman's pregnancy and after she delivers and to the woman's child.

**House Bill 29**

**Effective:** 9-1-19

**House Author:** Minjarez et al.

**Senate Sponsor:** Hughes et al.

House Bill 29 amends the Occupations Code to set out the conditions under which an applicably qualified physical therapist may treat a patient without a prior referral.

**House Bill 39**

**Effective:** 5-24-19

**House Author:** Zerwas et al.

**Senate Sponsor:** Nelson

House Bill 39 repeals a Health and Safety Code provision prohibiting the Cancer Prevention and Research Institute of Texas Oversight Committee from awarding money from the cancer prevention and research fund after August 31, 2022.

**House Bill 53**

**Effective:** 9-1-19

**House Author:** Minjarez et al.

**Senate Sponsor:** Powell et al.

House Bill 53 amends the Family Code to require the experiential life-skills training services provided to certain youth in the conservatorship of the Department of Family and Protective Services to include lessons related to civic engagement and to insurance. The bill expands

instructional requirements for the financial literacy education program provided as part of the training which is to be developed in collaboration with the Office of Consumer Credit Commissioner and the State Securities Board.

**House Bill 72**

**Effective:** 9-1-19

**House Author:** White et al.

**Senate Sponsor:** Paxton

House Bill 72 amends the Family Code and Government Code to require the Health and Human Services Commission (HHSC) to ensure that each child residing in Texas who is eligible for certain assistance or services for children formerly in foster care is enrolled or remains enrolled in the STAR Health program unless or until the child is enrolled in another Medicaid managed care program. The bill provides for the establishment of a program to allow certain of those children who received or were receiving federal supplemental security income before becoming eligible for the applicable assistance or services to receive or continue receiving Medicaid benefits under the STAR Health program or STAR Kids managed care program. Implementation of a provision of this bill by HHSC is mandatory only if a specific appropriation is made for that purpose.

**House Bill 253**

**Effective:** 9-1-19

**House Author:** Farrar et al.

**Senate Sponsor:** Kolkhorst et al.

House Bill 253 amends the Health and Safety Code to require the Health and Human Services Commission to develop and implement an initial five-year strategic plan to improve access to screening, referral, treatment, and support services for postpartum depression and to develop a new plan for the next five years by September 1 of the last fiscal year of each five-year period.

**House Bill 278**

**Effective:** 9-1-19

**House Author:** Oliverson et al.

**Senate Sponsor:** Perry

House Bill 278 amends the Occupations Code to revise the requirements for a prescriptive authority agreement between a physician and an advanced practice registered nurse with regard to the frequency and location of the periodic meetings that are a component of an applicable quality assurance and improvement plan.

**House Bill 405**

**Effective:** 9-1-19

**House Author:** Minjarez et al.

**Senate Sponsor:** Kolkhorst

House Bill 405 amends the Government Code to designate June as Neonatal Abstinence Syndrome Awareness Month.

**House Bill 406**

**Effective:** 9-1-19

**House Author:** Price et al.

**Senate Sponsor:** Zaffirini

House Bill 406 amends the Parks and Wildlife Code to require the Parks and Wildlife Department to add on its website a link to the Glenda Dawson Donate Life-Texas Registry for persons to access when applying on the website for a hunting, fishing, or combination hunting and fishing license.

**House Bill 463**

**Effective:** Vetoed

**House Author:** Springer

**Senate Sponsor:** Perry et al.

House Bill 463 amends the Health and Safety Code to require an air ambulance company that operates a subscription program in order to fund and provide emergency medical services to enter into a reciprocity agreement with each other air ambulance company in Texas that

## Health and Human Services

operates a subscription program in the same service delivery area to ensure maximum geographic coverage for patients covered under a subscription program.

Governor's Reason for Veto: "House Bill 463, by mandating that air ambulance companies enter into reciprocity agreements, would unnecessarily intrude into the operations of private businesses and could very well reduce the availability of products that protect rural Texans from expensive air ambulance bills. The author was understandably trying to help Texans, but this bill likely runs afoul of federal law and could have unintended consequences. The Legislature and the federal government should find better ways to address the high costs of air ambulance services."

### **House Bill 475**

**Effective:** 9-1-19

**House Author:** Howard et al.

**Senate Sponsor:** Watson

House Bill 475 amends the Family Code to require the Department of Family and Protective Services (DFPS) at developmentally appropriate stages to ensure that children in DFPS managing conservatorship who are pregnant or who are minor parents receive certain information on and support in providing safe environments for children.

### **House Bill 515**

**Effective:** 9-1-19

**House Author:** Bailes

**Senate Sponsor:** Schwertner

House Bill 515 amends the Health and Safety Code to exempt from the prohibition against the establishment or operation of a cemetery, or the use of any land for the interment of remains, located within certain proximity of a municipality a private family cemetery that is established and operating on land outside the boundaries of a municipality that has been owned or occupied by members of the same family for at least three generations and that is within 10 miles of the largest prison cemetery in Texas.

### **House Bill 531**

**Effective:** 9-1-19

**House Author:** Miller

**Senate Sponsor:** Buckingham

House Bill 531 amends the Health and Safety Code and Occupations Code to prohibit a hospital and a physician from destroying a medical record from the forensic medical examination of a sexual assault victim until the 20th anniversary of the date the record was created.

### **House Bill 541**

**Effective:** 9-1-19

**House Author:** González, Mary et al.

**Senate Sponsor:** Zaffirini

House Bill 541 amends the Health and Safety Code to entitle a mother to express breast milk in any location in which the mother's presence is otherwise authorized.

### **House Bill 651**

**Effective:** Vetoed

**House Author:** Springer et al.

**Senate Sponsor:** Kolkhorst

House Bill 651 amends the Health and Safety Code to provide for the creation and operation of a county health care provider participation program in a county not served by a hospital district or a public hospital.

Governor's Reason for Veto: "I have signed House Bill 4289, which grants counties, cities, and hospital districts the authority to establish a health care provider participation program. In light of House Bill 4289, House Bill 651 is unnecessary because it sought to achieve the same purpose and similarly would grant authority to establish these programs, but only for certain counties. I am grateful to Representative Springer and Senator Kolkhorst for working to address this important issue."

**House Bill 706**  
**Effective:** 9-1-19

**House Author:** Bernal et al.  
**Senate Sponsor:** Lucio

House Bill 706 amends the Education Code to extend eligibility for audiology services provided under the school health and related services program to a child who is 20 years of age or younger, has a disability or chronic medical condition, is eligible for Medicaid benefits, and has been prescribed the audiology services under an individualized education program or a plan created under certain federal law.

**House Bill 823**  
**Effective:** 9-1-19

**House Author:** Davis, Yvonne et al.  
**Senate Sponsor:** Johnson

House Bill 823 amends the Health and Safety Code to allow an applicant for an assisted living facility license or for a renewal of such a license to obtain an on-site health inspection not later than the 21st day after the date the request is made under the expedited inspection process for assisted living facilities implemented by rule of the Health and Human Services Commission executive commissioner.

**House Bill 871**  
**Effective:** 9-1-19

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

House Bill 871 amends the Health and Safety Code to authorize a health care facility located in a county with a population of less than 30,000 to satisfy a Level IV trauma facility designation requirement through the use of telemedicine medical service.

**House Bill 906**  
**Effective:** 6-14-19

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

House Bill 906 amends the Education Code to establish the Collaborative Task Force on Public School Mental Health Services for purposes of studying and evaluating:

- mental health services that are funded by the state and provided at a public school district or open-enrollment charter school directly to a student enrolled in the district or charter school, a parent or family member of or person standing in parental relation to such a student, or an employee of the district or charter school;
- training provided to an educator employed by the district or charter school to provide the mental health services; and
- the impact such mental health services have on the physical and emotional safety and well-being of the individuals who are provided the mental health services and on the number of violent incidents that occur at districts or charter schools.

**House Bill 965**  
**Effective:** 9-1-19

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

House Bill 965 amends the Education Code to update references to certain terms used to describe persons with intellectual or developmental disabilities and references to certain health services entities.

**House Bill 1063**  
**Effective:** 9-1-19

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

House Bill 1063 amends the Government Code to require the program permitting Medicaid reimbursement for certain home telemonitoring services to provide that the services are available to pediatric persons who are diagnosed with end-stage solid organ disease, have received an organ transplant, or require mechanical ventilation. The bill repeals a provision



prohibiting the Health and Human Services Commission (HHSC) from reimbursing providers under Medicaid for the provision of home telemonitoring services on or after September 1, 2019. Implementation of a provision of this bill by HHSC is mandatory only if a specific appropriation is made for that purpose.

**House Bill 1070**

**Effective:** 12-1-19

**House Author:** Price et al.

**Senate Sponsor:** Watson

House Bill 1070 amends the Health and Safety Code to expand the annual reporting requirement for local mental health authorities and the Department of State Health Services (DSHS) regarding the mental health first aid training program by requiring that the applicable annual reports include the number of active mental health first aid trainers and the number who left the program for any reason during the preceding fiscal year and by requiring DSHS to provide a detailed accounting of expenditures of money appropriated for mental health first aid training.

**House Bill 1112**

**Effective:** 9-1-19

**House Author:** Davis, Sarah et al.

**Senate Sponsor:** Kolkhorst

House Bill 1112 amends the Health and Safety Code to require a freestanding emergency medical care facility that closes or whose license expires or is suspended or revoked to immediately remove or cause to be removed any signs within view of the general public indicating that the facility is in operation.

**House Bill 1142**

**Effective:** 5-31-19

**House Author:** Lambert

**Senate Sponsor:** Buckingham

House Bill 1142 amends the Health and Safety Code to create a county health care provider participation program in Taylor County and to create the Travis County Healthcare District health care provider participation program.

**House Bill 1218**

**Effective:** 5-24-19

**House Author:** Klick et al.

**Senate Sponsor:** Perry

House Bill 1218 amends the Human Resources Code to require the executive commissioner of the Health and Human Services Commission by rule to establish a schedule for the distribution of supplemental nutrition assistance program benefits that ensures the even distribution of the benefits each month over a 28-day period. The bill requires the executive commissioner to adopt, modify, or repeal rules as necessary to implement the bill's provisions by September 1, 2020.

**House Bill 1225**

**Effective:** 9-1-19

**House Author:** Guillen et al.

**Senate Sponsor:** Menéndez et al.

House Bill 1225, the Glenda Dawson Act, amends the Health and Safety Code to re-create the chronic kidney disease task force and provide for the task force's composition and duties.

**House Bill 1256**

**Effective:** 9-1-19

**House Author:** Phelan et al.

**Senate Sponsor:** Kolkhorst

House Bill 1256 amends the Health and Safety Code to require the Department of State Health Services (DSHS) to establish a process to provide an employer of a first responder with direct access to the first responder's immunization information in the immunization registry for verification of the first responder's immunization history and to authorize DSHS to establish a process to provide a first responder with access to the first responder's immunization information in the immunization registry.

**House Bill 1264**  
**Effective:** 5-7-19

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

House Bill 1264 removes the expiration date for statutory provisions requiring a dispensing pharmacist or the pharmacist's designee to communicate to the prescribing practitioner certain information about a biological product not later than the third business day after the date of dispensing the product and prescribing the method of communication by repealing an Occupations Code provision.

**House Bill 1386**  
**Effective:** 9-1-19

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

House Bill 1386 amends the Human Resources Code to require the Health and Human Services Commission (HHSC) to conduct training and development activities for Department of Family and Protective Services personnel who may interact with an individual with autism or another pervasive developmental disorder in the course of their employment. The bill requires HHSC to ensure that the training and development activities are evidenced-based, applicable to the professional role of each type of personnel to be trained, and instructive regarding means of effectively communicating and engaging with individuals with limited social or verbal abilities.

**House Bill 1418**  
**Effective:** 5-27-19

**House Author:** Phelan  
**Senate Sponsor:** Huffman

House Bill 1418 amends the Emergency Health Care Act, Health and Safety Code to require the executive commissioner of the Health and Human Services Commission (HHSC) by rule to adopt a system under which HHSC provides to an applicant for certification or recertification as emergency medical services personnel certain immunization history information relating to the applicant and certain disease prevention and preparedness information specific to first responders.

**House Bill 1483**  
**Effective:** 5-27-19

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

House Bill 1483 amends the Government Code to require the Health and Human Services Commission (HHSC) to develop and implement a pilot program for assisting a maximum of 500 eligible families to gain permanent self-sufficiency without requiring temporary assistance for needy families program (TANF) benefits, supplemental nutrition assistance program (SNAP) benefits, or other means-tested public benefits. The pilot program will waive certain income and asset limit eligibility requirements and time limits to allow for TANF and SNAP benefits to be continued for an extended period but to be reduced using a slow reduction scale that correlates with the pilot program's progressive stages toward self-sufficiency. Implementation of a provision of this bill by HHSC is mandatory only if a specific appropriation is made for that purpose.

**House Bill 1501**  
**Effective:** 9-1-19

**House Author:** Nevárez  
**Senate Sponsor:** Nichols

House Bill 1501 amends the Code of Criminal Procedure, Government Code, Human Resources Code, Insurance Code, and Occupations Code to create the Texas Behavioral Health Executive Council and to transfer the regulation of psychologists, marriage and family therapists, professional counselors, and social workers to the council. Among other provisions, including provisions regarding a transition plan and the powers, duties, and regulatory authority of the council, the bill subjects the council to sunset review, eliminates sunset review of 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, and revises each board's licensure and enforcement processes. The bill establishes the Texas Behavioral Health Incubation Task Force to assist in the applicable establishment and transfer of regulatory programs and also provides for the adoption of the Psychology Interjurisdictional Compact.

**House Bill 1508**  
**Effective:** 9-1-19

**House Author:** Oliverson et al.  
**Senate Sponsor:** Lucio

House Bill 1508 amends the Government Code to designate March as Bleeding Disorders Awareness Month.

**House Bill 1518**  
**Effective:** 9-1-19

**House Author:** Coleman  
**Senate Sponsor:** Seliger

House Bill 1518 amends the Health and Safety Code to prohibit a business establishment from dispensing, distributing, or selling dextromethorphan to a customer under 18 years of age and to establish certain prerequisites for over-the-counter transactions involving dextromethorphan. The bill prohibits local regulation of the sale, distribution, or possession of dextromethorphan and requires a county or district attorney to issue a warning to a business establishment for a first violation of the bill's provisions and makes the establishment liable to the state for a civil penalty for subsequent violations.

**House Bill 1532**  
**Effective:** See below

**House Author:** Meyer  
**Senate Sponsor:** Hughes

House Bill 1532 amends the Medical Practice Act, Occupations Code, to set out provisions requiring the Texas Medical Board (TMB) to accept and process complaints made against a certified nonprofit health organization in the same manner as complaints made against health professionals. Among other provisions, including provisions authorizing TMB to refuse to certify, revoke the certification of, or impose an administrative penalty against such an organization for a violation of the act, the bill requires such an organization to develop, implement, and comply with an anti-retaliation policy for physicians and sets out provisions with respect to an organization's failure to do so, requires such an organization to file a biennial report with the TMB that contains certain prescribed information and to submit with the report a fee prescribed by TMB rule, and requires the TMB to publish certain information provided in the report on its website. The bill takes effect September 1, 2019, except that provisions regarding an organization's failure to develop, implement, or comply with the anti-retaliation policy take effect January 1, 2020.

**House Bill 1576**  
**Effective:** 6-14-19

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

House Bill 1576 amends the Government Code to revise the manner in which nonemergency medical transportation services are delivered under the medical transportation and state Medicaid programs. The bill authorizes a regional contracted broker or a managed transportation organization to subcontract with a transportation network company to provide services under the medical transportation program. The bill provides for the delivery of nonemergency transportation services to certain Medicaid recipients through a Medicaid managed care organization and requires the executive commissioner of the Health and Human Services Commission to adopt rules relating to the provision of those services. The bill provides for the delivery of nonmedical transportation services under the state Medicaid program and requires

the executive commissioner to adopt rules regarding the manner in which those services may be arranged and provided.

**House Bill 1694**

**Effective:** 9-1-19

**House Author:** Lambert et al.

**Senate Sponsor:** Johnson

House Bill 1694 amends the Health and Safety Code to prohibit the Department of State Health Services and a local government authority from requiring a person providing food samples at a farm or farmers' market to obtain a permit. Among other provisions, the bill exempts a person who provides samples and does not sell food directly to consumers at the farm or farmers' market from statutory provisions regulating food samples at such locations and limits the type of food samples a cottage food production operation may provide at such locations to food produced by that operation.

**House Bill 1709**

**Effective:** 6-10-19

**House Author:** González, Mary et al.

**Senate Sponsor:** Menéndez

House Bill 1709 amends the Education Code to require a public school district to provide written notice to a child's educational decision-maker and caseworker of the appointment of a surrogate parent for a child who is homeless or in substitute care for purposes of special education decision-making. The bill revises certain required actions of the Department of Family and Protective Services and the district court on the basis of a determination by a school district that a court-appointed surrogate parent is not properly performing the duties of surrogacy.

**House Bill 1848**

**Effective:** 9-1-19

**House Author:** Klick et al.

**Senate Sponsor:** Buckingham

House Bill 1848 amends the Health and Safety Code to require each infection prevention and control program of a state-licensed convalescent nursing facility or related institution, assisted living facility, or intermediate care facility for individuals with an intellectual disability to include monitoring of key infectious agents, including multidrug-resistant organisms, and procedures for making rapid influenza diagnostic tests available to facility residents. The bill requires the Department of State Health Services to establish a regional advisory committee in each designated public health region to address antimicrobial stewardship in long-term care facilities and to improve antimicrobial stewardship through collaborative action.

**House Bill 1849**

**Effective:** 6-14-19

**House Author:** Klick

**Senate Sponsor:** Menéndez

House Bill 1849 amends the Human Resources Code to authorize a state-licensed physician, or a person who has been delegated prescriptive authority, to prescribe epinephrine auto-injectors in the name of a day-care center and to provide for the administration of an epinephrine auto-injector to a person reasonably believed to be experiencing anaphylaxis under a standing order without requiring a previously established physician-patient relationship. The bill makes each day-care center responsible for training employees in the administration of an epinephrine auto-injector and sets out a reporting requirement applicable after a day-care center employee administers an epinephrine auto-injector. The bill provides for the immunity from civil or criminal liability or disciplinary action of a person for an action or failure to act relating to the prescription of an epinephrine auto-injector to a day-care center or the administration of an epinephrine auto-injector in a day-care center.

**House Bill 1869**  
**Effective:** 6-14-19

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

House Bill 1869 amends the Health and Safety Code to increase from 15 to 19 the number of members on the Governor's EMS and Trauma Advisory Council and to revise the composition of the council.

**House Bill 1899**  
**Effective:** 9-1-19

**House Author:** Bonnen, Greg  
**Senate Sponsor:** Kolkhorst

House Bill 1899 amends the Code of Criminal Procedure, Government Code, and Occupations Code to require an applicable licensing authority to deny an application for a health care professional license for an applicant who is required to register as a sex offender, has been previously convicted of or placed on deferred adjudication community supervision for the commission of a felony offense involving the use or threat of force, or has been previously convicted of or placed on deferred adjudication community supervision for the commission of sexual assault, aggravated assault, aggravated sexual assault, or injury to a child, elderly individual, or disabled individual in which the victim of the offense was a patient of the applicant and that was committed under certain circumstances. The bill provides for the revocation of a health care professional license if the health care professional is convicted or placed on deferred adjudication community supervision for an applicable felony offense or assaultive offense for which the application is required to be denied or is required to register as a sex offender. The bill sets out reporting requirements regarding notification of the grounds for denial or revocation of such a license to the Department of Public Safety and the applicable licensing authority.

**House Bill 1901**  
**Effective:** 9-1-19

**House Author:** Bonnen, Greg  
**Senate Sponsor:** Taylor

House Bill 1901 amends the Health and Safety Code to require an applicable professional to disclose confidential information regarding a patient of a state hospital to a descendant of the patient if the patient has been deceased for at least 50 years and the professional does not have information indicating that releasing the medical record is inconsistent with any prior expressed preference of the patient or personal representatives of the patient's estate.

**House Bill 2004**  
**Effective:** 9-1-19

**House Author:** Leach et al.  
**Senate Sponsor:** Fallon

House Bill 2004 amends the Human Resources Code to make the requirement for the dismissal of a civil action related to Medicaid fraud brought by a private person to have the consent of the court and the attorney general applicable to all dismissals of such an action, regardless of when the dismissal occurs.

**House Bill 2041**  
**Effective:** 9-1-19

**House Author:** Oliverson et al.  
**Senate Sponsor:** Taylor

House Bill 2041 amends the Health and Safety Code to require an independent freestanding emergency medical care facility and a hospital-affiliated freestanding emergency medical care facility to provide to a patient or a patient's legally authorized representative a written disclosure statement listing the facility's observation and facility fees that may result from the patient's visit and the health benefit plans in which the facility is a network provider or stating that the facility is an out-of-network provider for all health benefit plans. Among other provisions, the bill prohibits a facility from advertising or holding itself out as a network provider unless the facility is a network provider of a health benefit plan issuer and from posting the name or

logo of a health benefit plan issuer in any signage or marketing materials if the facility is an out-of-network provider for all of the issuer's health benefit plans and makes a violation of those prohibitions a false, misleading, or deceptive act or practice under the Deceptive Trade Practices-Consumer Protection Act. Implementation of a provision of this bill by the Health and Human Services Commission and the Department of State Health Services is mandatory only if a specific appropriation is made for that purpose.

**House Bill 2050**  
**Effective:** 9-1-19

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

House Bill 2050 amends the Health and Safety Code to revise consent requirements for the prescription of an antipsychotic or neuroleptic medication to a resident of a convalescent or nursing facility or related institution and to include certain conditions on the validity of consent by the resident to the prescription.

**House Bill 2059**  
**Effective:** 9-1-19

**House Author:** Blanco  
**Senate Sponsor:** Taylor et al.

House Bill 2059 amends the Occupations Code to require certain health care practitioners who provide direct patient care to complete a training course on identifying and assisting victims of human trafficking as a condition of registration permit or license renewal. The bill provides for course approval by the executive commissioner of the Health and Human Services Commission and for posting and maintenance of a list of approved courses online.

**House Bill 2088**  
**Effective:** 9-1-19

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

House Bill 2088 amends the Health and Safety Code to require a person dispensing a Schedule II controlled substance under a prescription to provide written notice on the safe disposal of controlled substance prescription drugs. The bill provides for certain exceptions to the requirement and authorizes the Texas State Board of Pharmacy to take disciplinary action against a person who fails to comply with the requirement.

**House Bill 2107**  
**Effective:** 9-1-19

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

House Bill 2107 amends the Health and Safety Code to extend certain statutory requirements regarding a request for information pertaining to the regulation of food or for an official compliance determination to apply to a local health jurisdiction that regulates food service establishments, retail food stores, mobile food units, temporary food service establishments, or roadside food vendors.

**House Bill 2174**  
**Effective:** 9-1-19

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

House Bill 2174 amends the Government Code, Health and Safety Code, Human Resources Code, and Occupations Code to establish that a prescription for a controlled substance is not required to be issued electronically and to provide for the circumstances under which such a prescription is authorized to be issued in writing. The bill authorizes a practitioner to submit an oral prescription or to communicate a prescription by telephone in cases of an emergency, requires a written prescription for a controlled substance other than a Schedule II controlled substance to include certain information and the signature of the prescribing practitioner, and sets out certain requirements for a written prescription and for a prescribing practitioner. The bill provides for waivers from electronic prescribing requirements, for continuing education

requirements for a person authorized to receive certain official prescription information, and for reimbursement for medication-assisted treatment for opioid or substance use disorder under Medicaid. The bill revises provisions relating to certain offenses under the Texas Controlled Substances Act and excepts a prescription for an opioid for the treatment of acute pain from the limits on prescription drugs and medications under Medicaid. The bill expands the grounds on which the Texas State Board of Pharmacy may discipline an applicant or holder of a nonresident pharmacy license.

**House Bill 2205**

**Effective:** 6-10-19

**House Author:** Clardy

**Senate Sponsor:** Buckingham

House Bill 2205 amends the Government Code and Health and Safety Code to require the informal dispute resolution process for the statement of violations prepared in connection with a survey of certain state-licensed long-term care facilities conducted by the Health and Human Services Commission to require the applicable surveyor of the facility to clarify or answer questions related to the facility or the statement, to require the review of the applicable dispute resolution request to be conducted by a registered nurse with long-term care experience for a standard of care violation, and to require immediate notification of facility management when certain violations are identified during an inspection, survey, or investigation.

**House Bill 2248**

**Effective:** 9-1-19

**House Author:** Wray

**Senate Sponsor:** Rodríguez

House Bill 2248 amends the Health and Safety Code to provide for the revocation of the designation of a decedent's spouse as an agent or successor agent in a written instrument regarding the disposition of the decedent's remains when the marriage of the decedent and the spouse is annulled or declared void before the decedent's death. The bill also changes the type of court that serves as the venue for obtaining permission to remove remains and clarifies that a dispute concerning the right to control the disposition of a decedent's remains is resolved by a court with jurisdiction over probate proceedings for the decedent regardless of whether a probate proceeding has been initiated.

**House Bill 2255**

**Effective:** 9-1-19

**House Author:** Darby et al.

**Senate Sponsor:** Johnson

House Bill 2255 amends the Health and Safety Code to require a birthing facility that operates a certified newborn hearing screening, tracking, and intervention program to simultaneously distribute to the parents of each screened newborn or infant the screening results and informational materials relating to available public resources. Among other provisions, the bill requires such a certified program performing a follow-up hearing screening that a newborn or infant does not pass to provide the screening results to the Texas School for the Deaf with prior written consent from the parents and to refer the newborn or infant to the school.

**House Bill 2299**

**Effective:** 9-1-19

**House Author:** Guerra

**Senate Sponsor:** Flores

House Bill 2299 amends the Occupations Code to set out the conditions under which a physician associated with a sports team visiting Texas for a specific sporting event is exempt from the licensing requirements of the Medical Practice Act and from statutory provisions relating to the regulation of athletic trainers.

**House Bill 2324**  
**Effective:** 9-1-19

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

House Bill 2324 amends the Health and Safety Code to continue the Tarrant County Hospital District health care provider participation program until December 31, 2025.

**House Bill 2326**  
**Effective:** 9-1-19

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

House Bill 2326 amends the Health and Safety Code to continue the Dallas County Hospital District health care provider participation program until December 31, 2025.

**House Bill 2362**  
**Effective:** 9-1-19

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

House Bill 2362 amends the Civil Practice and Remedies Code to make provisions relating to the standard of proof for health care liability claims involving emergency medical care inapplicable to medical care or treatment that is unrelated to a medical emergency or that is provided after the patient is stabilized and receiving care or treatment as a nonemergency patient. The bill also makes those provisions inapplicable to a physician or health care provider whose negligent act or omission proximately causes a stable patient to require emergency medical care.

**House Bill 2410**  
**Effective:** 9-1-19

**House Author:** Klick  
**Senate Sponsor:** Perry

House Bill 2410 amends the Occupations Code to authorize a nurse to make an oral request for a nursing peer review committee determination if the nurse is unable to complete the applicable form for such a request due to immediate patient care needs.

**House Bill 2425**  
**Effective:** 9-1-19

**House Author:** Kacal  
**Senate Sponsor:** Schwertner

House Bill 2425 amends the Occupations Code to authorize a physician to delegate the implementation and modification of a patient’s drug therapy to a properly qualified and trained pharmacist practicing in a federally qualified health center.

**House Bill 2430**  
**Effective:** 6-10-19

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

House Bill 2430 amends the Health and Safety Code to give a district court that on petition of the property owner removes an abandoned, unknown, or unverified cemetery’s designation the option to order the removal of human remains from the cemetery to any other place on the owner’s property that the court finds is in the public interest as an alternative to a perpetual care, municipal, or county cemetery. The bill removes the authorization for the Texas Historical Commission or a county historical commission to intervene and become parties to certain suits involving the removal of remains from an abandoned, unknown, or unverified cemetery or the removal of a cemetery dedication and instead authorizes the court to consult with those entities in making a decision in those suits. The bill authorizes the court to make any designation or appointment considered necessary to assist in determining whether such removal is in the public interest. The bill revises provisions relating to the service of notice in connection with an application to a district court for the removal of remains interred in a cemetery.



**House Bill 2454**  
**Effective:** 9-1-19

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

House Bill 2454 amends the Occupations Code to provide continuing education requirements for certain health professionals regarding safe and effective pain management related to the prescription of opioids and other controlled substances.

**House Bill 2594**  
**Effective:** 9-1-19

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

House Bill 2594 amends the Health and Safety Code to provide for the disposal of unused controlled substance prescription drugs, on a patient's death or in other circumstances in which disposal is appropriate, by a home and community support services agency that is licensed to provide hospice services.

**House Bill 2597**  
**Effective:** 9-1-19

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

House Bill 2597 amends the Government Code to designate May 17 as Diffuse Intrinsic Pontine Glioma Awareness Day.

**House Bill 2634**  
**Effective:** 9-1-19

**House Author:** Flynn  
**Senate Sponsor:** Hughes

House Bill 2634 amends the Health and Safety Code to establish that, for the purpose of determining where a cemetery may be located based on proximity to a municipality, the boundary of an area annexed by a municipality is not considered to be a boundary of the municipality if the annexed area cannot be developed as residential or commercial property and is primarily used for flood control.

**House Bill 2755**  
**Effective:** 9-1-19

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

House Bill 2755 amends the Health and Safety Code to change the cap on the fee that a county or a public health district may charge for issuing or renewing a permit for a food service establishment, retail food store, mobile food unit, or roadside food vendor and the cap on the fee that Harris County or a public health district in Harris County may charge for issuing or renewing such a permit or for performing a related inspection. The bill requires a county or a public health district to establish a fee schedule for any fees collected in regulating those food establishments and to revise the schedule as necessary.

**House Bill 2764**  
**Effective:** 9-1-19

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

House Bill 2764 amends the Human Resources Code to provide for a cap on the hours of caregiver training required before the Department of Family and Protective Services or a child-placing agency verifies or approves the caregiver as a foster or adoptive home. The bill requires the Health and Human Services Commission to create and implement a process to simplify, streamline, and provide for greater flexibility in the application of certain minimum standards relating to licensed child-placing agencies, agency foster homes, and adoptive homes with the goal of increasing the number of foster and adoptive homes in Texas.

**House Bill 2783**  
**Effective:** 9-1-19

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

House Bill 2783 amends the Health and Safety Code to establish the Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council to advise the Health and Human Services Commission and the legislature on research, diagnosis, treatment, and education related to the syndrome.

**House Bill 2813**  
**Effective:** 6-10-19

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

House Bill 2813 amends the Government Code to establish the statewide behavioral health coordinating council to ensure a strategic statewide approach to behavioral health services.

**House Bill 2894**  
**Effective:** 9-1-19

**House Author:** Collier  
**Senate Sponsor:** Buckingham

House Bill 2894 amends the Code of Criminal Procedure, Health and Safety Code, and Penal Code to create the offense of health care fraud by expanding the applicability of conduct that constitutes Medicaid fraud to include conduct involving fraud of a health care program funded by the state, the federal government, or both that is designed to provide health care services to health care recipients, including a program that is administered in whole or in part through a managed care delivery model.

**House Bill 2929**  
**Effective:** 6-10-19

**House Author:** Leach  
**Senate Sponsor:** Hancock

House Bill 2929 amends the Property Code to establish that a hospital lien on a cause of action or claim of an individual who receives hospital services for injuries caused by an accident that is attributed to another person's negligence is for the lesser of the amount of the hospital's charges for services provided to the injured individual during the first 100 days of the injured individual's hospitalization or 50 percent of all amounts recovered by the injured individual through a cause of action, judgment, or settlement. The bill excludes certain barred claims from a hospital lien's coverage and clarifies that an individual is considered admitted to a hospital for lien purposes if the individual is allowed access to any department of the hospital for the provision of any treatment, care, or service to the individual.

**House Bill 2950**  
**Effective:** 9-1-19

**House Author:** Guillen  
**Senate Sponsor:** Zaffirini

House Bill 2950 reenacts certain Health and Safety Code provisions to clarify that the trustors of two or more perpetual care trust funds may establish a master trust account.

**House Bill 3079**  
**Effective:** 6-10-19

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

House Bill 3079 amends the Health and Safety Code to require the Health and Human Services Commission or its authorized representative to investigate an allegation of abuse, neglect, or exploitation of a client of a home and community support services agency if the abuse, neglect, or exploitation occurs when the client is receiving inpatient hospice services and the alleged perpetrator is an employee, volunteer, contractor, or subcontractor of the home and community support services agency.

**House Bill 3117**  
**Effective:** 6-14-19

**House Author:** Schaefer  
**Senate Sponsor:** Hughes

House Bill 3117 amends the Health and Safety Code to require the Health and Human Services Commission (HHSC), in developing the biennial proposed plan on long-term care for persons with an intellectual disability, to review the statewide bed capacity of community ICF-IID facilities for individuals with an intellectual disability or a related condition and, based on the review, develop a process to reallocate beds held in suspension by HHSC.

**House Bill 3147**  
**Effective:** 9-1-19

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

House Bill 3147 amends the Health and Safety Code to authorize an independent, third-party organization to develop and implement a cancer clinical trial participation program to provide reimbursement to subjects for ancillary costs associated with participation in a cancer clinical trial. Among other provisions, the bill authorizes such an organization to collaborate with the Cancer Prevention and Research Institute of Texas to provide reimbursement under the program.

**House Bill 3148**  
**Effective:** 9-1-19

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

House Bill 3148 amends the Health and Safety Code to set out provisions regarding the administration and oversight of investigational adult stem cell treatments administered to patients with certain severe chronic diseases or terminal illnesses, including provisions requiring the Department of State Health Services (DSHS) to administer the applicable statutory provisions, requiring DSHS to establish and maintain an investigational stem cell registry that lists each physician who administers an investigational stem cell treatment, and providing additional accreditation and registration options to fulfill a statutory requirement for an institutional review board that oversees investigational adult stem cell treatments.

**House Bill 3193**  
**Effective:** 9-1-19

**House Author:** Hinojosa et al.  
**Senate Sponsor:** Johnson et al.

House Bill 3193 amends the Health and Safety Code to change the period for which a home and community support services agency license is valid and to raise from \$2,000 to \$2,625 the cap on the fee for a license to provide home health, hospice, habilitation, or personal assistance services.

**House Bill 3284**  
**Effective:** 9-1-19

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

House Bill 3284 amends the Texas Controlled Substances Act, Health and Safety Code, and Occupations Code to revise the conditions under which the Texas State Board of Pharmacy (TSBP) may permit access to certain information relating to prescriptions for controlled substances and to expand the persons and entities to whom the TSBP may permit to have such access. Among other provisions, the bill requires the TSBP to make certain information relating to the distribution of controlled substances available to the State Board of Veterinary Medical Examiners and provides for an advisory committee to be established to make recommendations to the TSBP. The bill revises provisions relating to certain offenses and penalties under the Texas Controlled Substances Act and provisions relating to additional grounds for discipline regarding an applicant for or a holder of a nonresident pharmacy license.

**House Bill 3285**  
**Effective:** 9-1-19

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

House Bill 3285 amends the Education Code, Government Code, Health and Safety Code, Human Resources Code, and Occupations Code to provide for various programs and initiatives to prevent and respond to opioid addiction, misuse, abuse, and overdose and to identify and treat co-occurring substance use disorders and mental illness, including:

- overdose awareness training for residential advisors and student organization officers at public or private institutions of higher education;
- research on substance use disorders and addiction by certain health-related institutions;
- telehealth treatment for substance use disorders;
- opioid antagonist grant and opioid antagonist programs;
- a statewide behavioral health coordinating council;
- an opioid misuse public awareness campaign;
- continuing education for prescribers or dispensers of opioids;
- data collection and analysis regarding opioid overdose deaths and co-occurring substance use disorders; and
- reimbursement for medication-assisted treatment for opioid or substance use disorder.

The bill removes the exemption from provisions relating to the regulation of pain management clinics for a clinic owned or operated by certain state licensed advanced practice nurses. Implementation of a provision of this bill by a state agency is mandatory only if a specific appropriation is made for that purpose.

**House Bill 3301**  
**Effective:** 9-1-19

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

House Bill 3301 amends the Health and Safety Code to provide for a merger agreement among two or more nonpublic general hospitals located within a county that contains two or more hospitals and that has a population of less than 100,000 and is not adjacent to a county with a population of 250,000 or more or that has a population of more than 100,000 and less than 150,000 and is not adjacent to a county with a population of 100,000 or more. Among other provisions, the bill subjects such an agreement to approval by a state agency that is designated by the governor and sets out provisions relating to a required certificate of public advantage, the supervision of merged hospitals under such an agreement, the enforcement authority of the designated state agency, and the attorney general's investigation and enforcement authority.

**House Bill 3329**  
**Effective:** 9-1-19

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

House Bill 3329 amends the Health and Safety Code to grant a licensed assisted living facility authority to provide health maintenance activities as defined by rule by the Texas Board of Nursing. The bill requires the executive commissioner of the Health and Human Services Commission to adopt rules distinguishing and providing guidelines on the scope of services that an assisted living facility is authorized to provide under the Assisted Living Facility Licensing Act.

**House Bill 3405**  
**Effective:** 9-1-19

**House Author:** Johnson, Jarvis et al.  
**Senate Sponsor:** Miles

House Bill 3405 amends the Health and Safety Code to establish a task force to raise awareness of sickle cell disease and sickle cell trait and to study and advise the Department

of State Health Services on implementing the recommendations made in the 2018 Sickle Cell Advisory Committee Report. The bill requires the task force to prepare and submit to the governor and the legislature an annual written report that summarizes the task force's work and includes any recommended actions or policy changes endorsed by the task force.

**House Bill 3428**

**Effective:** 9-1-19

**House Author:** Capriglione et al.

**Senate Sponsor:** Perry

House Bill 3428 amends the Human Resources Code to provide for minimum training and continuing education to be developed by the Department of Family and Protective Services for certain employees of its adult protective services division on identifying and interacting with individuals who have Alzheimer's disease or dementia. The bill requires an area agency on aging to ensure that its employees or volunteers who provide services directly to an elderly individual or the individual's family members or caregivers receive training on Alzheimer's disease and dementia and sets out requirements for that training.

**House Bill 3459**

**Effective:** 5-24-19

**House Author:** Coleman et al.

**Senate Sponsor:** Miles

House Bill 3459 amends the Health and Safety Code to create the Harris County Hospital District health care provider participation program.

**House Bill 3496**

**Effective:** 1-1-20

**House Author:** Sheffield

**Senate Sponsor:** Creighton et al.

House Bill 3496 amends the Occupations Code to establish financial disclosure and surety bond requirements for certain pharmacy license applicants and an administrative penalty for a failure to submit a sworn disclosure statement with a pharmacy license application.

**House Bill 3552**

**Effective:** 9-1-19

**House Author:** Sheffield

**Senate Sponsor:** Flores

House Bill 3552 amends the Health and Safety Code to prohibit a person in charge of a public water supply system that furnishes for public or private use drinking water containing added fluoride from permanently terminating the fluoridation of the water unless the person provides written notice to the system's customers and the Texas Commission on Environmental Quality of the termination at least 60 days before the termination.

**House Bill 3703**

**Effective:** 6-14-19

**House Author:** Klick et al.

**Senate Sponsor:** Campbell et al.

House Bill 3703 amends the Medical Practice Act, Occupations Code, to expand the medical conditions for which a patient may be prescribed low-THC cannabis for compassionate use to include all forms of epilepsy as well as the following: a seizure disorder, multiple sclerosis, spasticity, amyotrophic lateral sclerosis, autism, terminal cancer, or an incurable neurodegenerative disease. The bill revises what constitutes low-THC for purposes of such a prescription by removing the condition that cannabis containing not more than 0.5 percent by weight of THC also contain not less than 10 percent by weight of cannabidiol. The bill removes the requirement that a second licensed physician qualified to prescribe low-THC cannabis concur with a determination that the risk of the medical use of low-THC cannabis by the patient is reasonable in light of the potential benefit for the patient and that the concurrence be recorded in the patient's medical record.

**House Bill 3704****Effective:** 9-1-19**House Author:** Thompson, Senfronia**Senate Sponsor:** Zaffirini

House Bill 3704 amends the Health and Safety Code to authorize the Department of State Health Services to enter into an agreement to share certain public health data with a local public health entity that provides essential public health services.

**House Bill 3803****Effective:** 9-1-19**House Author:** Guillen et al.**Senate Sponsor:** Zaffirini

House Bill 3803 amends the Health and Safety Code to cap the total amount of an administrative penalty assessed for each day a violation occurs or continues against intermediate care facilities for individuals with an intellectual disability at \$5,000 for a facility with fewer than 60 beds and at \$25,000 for a facility with 60 beds or more. Implementation of a provision of this bill by the Health and Human Services Commission is mandatory only if a specific appropriation is made for that purpose.

**House Bill 3934****Effective:** 6-10-19**House Author:** Frank**Senate Sponsor:** Perry

House Bill 3934 amends the Insurance Code to authorize rural hospitals, as defined by the bill, to establish a health care collaborative and to require each member of the board of directors of a health care collaborative whose participants are all rural hospitals to be a representative of a participating hospital.

**House Bill 3980****Effective:** 6-14-19**House Author:** Hunter**Senate Sponsor:** Menéndez

House Bill 3980 requires the Health and Human Services Commission, in conjunction with the Department of State Health Services, to prepare a summary report on the prevalence of suicide in Texas and state policies and programs adopted across state systems and agencies to prevent suicides. The bill requires the Statewide Behavioral Health Coordinating Council to prepare a legislative report on suicide in Texas that identifies opportunities and makes recommendations, including those that require legislative action, for state agencies relating to suicide prevention.

**House Bill 4090****Effective:** 9-1-19**House Author:** Noble**Senate Sponsor:** Kolkhorst et al.

House Bill 4090 amends the Human Resources Code to establish that a change in location of a school-age program that provides child-care services operated exclusively during the summer period or any other time when school is not in session does not automatically revoke the license to operate the program. The bill prohibits such a program that changes location from operating at the new location unless the Health and Human Services Commission approves the new location after the program meets all requirements related to the new location.

**House Bill 4260****Effective:** 9-1-19**House Author:** Cortez**Senate Sponsor:** Lucio

House Bill 4260 amends the Health and Safety Code to authorize certain entities to adopt a policy regarding the maintenance, administration, and disposal of epinephrine auto-injectors and to provide for the administration of an epinephrine auto-injector to a person reasonably believed to be experiencing anaphylaxis under a standing order without requiring a previously established physician-patient relationship. The bill makes each entity that adopts such a policy responsible for training employees in the administration of an epinephrine auto-injector. The

bill provides for immunity from civil or criminal liability or disciplinary action of a person, and immunity from suit of an entity and entity employees or volunteers, for an action or failure to act under the bill's provisions.

**House Bill 4289**

**Effective:** 6-10-19

**House Author:** Coleman et al.

**Senate Sponsor:** Kolkhorst

House Bill 4289 amends the Health and Safety Code to provide for the creation and operation of a health care provider participation program in a hospital district that is not participating in another such program and in a county or municipality that is not participating in another such program and is not served by a hospital district or public hospital. The bill provides for the authority of certain local governments to create a health care provider participation district to administer a health care provider participation program.

**House Bill 4298**

**Effective:** 9-1-19

**House Author:** Murr

**Senate Sponsor:** Zaffirini

House Bill 4298 amends the Health and Safety Code to exempt from regulation as a chemical dependency treatment facility a satellite office or location in which the person providing chemical dependency treatment services is operating under the supervision of a licensed outpatient care facility and the services delivered at the satellite site fall within the scope of the supervising facility's license. Implementation of a provision of this bill by the Department of State Health Services is mandatory only if a specific appropriation is made for that purpose.

**House Bill 4372**

**Effective:** 9-1-19

**House Author:** Murphy et al.

**Senate Sponsor:** Whitmire

House Bill 4372 amends the Texas Youth Camp Safety and Health Act, Health and Safety Code, to require the Department of State Health Services, in making a determination on the issuance, renewal, or revocation of a youth camp operator's license, to consider whether the youth camp employs an individual who was convicted of an act of sexual abuse that occurred at the camp. The bill sets out provisions regarding procedures and notice requirements relating to youth camp abuse complaints and compliance orders.

**House Bill 4455**

**Effective:** 9-1-19

**House Author:** Miller

**Senate Sponsor:** Campbell

House Bill 4455 amends the Occupations Code to authorize a health professional to provide a mental health service that is within the scope of the professional's license, certification, or authorization through the use of a telemedicine medical service or a telehealth service to a patient who is located outside of Texas, subject to any applicable regulation of the jurisdiction in which the patient is located.

**House Bill 4533**

**Effective:** 9-1-19

**House Author:** Klick et al.

**Senate Sponsor:** Kolkhorst

House Bill 4533 amends the Government Code to make changes to the system redesign for the delivery of Medicaid acute care services and long-term services and supports to persons with an intellectual or developmental disability to delay the date set to transition the delivery of certain Medicaid services for such recipients to a managed care delivery model until such time when a pilot program established by the bill can be completed and its results analyzed. Among other provisions, the bill does the following with respect to the administration and operation of Medicaid:

- requires the Health and Human Services Commission (HHSC) to standardize Medicaid grievance data reporting and tracking and to establish a certain procedure for expedited resolution of such grievances;
- provides for public access to certain Medicaid data;
- requires Medicaid managed care plans to be nationally accredited;
- requires the executive commissioner of HHSC to determine and report on the feasibility of providing Medicaid benefits to children enrolled in the STAR Kids managed care program under an accountable care organization model or a certain alternative model; and
- contingent on it being cost effective, requires the executive commissioner to seek a waiver or authorization from the appropriate federal agency to provide Medicaid benefits to certain high-cost medically fragile individuals who are 21 years of age or older.

Implementation of a provision of the bill by HHSC is mandatory only if a specific appropriation is made for that purpose.

**House Bill 4548**  
**Effective:** 6-2-19

**House Author:** Wray  
**Senate Sponsor:** Birdwell

House Bill 4548 amends the Health and Safety Code to create a county health care provider participation program in Wichita County and in Ellis County.

**House Joint Resolution 12**  
**For Election:** 11-5-19

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

House Joint Resolution 12 proposes an amendment to the Texas Constitution to increase the maximum bond amount that the legislature may authorize the Texas Public Finance Authority to provide for, issue, and sell on behalf of the Cancer Prevention and Research Institute of Texas.

**Senate Bill 21**  
**Effective:** 9-1-19

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

Senate Bill 21 amends the Health and Safety Code to raise the minimum age requirement to 21 years of age for buying, attempting to buy, possessing, consuming, or accepting cigarettes, e-cigarettes, or tobacco products in Texas, unless the person is at least 18 years of age and presents valid U.S. military or state military identification at the time of purchase. Among other provisions, the bill provides for a warning notice for purchasing or attempting to purchase cigarettes, e-cigarettes, or tobacco products by a person under 21 years of age, expungement of a conviction for doing so, and certain prohibitions relating to selling, giving, or distributing such products.

**Senate Bill 24**  
**Effective:** 9-1-19

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

Senate Bill 24 amends the Health and Safety Code to require a physician who is to perform an abortion, or the physician's designee, to in person hand to the pregnant woman a copy of the applicable state-published informational materials, to specify when the hand delivery must be made, and to establish that the applicable pre-procedure telephone consultation conveying certain required information is a private call.



**Senate Bill 170**  
**Effective:** 9-1-19

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

Senate Bill 170 amends the Government Code to require the executive commissioner of the Health and Human Services Commission (HHSC) to adopt a prospective reimbursement methodology for the payment of rural hospitals participating in Medicaid that ensures the rural hospitals are reimbursed on an individual basis for providing inpatient and general outpatient services to Medicaid recipients by using the hospitals' most recent cost information concerning the costs incurred for providing the services. Implementation of a provision of this bill by HHSC is mandatory only if a specific appropriation is made for that purpose.

**Senate Bill 195**  
**Effective:** 1-1-20

**Senate Author:** Perry  
**House Sponsor:** Parker

Senate Bill 195 amends the Family Code and Government Code to set out provisions regarding the collection and reporting by the Department of Family and Protective Services (DFPS) of certain statistics relating to the effects of alcohol and controlled substances on children's health. The bill requires the Health and Human Services Commission to collect hospital discharge data for Medicaid recipients regarding treatment of a newborn child for prenatal exposure to alcohol or a controlled substance and to provide the collected data to DFPS.

**Senate Bill 355**  
**Effective:** 6-14-19

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

Senate Bill 355 amends the Human Resources Code to require the Department of Family and Protective Services (DFPS) to develop and submit a strategic plan for the coordinated implementation of community-based care and foster care prevention services that meet the requirements of the federal Family First Prevention Services Act. The bill requires DFPS to conduct a study and submit a report and recommendations regarding the resources provided to foster parents.

**Senate Bill 362**  
**Effective:** 9-1-19

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

Senate Bill 362 amends the Civil Practice and Remedies Code, Family Code, Government Code, Health and Safety Code, and Human Resources Code to revise provisions relating to court-ordered mental health services. Among other provisions, the bill requires judicial training relating to such services to be provided annually, sets out provisions relating to testimony in a hearing for temporary and extended inpatient or outpatient mental health services, and separates the standards for an order for outpatient services from the standards for an order for inpatient services. The bill makes certain revisions to the procedures for modifying an order for inpatient treatment to require the patient to participate in outpatient mental health services.

Senate Bill 362 revises provisions governing continuing care plans for a patient scheduled to be furloughed or discharged, including by requiring local mental health authorities to be informed of and participate in the planning and discharge of applicable patients and requiring plans to address the need for outpatient mental health services. The bill sets out provisions relating to the provision of psychoactive medication for patients on furlough or discharge.

Senate Bill 362 amends the Code of Criminal Procedure to provide for the release on bail, provision of court-ordered outpatient mental health services, and dismissal of charges for certain eligible criminal defendants who have a mental illness or an intellectual disability.

Senate Bill 362 requires the Texas Supreme Court to adopt rules or implement other measures, as applicable, to streamline and promote the efficiency of court processes for mental health issues and to create consistency and increase access to the judicial branch for mental health issues.

Implementation of a provision of this bill by the Health and Human Services Commission is mandatory only if a specific appropriation is made for that purpose.

**Senate Bill 384**  
**Effective:** 9-1-19

**Senate Author:** Nelson  
**House Sponsor:** Sheffield

Current law requires a general hospital or an ambulatory surgical center, other than a pediatric and adolescent hospital, to report to the Department of State Health Services the incidence of surgical site infections following certain procedures. Senate Bill 384 amends the Health and Safety Code to require instead that all general hospitals or ambulatory surgical centers report each health care-associated infection that occurs in the facility that a facility participating in Medicare is required to report, regardless of the facility's participation in Medicare. Implementation of a provision of this bill by the Health and Human Services Commission is mandatory only if a specific appropriation is made for that purpose.

**Senate Bill 430**  
**Effective:** 9-1-19

**Senate Author:** Lucio  
**House Sponsor:** Dominguez

Senate Bill 430 amends the Government Code to designate June 13 as Blue Tie Day to promote men's health awareness and encourage men to live healthier, longer lives through early detection and treatment of common diseases.

**Senate Bill 436**  
**Effective:** 6-7-19

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

Senate Bill 436 amends the Health and Safety Code to require the Department of State Health Services (DSHS), in collaboration with the Maternal Mortality and Morbidity Task Force, to develop and implement initiatives to improve maternal and newborn health for women with opioid use disorder. The bill authorizes DSHS, before implementing the initiatives, to conduct a limited pilot program in one or more geographic areas of Texas to implement these initiatives at licensed hospitals with expertise in caring for newborns with neonatal abstinence syndrome or related conditions.

**Senate Bill 476**  
**Effective:** 9-1-19

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

Senate Bill 476 amends the Health and Safety Code to establish the conditions under which a food service establishment may permit a customer to be accompanied by a dog in an outdoor dining area, to clarify that a service animal is not subject to those conditions, and to prohibit a municipality from imposing a requirement on a food service establishment for a dog in an outdoor dining area that is more stringent than the bill's requirements.

**Senate Bill 530**  
**Effective:** 9-1-19

**Senate Author:** Birdwell  
**House Sponsor:** Wray

Senate Bill 530 amends the Health and Safety Code to increase the maximum penalties that may be assessed against a person who causes, suffers, allows, or permits a violation of laws protecting drinking water, public water supplies, and bodies of water.

**Senate Bill 568**  
**Effective:** 9-1-19

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

Senate Bill 568 amends the Human Resources Code to transfer certain regulatory authority over certain child-care facilities from the Department of Family and Protective Services to the Health and Human Services Commission (HHSC) and to increase regulation and oversight of family homes. Among other provisions, the bill does the following with respect to the regulation of such facilities and family homes:

- provides for the development of safe sleeping standards;
- establishes the safety training account in the general revenue fund to be used to provide safety training materials;
- requires HHSC to provide certain facility and family home inspection data to enhance consumer choice;
- establishes certain additional regulations with respect to license, certification, or registration renewal, as applicable, based on violations of related requirements;
- prescribes a recommended penalty schedule for use by HHSC for certain violations, including a \$1,000 penalty for each violation that constitutes abuse, neglect, or exploitation of a child; and
- requires parental notification of each violation constituting abuse, neglect, or exploitation.

Implementation of a provision of the bill by HHSC is mandatory only if a specific appropriation is made for that purpose.

**Senate Bill 569**  
**Effective:** 9-1-19

**Senate Author:** Huffman  
**House Sponsor:** Bonnen, Greg

Senate Bill 569 amends the Human Resources Code to transfer regulatory authority concerning certain child-care facilities from the Department of Family and Protective Services to the Health and Human Services Commission (HHSC) and to require the executive commissioner of HHSC to adopt minimum standards for listed family homes. The bill sets out requirements for a listed family home to maintain liability insurance coverage and provides for notice requirements for a listed family home that is unable to secure a policy or contract. Implementation of a provision of this bill by HHSC is mandatory only if a specific appropriation is made for that purpose.

**Senate Bill 572**  
**Effective:** 9-1-19

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

Senate Bill 572 amends the Health and Safety Code to revise the regulation of cottage food operations. The bill expands the products that cottage food production operations may produce at an individual's home and revises certain requirements relating to the production and sale of cottage food. The bill provides for the following:

- packaging and labeling requirements for frozen raw and uncut fruit or vegetables;
- restrictions on the sale of cottage food through the Internet or by mail order;
- requirements for the sale of certain cottage foods; and
- a prohibition against a cottage food production operation selling foods that require time and temperature control for safety to limit pathogen growth or toxin production, including to prevent the growth of bacteria that may cause human illness.

The bill requires the Department of State Health Services (DSHS) to develop and implement a process by which an individual may request DSHS to approve an additional source for certain recipes that a cottage food production operation may use.

**Senate Bill 632**  
**Effective:** 9-1-19

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

Senate Bill 632 amends the Health and Safety Code to require a local mental health authority's governing body to include a sheriff, or a representative of a sheriff, as an ex officio nonvoting member. The bill provides for the composition of such a governing body for an authority that serves more than one county. The bill requires an authority to solicit information regarding community needs from local law enforcement agencies in developing a local service area plan. The bill revises provisions relating to the composition of the board of trustees of a community center established by one local agency or an organizational combination of agencies with respect to sheriffs and their representatives.

**Senate Bill 633**  
**Effective:** 6-14-19

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

Senate Bill 633 amends the Government Code to provide for the formation by the Health and Human Services Commission (HHSC) of local mental health authority groups in rural areas to increase the capacity of the authorities in a group to provide access to needed services in those areas. Among other provisions, the bill provides for the development by HHSC of a mental health services development plan for each group and for the evaluation of such a plan. Implementation of a provision of this bill by HHSC is mandatory only if a specific appropriation is made for that purpose.

**Senate Bill 670**  
**Effective:** 9-1-19

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

Senate Bill 670 amends the Government Code and Occupations Code to revise certain provisions applicable to the Health and Human Services Commission's (HHSC) reimbursement policy for telemedicine and telehealth services under Medicaid and Medicaid managed care, to eliminate the expiration date for Medicaid reimbursement for the provision of home telemonitoring services, and to specify that direct primary care, for purposes of the Medical Practice Act, includes telemedicine medical services and telehealth services that are provided using a technology platform. Among other provisions, the bill requires the executive commissioner of HHSC by rule to ensure that a federally qualified health center may be reimbursed for certain fees applicable to a covered telemedicine medical service or telehealth service delivered by a health care provider to a Medicaid recipient but provides that implementation of this requirement is mandatory only if a specific appropriation is made for that purpose. The bill provides that a telepharmacy system located at a federally qualified health center may be located in a community in which a Class A or Class C pharmacy is located.

**Senate Bill 683**  
**Effective:** 9-1-19

**Senate Author:** Buckingham  
**House Sponsor:** Allison

Senate Bill 683 amends the Texas Controlled Substances Act, Health and Safety Code, to revise provisions relating to the regulation of pharmacists and pharmacies under the act, including certain reporting provisions regarding the official prescription program, authorized access to official prescription information, restricted access to certain prescription histories, and wholesale distributor reports to the Texas State Board of Pharmacy (TSBP).

## Health and Human Services

Senate Bill 683 amends the Occupations Code to authorize the issuance of a Class E pharmacy license or nonresident pharmacy license to an out-of-state pharmacy whose primary business is to process a prescription drug order for a patient, including a patient in Texas, or to perform another pharmaceutical service, as defined by TSBP rule. The bill provides for the revocation of a pharmacy license for the pharmacy's failure to operate for a period of 30 days or longer. The bill repeals provisions relating to the designation, inspection, licensing, and practice of Canadian pharmacies and the prohibition against renewal of a pharmacy license due to certain disciplinary actions against the license to operate in another state.

**Senate Bill 706**  
**Effective:** 9-1-19

**Senate Author:** Watson  
**House Sponsor:** Guerra

Senate Bill 706 amends the Government Code to require the executive commissioner of the Health and Human Services Commission (HHSC) to maintain a unit within the child-care licensing division of HHSC consisting of investigators whose primary responsibility is to identify child-care facilities that are operating without the required license, certification, registration, or listing and to initiate appropriate enforcement actions against those facilities.

**Senate Bill 708**  
**Effective:** 6-14-19

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

Senate Bill 708 amends the Human Resources Code to require the Health and Human Services Commission (HHSC) to collect and report certain specified licensed day-care center data aggregated by child age on reported incidents in centers that threaten or impair the basic health, safety, or welfare of a child. Among other provisions, the bill requires the executive commissioner of HHSC to review the collected data and prepare and submit to the legislature a report that includes recommendations regarding modifications to the minimum standards by age group to enhance child safety.

**Senate Bill 747**  
**Effective:** 9-1-19

**Senate Author:** Kolkhorst et al.  
**House Sponsor:** Lucio III

Senate Bill 747 amends the Health and Safety Code to require the executive commissioner of the Health and Human Services Commission to establish the amounts charged for newborn screening fees, which must be sufficient to cover the costs of performing the screening. The bill requires the Department of State Health Services (DSHS) to publish on its website the cost of and instructions on the full claim and reimbursement process for a newborn screening test kit.

Senate Bill 747 establishes the newborn screening preservation account in the general revenue fund for the purpose of carrying out the newborn screening program. Money remaining in the account after paying the costs of operating the program may be used to pay the costs of offering additional newborn screening tests not offered before September 1, 2019, and to pay for capital assets, equipment, and renovations for the newborn screening program laboratory. The bill requires DSHS to prepare and submit a biennial report for any additional newborn screening test whose costs are funded from the newborn screening preservation account.

Senate Bill 747 amends the Insurance Code to include the cost of a newborn screening test kit among the well-child care from birth benefits covered under a health care plan provided by a health maintenance organization and to prohibit a health benefit plan that provides maternity benefits or accident and health coverage for additional newborn children from excluding or limiting coverage for administration of required newborn screening tests.

**Senate Bill 748****Effective:** 9-1-19**Senate Author:** Kolkhorst et al.**House Sponsor:** Davis, Sarah et al.

Senate Bill 748 amends the Health and Safety Code to set out provisions regarding maternal and newborn health care, including provisions creating the newborn screening preservation account as a dedicated account in the general revenue fund. Among other provisions, the bill provides for a Health and Human Services Commission report on actions taken to address maternal morbidity and to reduce maternal mortality rates and provides for annual data collection relating to maternity care and postpartum depression in Texas. The bill requires the development of a program to deliver prenatal and postpartum care through telehealth or telemedicine medical services in certain counties, a high-risk maternal care coordination services pilot program, and a pregnancy medical home pilot program. Implementation of the bill's provisions regarding the high-risk maternal care coordination pilot program is mandatory only if a specific appropriation is made for that purpose.

**Senate Bill 749****Effective:** 6-10-19**Senate Author:** Kolkhorst**House Sponsor:** Price et al.

Senate Bill 749 amends the Health and Safety Code to expand the rules the executive commissioner of the Health and Human Services Commission must adopt, in consultation with the Department of State Health Services (DSHS), relating to hospital level of care designations for neonatal and maternal care and to provide for a strategic review and certain reports regarding the practical implementation of such rules. Among other provisions, the bill requires DSHS to establish a process for a hospital to appeal its level of care designation to an independent third party and provides for both a waiver from certain level of care designation requirements and a conditional designation. The bill removes the provision abolishing the perinatal advisory council under the Texas Sunset Act but requires the council to be reviewed during the period in which DSHS is reviewed under the act.

**Senate Bill 750****Effective:** 6-10-19**Senate Author:** Kolkhorst et al.**House Sponsor:** Button et al.

Senate Bill 750 amends the Government Code and Health and Safety Code to require the executive commissioner of the Health and Human Services Commission (HHSC) by rule to ensure that women receiving services under the Healthy Texas Women program are referred to and provided with information on the primary health care services program. Among other provisions, including provisions requiring HHSC to develop or enhance statewide initiatives to improve the quality of maternal health care services and outcomes for women in Texas, the bill sets out requirements for HHSC to develop and implement enhanced prenatal services for high-risk pregnant women covered under Medicaid; to evaluate postpartum care services provided to women enrolled in the Healthy Texas Women program after the first 60 days of the postpartum period; to develop and implement strategies to ensure the continuity of care for women who transition from Medicaid and enroll in the Healthy Texas Women program; and to develop and implement a postpartum depression treatment network for women enrolled in Medicaid or in the Healthy Texas Women program.

Senate Bill 750 renames the Maternal Mortality and Morbidity Task Force as the Texas Maternal Mortality and Morbidity Review Committee and continues the review committee until September 1, 2027. Implementation of a provision of this bill by HHSC is mandatory only if a specific appropriation is made for that purpose.

**Senate Bill 781**

**Effective:** 9-1-19

**Senate Author:** Kolkhorst

**House Sponsor:** Leman

Senate Bill 781 amends the Human Resources Code to do the following with respect to the regulation of child-care facilities:

- provide for the establishment of child safety and runaway prevention procedures;
- provide for the regulation of certain general residential operations;
- require the Department of Family and Protective Services (DFPS) to monitor and coordinate with certain of those general residential operations to maintain and improve the quality of residential child-care services purchased by DFPS;
- require DFPS to develop a strategic plan regarding the placement of children in settings eligible for federal financial participation under the requirements of federal law;
- remove the option for an applicable child-care facility or family home found to be repeatedly noncompliant with certain standards to be scheduled for evaluation as an alternative to probation or having the applicable license or registration revoked; and
- set out the circumstances under which DFPS is prohibited from issuing a license, listing, registration, or certification to a person who in lieu of disciplinary action voluntarily closed a facility or family home or relinquished the person's license, listing, registration, or certification.

DFPS and the Health and Human Services Commission are required to implement a provision of the bill only if a specific appropriation is made for that purpose.

**Senate Bill 916**

**Effective:** 6-10-19

**Senate Author:** Johnson

**House Sponsor:** Zerwas

Senate Bill 916 amends the Health and Safety Code to clarify that hospice services, for purposes of statutory provisions regulating home and community support services, include support services for terminally ill patients and their families and that all statutory references to palliative care means supportive palliative care, which is defined by the bill as physician-directed interdisciplinary patient and family-centered care provided to a patient with a serious illness without regard to the patient's age or terminal prognosis. The bill provides for a study to assess potential improvements to a patient's quality of care and health outcomes and to anticipated cost savings to the state from supporting the use of or providing Medicaid reimbursement to certain Medicaid recipients for supportive palliative care.

**Senate Bill 932**

**Effective:** 9-1-19

**Senate Author:** Hughes

**House Sponsor:** Wilson et al.

Senate Bill 932 amends the Health and Safety Code to require certain permits issued by an applicable permitting authority to a farmer for the sale of food directly to consumers at a farmers' market, a farm stand, or the farmer's farm and issued to an individual who prepares food for sale at a farmers' market to be valid for a term of not less than one year and to cover sales at all locations within the jurisdiction of the permitting authority. Among other provisions, the bill caps at \$100 the maximum annual fee that may be imposed for the issuance or renewal of an applicable permit.

**Senate Bill 952**

**Effective:** 9-1-19

**Senate Author:** Watson et al.

**House Sponsor:** Lucio III et al.

Senate Bill 952 amends the Human Resources Code to require the minimum standards for a day-care center or registered family home to be consistent with American Academy of Pediatrics

standards for physical activity and screen time and with the nutrition standards in the child and adult care food program administered by the Department of Agriculture. The bill establishes that a day-care center or registered family home is not required to participate in or comply with the reporting requirements of the child and adult care food program.

**Senate Bill 999**

**Effective:** 9-1-19

**Senate Author:** Campbell et al.

**House Sponsor:** Zerwas et al.

Senate Bill 999 amends the Health and Safety Code to provide for the development and implementation of a state plan by the Department of State Health Services for education on and treatment of Alzheimer's disease and related disorders.

**Senate Bill 1056**

**Effective:** 9-1-19

**Senate Author:** Zaffirini

**House Sponsor:** Raney

Senate Bill 1056 amends the Occupations Code to revise the conditions under which a physician may delegate to certain pharmacists the implementation and modification of a patient's drug therapy under a protocol.

**Senate Bill 1096**

**Effective:** 9-1-19

**Senate Author:** Perry et al.

**House Sponsor:** Oliverson et al.

Senate Bill 1096 amends the Government Code to require the Health and Human Services Commission (HHSC), at least biennially, to conduct a utilization review on a sample of cases for children enrolled in the STAR Kids Medicaid managed care program to ensure that all imposed clinical prior authorizations are based on publicly available clinical criteria and are not being used to negatively impact a recipient's access to care. The bill requires the STAR Kids Managed Care Advisory Committee, or a successor committee, to explore the feasibility of adopting a private duty nursing assessment for use in the STAR Kids Medicaid managed care program and provide recommendations to HHSC on adopting a private duty nursing assessment tool that would streamline the documentation for prior authorization of private duty nursing. The bill provides for prior authorization procedures required to be used by a managed care organization (MCO) for a hospitalized STAR Kids Medicaid managed care program recipient and revises the required contents of a Medicaid contract between an MCO and HHSC with regard to prior authorizations for prescription drugs under the program. Implementation of a provision of this bill by HHSC is mandatory only if a specific appropriation is made for that purpose.

**Senate Bill 1177**

**Effective:** 9-1-19

**Senate Author:** Menéndez

**House Sponsor:** Rose

Senate Bill 1177 amends the Government Code to require a Medicaid managed care contract to contain language permitting a managed care organization to offer medically appropriate, cost-effective, evidence-based services from a list approved by the state Medicaid managed care advisory committee and included in the contract in lieu of mental health or substance use disorder services specified in the state Medicaid plan. A Medicaid recipient is not required to use a service from the list included in the contract in lieu of another such mental health or substance use disorder service.

**Senate Bill 1207**

**Effective:** 9-1-19

**Senate Author:** Perry et al.

**House Sponsor:** Krause et al.

Senate Bill 1207 amends the Government Code to set out provisions relating to the operation and administration of Medicaid, including the Medicaid managed care program and the medically dependent children (MDCP) waiver program. The bill provides for notice requirements



regarding Medicaid coverage or prior authorization denial and incomplete requests; accessibility of information regarding Medicaid prior authorization requirements; external medical reviews conducted by an independent reviewer; long-term care services waiver program interest lists; MDCP waiver program assessments and reassessments and program quality monitoring; eligibility of certain children for the MDCP waiver program, the deaf-blind with multiple disabilities (DBMD) waiver program, or a “Money Follows the Person” demonstration project; and a prohibition against requiring that a child reside in a nursing facility for an extended period of time to meet the MDCP waiver program eligibility requirements regarding nursing facility level of care. The bill requires the Health and Human Services Commission (HHSC) to submit a quarterly report regarding access to care for Medicaid recipients receiving benefits under the MDCP waiver program and provides for the operation of a Medicaid escalation help line through which Medicaid recipients receiving benefits under the MDCP waiver program or the DBMD waiver program and their representatives have access to assistance relating to the STAR Kids managed care program.

Senate Bill 1207 requires HHSC to consider certain changes for purposes of improving the care needs assessment tool used under the STAR Kids managed care program, to streamline the STAR Kids managed care program annual care needs reassessment process for a child who has not had a significant change in function that may affect medical necessity, and to evaluate risk-adjustment methods used for recipients under the STAR Kids managed care program in the quality-based payment program to ensure that higher-volume providers are not unfairly penalized. The bill prescribes duties for the STAR Kids Managed Care Advisory Committee. The bill provides for utilization review and prior authorization procedures for a Medicaid managed care organization, an annual review of such an organization’s prior authorization requirements, reconsideration following adverse determinations on certain prior authorization requests, the maximum period for a prior authorization decision, and the coordination of Medicaid wrap-around benefits for recipients with both primary health benefit plan coverage and Medicaid coverage.

Implementation of a provision of this bill by HHSC is mandatory only if a specific appropriation is made for that purpose.

**Senate Bill 1234**  
**Effective:** 5-22-19

**Senate Author:** Buckingham  
**House Sponsor:** Murr

Senate Bill 1234 amends the Health and Safety Code to authorize a regional laundry center operated by the Health and Human Services Commission that provides laundry services to Department of State Health Services facilities to contract with federal agencies, other state agencies, or local political subdivisions to provide or receive laundry services. The bill revises the requirement that the Hill Country local mental health authority contract with Kerrville State Hospital with regard to the provision of food service, laundry service, and lawn care.

**Senate Bill 1239**  
**Effective:** 9-1-19

**Senate Author:** Johnson  
**House Sponsor:** Oliverson

Senate Bill 1239 amends the Health and Safety Code to provide for continuing education requirements for a person employed by a health care facility to practice surgical technology.

**Senate Bill 1283**  
**Effective:** 9-1-19

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

Senate Bill 1283 amends the Government Code to prohibit the executive commissioner of the Health and Human Services Commission (HHSC), in the rules and standards governing

the Medicaid vendor drug program, from requiring a clinical, nonpreferred, or other prior authorization for an antiretroviral drug, or a step therapy or other protocol, that could restrict or delay the dispensing of the drug except to minimize fraud, waste, or abuse. The bill makes the same prohibition applicable to an outpatient pharmacy benefit plan developed, implemented, and maintained by a managed care organization under contract with HHSC.

**Senate Bill 1312**

**Effective:** 6-2-19

**Senate Author:** Lucio et al.

**House Sponsor:** Guerra

Senate Bill 1312 amends the Agriculture Code and Health and Safety Code to require the Department of State Health Services to consult with the Texas Department of Agriculture (TDA) and other appropriate state agencies to study issues relating to vector-borne and zoonotic diseases in counties along the Texas-Mexico border and to develop response and support plans for disease control activities and disasters. The bill provides for the TDA's issuance of a noncommercial applicator license to purchase and use restricted-use and state-limited-use pesticides for the limited purpose of mosquito control in a border county.

**Senate Bill 1350**

**Effective:** 5-31-19

**Senate Author:** Watson

**House Sponsor:** Hinojosa

Senate Bill 1350 amends the Health and Safety Code to create the Travis County Healthcare District health care provider participation program.

**Senate Bill 1404**

**Effective:** 9-1-19

**Senate Author:** Powell

**House Sponsor:** Klick

Senate Bill 1404 amends the Health and Safety Code to require the Department of State Health Services (DSHS) to create a process to permit the parent, managing conservator, or guardian of a newborn child to provide consent to and share information from screenings for certain heritable diseases and hearing loss through electronic means, determine the manner of storing electronic consent records, and ensure the newborn child's attending physician has access to such records. Among other provisions, the bill authorizes a request for consent to such screenings to be submitted to the parent, managing conservator, or guardian through written or electronic means. Implementation of a provision of this bill by DSHS is mandatory only if a specific appropriation is made for that purpose.

**Senate Bill 1519**

**Effective:** 6-10-19

**Senate Author:** Kolkhorst

**House Sponsor:** Clardy

Senate Bill 1519 amends the Government Code and Health and Safety Code to require the executive commissioner of the Health and Human Services Commission (HHSC) to establish a Long-Term Care Facilities Council as a permanent advisory committee to HHSC to study and make recommendations regarding a consistent survey and informal dispute resolution process for long-term care facilities, Medicaid quality-based payment systems for those facilities, and the allocation of Medicaid beds in those facilities. Among other provisions, the bill sets out requirements applicable to the informal dispute resolution process for a statement of violations. Implementation of a provision of this bill by HHSC is mandatory only if a specific appropriation is made for that purpose.

**Senate Bill 1545**

**Effective:** 6-10-19

**Senate Author:** Menéndez

**House Sponsor:** Martinez Fischer

Senate Bill 1545 amends the Health and Safety Code to create the Bexar County Hospital District health care provider participation program.

**Senate Bill 1564**  
**Effective:** 6-10-19

**Senate Author:** West  
**House Sponsor:** Klick

Senate Bill 1564 amends the Health and Safety Code to exempt a prescriber from the requirement to access prescription history information of a patient before prescribing or dispensing opioids, benzodiazepines, barbiturates, or carisoprodol if the patient has been diagnosed with sickle cell disease and the prescriber clearly notes in the prescription record that the patient was diagnosed with sickle cell disease and to exempt a dispenser from the same requirement if it is clearly noted in the prescription record that the patient has been diagnosed with sickle cell disease.

Senate Bill 1564 amends the Human Resources Code to require the Health and Human Services Commission (HHSC) to provide Medicaid reimbursement for medication-assisted opioid or substance use disorder treatment without requiring a recipient of medical assistance or health care provider to obtain prior authorization or precertification for the treatment. Among other provisions, the bill requires HHSC to amend the HHSC Medicaid substance use disorder services medical policy and any other provider or claims payment policy or manual necessary to authorize Medicaid medical benefits reimbursement for the prescribing of buprenorphine for the treatment of an opioid use disorder by an advanced practice registered nurse who meets certain qualifications.

**Senate Bill 1565**  
**Effective:** 9-1-19

**Senate Author:** Fallon  
**House Sponsor:** Smith

Senate Bill 1565 amends the Civil Practice and Remedies Code to revise the medical authorization form for release of protected health information that is required to accompany notice of a health care liability claim by replacing the line for the patient's place of birth with a line for the patient's date of birth.

**Senate Bill 1621**  
**Effective:** 9-1-19

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

Senate Bill 1621 amends the Government Code and Health and Safety Code to establish a license for establishing, conducting, or maintaining a limited services rural hospital, contingent on the federal government creating a payment program specifically for such hospitals or similarly designated hospitals. The bill provides for minimum standards for such hospitals, a licensing fee, a strategic plan to ensure that Texas citizens residing in rural areas have access to hospital services, the Rural Hospital Advisory Committee to advise the Health and Human Services Commission (HHSC) on issues relating to rural hospitals, and HHSC collaboration with the Office of Rural Affairs. The bill requires HHSC, not later than January 1, 2020, to submit the strategic plan to the Legislative Budget Board (LBB) for review and comment and prohibits HHSC from implementing the proposal for ensuring access to hospital services until the plan is approved by the LBB. The bill requires HHSC to submit a report regarding the plan to the legislature, the governor, and the LBB.

Senate Bill 1621 amends the Special District Local Laws Code and Tax Code to provide for the authority of the Midland County Hospital District of Midland County, Texas, to adopt, change the rate of, or abolish a sales and use tax. The bill limits the use of and the source of money used to construct a facility for certain care included in a hospital system established by the Reagan Hospital District of Reagan County, Texas.

**Senate Bill 1636**  
**Effective:** 6-10-19

**Senate Author:** Zaffirini  
**House Sponsor:** Price

Senate Bill 1636 amends the Occupations Code to include strategies to expand the health care workforce in Texas in the annual report prepared by the Health Professions Council.

**Senate Bill 1751**  
**Effective:** 5-31-19

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

Senate Bill 1751 amends the Health and Safety Code to create the El Paso County Hospital District health care provider participation program.

**Senate Bill 1780**  
**Effective:** 9-1-19

**Senate Author:** Paxton  
**House Sponsor:** Parker

Senate Bill 1780 amends the Government Code to authorize the Health and Human Services Commission (HHSC) to enter into a value-based arrangement for the Medicaid vendor drug program by written agreement with a manufacturer of prescription drugs based on outcome data or other metrics. Implementation of a provision of this bill by HHSC is mandatory only if a specific appropriation is made for that purpose.

**Senate Bill 1821**  
**Effective:** 9-1-19

**Senate Author:** Campbell  
**House Sponsor:** Flynn

Senate Bill 1821 amends the Health and Safety Code to provide for the enforcement of the regulation of perpetual care cemeteries by the banking commissioner of Texas and for the recovery of certain costs of an applicable investigation. Among other provisions, the bill sets out a process for the revocation or suspension of a certificate of authority to operate a perpetual care cemetery.

**Senate Bill 1834**  
**Effective:** 9-1-19

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

Senate Bill 1834 amends the Human Resources Code to authorize the Health and Human Services Commission to establish a pilot program that incentivizes a recipient of supplemental nutrition assistance program (SNAP) benefits to purchase eligible fruits or vegetables from a retailer. The bill provides for a study on existing programs in Texas that provide incentives for the purchase of Texas-grown fruits or vegetables under SNAP.

**Senate Bill 1991**  
**Effective:** 9-1-19

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

Senate Bill 1991 amends the Government Code to revise provisions relating to the Health and Human Services Commission's (HHSC) electronic visit verification system and to require the executive commissioner of HHSC, if feasible, to ensure a health care provider that uses the provider's recognized proprietary electronic visit verification system is reimbursed under Medicaid for the use of that system. The bill requires the executive commissioner to adopt rules that standardize the process by which a managed care organization (MCO) collects alleged overpayments made to a health care provider and discovered through an audit or investigation conducted by the MCO secondary to missing electronic visit verification information. The bill provides for an HHSC study that evaluates the impacts and effectiveness of using the Medicare education adjustment factor in effect on the bill's effective date. Implementation of a provision of this bill by HHSC is mandatory only if a specific appropriation is made for that purpose.

**Senate Bill 2111**

**Effective:** 9-1-19

**Senate Author:** Watson

**House Sponsor:** Price

Senate Bill 2111 amends the Health and Safety Code to require the Health and Human Services Commission (HHSC) to establish a plan under which HHSC may contract with a local public institution of higher education to transfer the operations of Austin State Hospital.

**Senate Bill 2132**

**Effective:** 5-20-19

**Senate Author:** Powell et al.

**House Sponsor:** Button et al.

Senate Bill 2132 amends the Government Code to require the Health and Human Services Commission (HHSC) to provide certain information about the Healthy Texas Women program to a woman who is automatically enrolled in the program following a pregnancy for which the woman received Medicaid but who is no longer eligible to participate in Medicaid. The bill requires HHSC to consult with the Maternal Mortality and Morbidity Task Force to improve the process for providing that information.

**Senate Bill 2138**

**Effective:** 6-10-19

**Senate Author:** Hinojosa et al.

**House Sponsor:** Davis, Sarah

Senate Bill 2138 amends provisions of the Government Code relating to the administration and operation of the state Medicaid program to do the following, among other provisions:

- establish the authority of the Health and Human Services Commission (HHSC) to retain and spend certain money to operate a Section 1115 Medicaid demonstration waiver program or a directed payment program;
- require HHSC to submit an annual report to the governor and the Legislative Budget Board regarding the money retained and spent;
- require the HHSC medical and utilization review appeals unit to comply with federal coding guidelines; and
- require a Medicaid managed care plan to be accredited by a nationally recognized accreditation organization.

**Senate Bill 2151**

**Effective:** 9-1-19

**Senate Author:** Kolkhorst

**House Sponsor:** Sheffield et al.

Senate Bill 2151 amends the Health and Safety Code to revise the composition of the Texas Diabetes Council and to require the Department of State Health Services to provide certain administrative support to the council. The bill provides for work groups that the council may establish and authorizes the state plan for diabetes treatment, education, and training to include provisions to address obesity treatment, education, and training related to obesity-dependent diabetes and the health impacts of obesity on a person with diabetes. The bill revises provisions relating to the powers and duties of the council and public awareness and training regarding diabetes, and includes the Texas Education Agency among the agencies with which the council consults in developing and making available informational materials on diabetes.

**Senate Bill 2200**

**Effective:** 6-10-19

**Senate Author:** Kolkhorst

**House Sponsor:** Turner, John et al.

Senate Bill 2200 amends the Government Code to entitle the Health and Human Services Commission (HHSC) to obtain certain criminal history record information from the Department of Public Safety and to limit the persons to whom HHSC and the Department of Family and Protective Services may release the information.

**Senate Bill 2286**

**Effective:** 6-10-19

**Senate Author:** Fallon

**House Sponsor:** Frank

Senate Bill 2286 amends the Health and Safety Code to create a county health care provider participation program in Wichita County.

**Senate Bill 2315**

**Effective:** 6-10-19

**Senate Author:** Hinojosa

**House Sponsor:** Herrero et al.

Senate Bill 2315 amends the Health and Safety Code to create the Nueces County Hospital District health care provider participation program.

**Senate Bill 2448**

**Effective:** 6-4-19

**Senate Author:** Perry

**House Sponsor:** Burrows

Senate Bill 2448 amends the Health and Safety Code to create the Lubbock County Hospital District of Lubbock County, Texas, health care provider participation program.

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## Higher Education

This chapter includes legislation affecting the governance, mission, and funding of the state's public institutions of higher education in general, legislation relating to specific institutions, and legislation relating to student outcomes and other issues affecting students, such as tuition and fees, financial aid, and regulation of conduct on campus.

### House Bill 80

**Effective:** 9-1-19

**House Author:** Ortega et al.

**Senate Sponsor:** Rodríguez

House Bill 80 amends the Education Code to require the Texas Higher Education Coordinating Board to conduct a study in collaboration with the Texas Health Professions Resource Center, the Texas Center for Nursing Workforce Studies, and the Texas Demographic Center to identify statewide and regional shortages in health professions, with an emphasis on shortages in doctoral-level training in specified professions.

### House Bill 277

**Effective:** 6-10-19

**House Author:** Oliverson et al.

**Senate Sponsor:** Creighton

House Bill 277 amends the Education Code to require an electronic common application form adopted by the Texas Higher Education Coordinating Board or by the governing board of a university system to include a prominent link to certain comparative gainful employment data on a website maintained by the coordinating board.

### House Bill 449

**Effective:** 6-10-19

**House Author:** Turner, Chris et al.

**Senate Sponsor:** Watson et al.

House Bill 449 amends the Education Code to require a postsecondary educational institution to include a notation on the transcript of a student who is ineligible to reenroll in the institution for a reason other than an academic or financial reason. If a student withdraws from the institution pending disciplinary charges that may result in the student becoming ineligible to reenroll for such a reason, the bill prohibits the institution from ending the disciplinary process before making a final determination of responsibility. The bill provides for the removal of such a transcript notation under certain circumstances.

### House Bill 476

**Effective:** 9-1-19

**House Author:** Howard

**Senate Sponsor:** Menéndez

House Bill 476 amends the Education Code to require each public institution of higher education that adopts a policy regarding the maintenance, storage, administration, and disposal of epinephrine auto-injectors on campus to include the policy in the institution's student handbook or similar publication and publish the policy on the institution's website. The bill requires the institution to submit to the Department of State Health Services (DSHS) a copy of the policy and any amendment to the policy and requires DSHS to maintain a record of the most recent policy and amendments submitted by each institution and make that information available to the public on request.

### House Bill 539

**Effective:** 6-10-19

**House Author:** Leman et al.

**Senate Sponsor:** Kolkhorst

House Bill 539 amends the Education Code to require each general academic teaching institution to automatically admit an applicant as an undergraduate student if the applicant graduated as the valedictorian of the student's high school graduating class in one of the two school years preceding the academic year for which the student is applying for admission and



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satisfies certain other criteria. Such a student is eligible for a state scholarship for students graduating in the top 10 percent of their high school class and is considered automatically admitted for purposes of certain institutional enrollment caps.

### **House Bill 766**

**Effective:** 6-14-19

**House Author:** Huberty et al.

**Senate Sponsor:** Watson et al.

Previous law authorized the governing board of a public institution of higher education to exempt from the payment of tuition and fees a student who meets certain residency criteria and is permanently disabled as a result of an injury suffered during the performance of a duty as a peace officer of the state or a political subdivision of the state. House Bill 766 amends the Education Code to change that authorization to a requirement and to extend eligibility for the exemption to a firefighter employed by the state or a political subdivision who meets the same residency and disability criteria.

### **House Bill 826**

**Effective:** 5-1-19

**House Author:** Zerwas et al.

**Senate Sponsor:** Huffman et al.

House Bill 826 amends the Education Code to establish the University of Houston College of Medicine as a college of the University of Houston. The bill authorizes the board of regents of the University of Houston System, among other powers, to enter into agreements for the provision of certain additional facilities by a public or private entity and authorizes the dean of the college, on behalf of the board, to make an affiliation or coordinating agreement with any other entity or institution in the college's region. The bill authorizes a teaching hospital considered suitable by the board to be provided by a public or private entity and prohibits the hospital from being constructed, maintained, or operated with state funds. The bill makes the college eligible for appropriations from the permanent health fund for higher education and makes applicable to the college statutory provisions relating to certain medical malpractice coverage and relating to certain family practice medical residency programs.

### **House Bill 1065**

**Effective:** 6-10-19

**House Author:** Ashby et al.

**Senate Sponsor:** Kolkhorst et al.

House Bill 1065 amends the Education Code to create the rural resident physician grant program, administered by the Texas Higher Education Coordinating Board, to encourage the creation of new graduate medical education positions in rural and nonmetropolitan areas. The bill requires the coordinating board to award grants to new or expanded physician residency programs at teaching hospitals and other appropriate health care entities according to the program criteria, provides for the establishment of those criteria, and sets out other related provisions. Implementation of a provision of this bill by the coordinating board is mandatory only if a specific appropriation is made for that purpose.

### **House Bill 1101**

**Effective:** 9-1-19

**House Author:** Darby

**Senate Sponsor:** Seliger

House Bill 1101 amends the Education Code and Natural Resources Code to change the name of the Southwest Collegiate Institute for the Deaf to the Southwest College for the Deaf.

### **House Bill 1277**

**Effective:** 6-14-19

**House Author:** Perez

**Senate Sponsor:** Miles

House Bill 1277 amends the Education Code to authorize the board of regents of the University of Houston System to charge each student enrolled at the University of Houston-Downtown a wellness and success center fee. The bill restricts the uses of the fee to financing, constructing,

operating, maintaining, improving, and equipping such a center and operating student wellness programs at the university. The bill makes the fee contingent on approval by a majority vote of the university's students in a general student election held for that purpose and provides for a cap on the fee, subject to prescribed procedures for approving an increase.

**House Bill 1401**

**Effective:** 6-14-19

**House Author:** Howard et al.

**Senate Sponsor:** Hinojosa et al.

Under current law, the Texas Higher Education Coordinating Board operates a nursing education grant program through the permanent fund for higher education nursing, allied health, and other health-related programs. Set to expire September 1, 2019, House Bill 1401 extends the grant program until September 1, 2023.

**House Bill 1439**

**Effective:** 5-27-19

**House Author:** Pacheco et al.

**Senate Sponsor:** Flores

House Bill 1439 amends the Education Code to authorize the board of regents of The Texas A&M University System to impose an intercollegiate athletics fee on each student enrolled at Texas A&M University--San Antonio. The bill makes the fee contingent on approval by a majority vote of the university's students in a general student election held for that purpose and provides for a cap on the fee, subject to prescribed procedures by which an increase may be approved from one academic year to the next.

**House Bill 1516**

**Effective:** 6-4-19

**House Author:** Coleman

**Senate Sponsor:** Miles et al.

House Bill 1516 repeals Education Code provisions limiting the period during which Texas Southern University may impose an intercollegiate athletics fee and providing for the expiration of the statutory provisions authorizing the fee.

**House Bill 1592**

**Effective:** 9-1-19

**House Author:** Smithee

**Senate Sponsor:** West

House Bill 1592 amends the Education Code to broaden the applicability of statutory provisions relating to medical professional liability coverage requirements for staff members or students of certain public institutions of higher education and to revise certain terminology accordingly. The bill, among other provisions, extends the category of persons covered to include staff and students of additional health care professions; includes the Texas State University System, the University of Houston System, and Stephen F. Austin State University among the applicable entities; replaces references to medical malpractice insurance and medical malpractice claims with references, respectively, to health care liability insurance and health care liability claims; and revises the definition of an applicable claim.

**House Bill 1702**

**Effective:** 5-29-19

**House Author:** Howard et al.

**Senate Sponsor:** Hancock et al.

House Bill 1702 amends the Education Code to extend the duties of the employee designated by a public institution of higher education as the liaison officer for current and incoming students who were formerly in the conservatorship of the Department of Family and Protective Services (DFPS) to current and incoming students who are currently under DFPS conservatorship. The bill provides for the identification of the applicable students, authorizes the liaison officer to participate in appropriate training, and requires each institution to publicize its liaison officer's name and contact information and information regarding associated support services and resources.

**House Bill 1735**  
**Effective:** 9-1-19

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

House Bill 1735 amends the Education Code to expand the scope of the sexual assault policy whose adoption is required for each public, private, and independent institution of higher education to also address sexual harassment, dating violence, and stalking. The bill expands the required contents of the policy to include certain interim measures to protect victims while the institution's disciplinary process is pending and a certain statement regarding a victim's rights and options. The bill provides for the biennial review and revision as necessary of the policy.

House Bill 1735, among other provisions, expands the scope and content of a required comprehensive prevention and outreach program on sexual harassment, sexual assault, dating violence, and stalking, referred to in previous law as a public awareness campaign. The bill sets out requirements for an institution's applicable response protocol relating to the provision of counseling to affected persons and relating to appropriate course scheduling accommodations.

House Bill 1735 sets out provisions relating to an institution's determination of whether to investigate an alleged incident if an alleged victim has requested that the institution not investigate, relating to a disciplinary process against a student enrolled at an institution for certain alleged violations of the institution's code of conduct, and relating to such a process against a student who withdraws or graduates from the institution before the completion of the process.

House Bill 1735 requires each peace officer employed by an institution to complete training on trauma-informed investigation into allegations of sexual harassment, sexual assault, dating violence, and stalking. The bill requires each institution, to facilitate effective communication and coordination regarding such allegations, to enter into a memorandum of understanding with one or more of the following types of entities: local law enforcement agencies, appropriate advocacy groups, or hospitals or medical resource providers.

House Bill 1735 provides for an institution's required designation of responsible and confidential employees and authorized designation of student advocates, as applicable, to fill certain prescribed roles relating to alleged incidents of sexual harassment, sexual assault, dating violence, and stalking. The bill sets out provisions establishing the extent of confidentiality of relevant information disclosed to a health care or other medical provider employed by an institution and of the identity of certain persons involved in or associated with such incidents.

House Bill 1735 requires an institution, in implementing the bill's provisions, to ensure to the greatest extent practicable equal access for students or employees of the institution who are persons with disabilities and to make reasonable efforts to consult with relevant stakeholders for that purpose.

House Bill 1735 authorizes the Texas Higher Education Coordinating Board to assess a maximum administrative penalty of \$2 million against an institution that the coordinating board determines not to be in substantial compliance with the bill's provisions and sets out further provisions relating to such penalties. The bill requires the coordinating board to submit an annual report to the governor, lieutenant governor, speaker of the house, and appropriate standing legislative committees regarding compliance with the bill's provisions. The bill requires the commissioner of higher education to establish a certain advisory committee.

**House Bill 1891**  
**Effective:** 9-1-19

**House Author:** Stucky  
**Senate Sponsor:** Powell

House Bill 1891 amends the Education Code to exempt a student who has achieved a benchmark score set by the Texas Higher Education Coordinating Board on a high school equivalency examination from the requirements of the Texas Success Initiative.

**House Bill 2140**  
**Effective:** 6-10-19

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

House Bill 2140 amends the Education Code to require the Texas Higher Education Coordinating Board to adopt procedures to allow a person to complete and submit the Texas Application for State Financial Aid (TASFA) or a similar application for state student financial assistance electronically through a specified website. The bill requires the coordinating board to continuously maintain an online database of public institutions of higher education to which state student financial assistance may be applied and provides for the confidentiality of certain personal information.

**House Bill 2261**  
**Effective:** 9-1-19

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

House Bill 2261 amends the Education Code to raise the caps for the annual and total repayment assistance amounts an eligible physician may receive under the physician education loan repayment program. Implementation of a provision of this bill by the Texas Higher Education Coordinating Board is mandatory only if a specific appropriation is made for that purpose.

**House Bill 2668**  
**Effective:** 9-1-19

**House Author:** Turner, Chris et al.  
**Senate Sponsor:** Paxton

House Bill 2668 amends the Education Code to authorize the comptroller of public accounts to dissolve a direct-support organization established by the Prepaid Higher Education Tuition Board, subject to certain conditions. On such dissolution, the bill transfers title to all funds and property held by the organization to the Texas Match the Promise Foundation or a successor entity.

**House Bill 2680**  
**Effective:** 6-10-19

**House Author:** Schaefer  
**Senate Sponsor:** Hughes

House Bill 2680 amends the Education Code to require the ballot proposition for a general student election held to approve or reject a proposed increase of the student recreational facility fee at The University of Texas at Tyler to clearly state the amount of and describe the reason for the proposed fee increase.

**House Bill 2709**  
**Effective:** 6-10-19

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

House Bill 2709 amends the Education Code to remove the prohibition against a sale by the board of regents of the Texas Tech University System of any of the original main campus of Texas Tech University without approval by legislative act. The bill repeals an authorization for the board to convey real property that is part of that campus to Texas Tech University Health Sciences Center, subject to certain conditions.

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### **House Bill 2718**

**Effective:** 9-1-19

**House Author:** Turner, Chris

**Senate Sponsor:** West

House Bill 2718 amends the Education Code to increase the cap on the student union fee at The University of Texas at Arlington and to revise the procedure and specify ballot language requirements for a general student election to approve or reject a proposed fee increase.

### **House Bill 2867**

**Effective:** 5-29-19

**House Author:** Metcalf et al.

**Senate Sponsor:** Creighton et al.

House Bill 2867 amends the Education Code to establish the Sam Houston State University College of Osteopathic Medicine as a college of the university that is under the management and control of the board of regents of the Texas State University System. The bill authorizes the board, among other powers, to enter into agreements for the provision of certain additional facilities by a public or private entity and authorizes the provost of the university, on behalf of the board, to make an affiliation or coordinating agreement with any other entity or institution. The bill authorizes a teaching hospital considered suitable by the board to be provided by a public or private entity and prohibits the hospital from being constructed, maintained, or operated with state funds. The bill establishes that the university is not entitled to receive any formula funding for the college but makes the college eligible for appropriations from the permanent health fund for higher education. The bill makes applicable to the college statutory provisions relating to certain medical malpractice self-insurance coverage and relating to certain family practice medical residency programs.

### **House Bill 2963**

**Effective:** 5-29-19

**House Author:** Clardy

**Senate Sponsor:** Nichols

House Bill 2963 authorizes the board of regents of The Texas A&M University System to convey certain state forest land in Cherokee County under the control of the board and specifies that the authorized conveyance is of fee title to the surface, exclusive of all mineral rights.

### **House Bill 3124**

**Effective:** 6-14-19

**House Author:** Wilson

**Senate Sponsor:** Flores

House Bill 3124 amends the Education Code to entitle a person employed by a national laboratory or national laboratory operator with whom the board of regents of The Texas A&M University System has entered into a specified type of agreement, or such a person's dependent, to pay tuition and fees at Texas resident rates when enrolled in an institution of the system.

### **House Bill 3165**

**Effective:** 6-10-19

**House Author:** Oliverson et al.

**Senate Sponsor:** Creighton

House Bill 3165 amends the Education Code to authorize the governing board of the Lone Star College System District to establish an occupational and life skills associate degree program at each junior college in the district. The bill sets out required components of such a program and exempts such a program from a certain semester credit hour limitation.

### **House Bill 3312**

**Effective:** 6-14-19

**House Author:** Morrison

**Senate Sponsor:** Kolkhorst

House Bill 3312 amends the Education Code to authorize the board of regents of the University of Houston System to charge each student enrolled at the University of Houston-Victoria a health and wellness center fee. The bill restricts the use of the fee to certain purposes relating to such a center, provides for the administration of the fee account, makes

the fee contingent on approval by a majority vote of the university's students in a general student election held for that purpose, and provides for a cap on the fee, subject to prescribed procedures for approving an increase.

**House Bill 3650**

**Effective:** 6-10-19

**House Author:** Turner, Chris et al.

**Senate Sponsor:** Creighton

House Bill 3650 amends the Education Code to require any agreement between a public school district and a public institution of higher education to provide a dual credit program to require the district and the institution to consider the use of free or low-cost open educational resources in program courses.

**House Bill 3652**

**Effective:** 9-1-19

**House Author:** Turner, Chris et al.

**Senate Sponsor:** Creighton et al.

House Bill 3652 amends the Education Code to require the Texas Higher Education Coordinating Board to contract with a high-quality open educational resource repository to develop and maintain a customized web portal to offer access to open educational resources for public institutions of higher education, students, and others. The bill sets out requirements for the features of the portal and other related provisions.

**House Bill 3655**

**Effective:** 6-10-19

**House Author:** Turner, Chris

**Senate Sponsor:** Buckingham

House Bill 3655 amends the Education Code to establish that certain specified statutory requirements applicable to the Prepaid Higher Education Tuition Board under the prepaid higher education tuition program also apply to the board for purposes of the higher education savings plan, Texas tomorrow fund II, Texas save and match program, and Texas achieving a better life experience program. The bill authorizes the comptroller to dissolve a direct-support nonprofit organization established by the board to perform certain functions relating to the prepaid higher education tuition program if the comptroller determines that the organization's purpose has been substantially complied with, in which case the organization's funds and properties are transferred to the Texas Match the Promise Foundation.

House Bill 3655 authorizes a purchaser to prepay a beneficiary's undergraduate tuition and fees costs and redeem tuition units under the Texas tomorrow fund II at a medical and dental unit and requires the comptroller of public accounts to transfer funds for that purpose. The bill requires each general academic teaching institution and each two-year public institution of higher education annually to provide appropriate information to the board to assist the board in determining, for purposes of that fund, updated tuition unit sales prices and redemption values.

House Bill 3655 revises the definition of "qualified higher education expenses" for purposes of the higher education savings plan to conform to federal law and repeals provisions relating to a penalty for a nonqualified withdrawal from a savings trust account under that plan.

**House Bill 3808**

**Effective:** 6-14-19

**House Author:** Walle

**Senate Sponsor:** Powell et al.

House Bill 3808 amends the Education Code to require the Texas Higher Education Coordinating Board to establish the Texas Working Off-Campus: Reinforcing Knowledge and Skills (WORKS) internship program to provide jobs funded in part by the state to enable students attending public or private institutions of higher education in Texas to strengthen marketable skills. The bill sets out related provisions, including employer eligibility criteria and program administration, funding, and reporting requirements. The bill requires the coordinating board to establish and maintain an online listing of associated employment opportunities.

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House Bill 3808 sets out conditions under which an eligible institution may participate in the Texas college work-study program and repeals a requirement for each such institution to ensure the provision of a certain proportion of off-campus employment positions under that program.

House Bill 3808 harmonizes certain requirements relating to the filing of degree plans for students enrolled in public institutions of higher education. The bill requires each public institution of higher education to designate at least one support services liaison officer to provide students with comprehensive information regarding support services and other specified resources.

**House Bill 4182**  
**Effective:** 9-1-19

**House Author:** Sherman, Sr.  
**Senate Sponsor:** West

House Bill 4182 amends the Education Code to authorize the board of regents of the University of North Texas System to charge each student enrolled at the University of North Texas at Dallas an intercollegiate athletics fee. The bill makes the fee contingent on approval by a majority vote of the university's students in a general student election held for that purpose and provides for a cap on the fee, subject to prescribed procedures for approving an increase.

**House Bill 4465**  
**Effective:** 9-1-19

**House Author:** Turner, Chris  
**Senate Sponsor:** Bettencourt

House Bill 4465 amends the Education Code to revise and update statutory provisions relating to the student loan program administered by the Texas Higher Education Coordinating Board. The bill, among other provisions, changes the fund in which certain bond proceeds and applicable gifts, grants, and donations are deposited from the Texas opportunity plan fund to the student loan auxiliary fund, revises requirements relating to a loan applicant's eligibility and relating to repayment of a loan, and repeals provisions relating to the cancellation of certain loan repayments, the coordinating board's authority to issue a student loan under the federal family education loan program, and the college savings bonds program.

**Senate Bill 16**  
**Effective:** 9-1-19

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

Senate Bill 16 amends the Education Code to require the Texas Higher Education Coordinating Board to establish and administer a peace officer loan repayment assistance program for eligible persons who agree to continued employment as full-time peace officers in Texas for a specified period. The bill sets out initial and continuing eligibility criteria for a person seeking to participate in the program and entitles an eligible person to receive a specified annual amount of loan repayment assistance for a maximum period of five years, subject to the amount of available funding and to a \$20,000 cap on the total assistance provided to one person. The bill provides criteria for determining the eligibility of a student loan for the repayment assistance.

**Senate Bill 18**  
**Effective:** 9-1-19

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

Senate Bill 18 amends the Education Code to establish the state's policy to protect the expressive rights of persons guaranteed by the United States and Texas Constitutions by recognizing freedom of speech and assembly as central to the mission of public institutions of higher education and ensuring that all persons may assemble peaceably on the campuses of those institutions for expressive activities. The bill requires an institution to ensure that the common outdoor areas of the institution's campus are deemed traditional public forums and to permit any person to engage in expressive activities in those areas freely, as long as the person's

conduct is not unlawful and does not materially and substantially disrupt the institution's functioning.

Senate Bill 18 authorizes an institution to adopt a policy that imposes reasonable restrictions on the time, place, and manner of expressive activities in the applicable areas if those restrictions meet certain conditions. The bill requires each institution to adopt a policy detailing students' rights and responsibilities regarding expressive activities at the institution and sets out criteria for the policy. The bill prohibits certain discriminatory actions by an institution against a student organization on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or on the basis of any expressive activities of the organization. The bill sets out certain limitations on the factors an institution may consider in determining whether to approve a speaker to speak on campus or in determining the amount of a fee to be charged for use of the institution's facilities for purposes of engaging in expressive activities.

Senate Bill 18 requires each institution to make its applicable policies available to students and employees of the institution by specified distribution methods and to develop materials, programs, and procedures to ensure that the employees responsible for educating or disciplining students understand the bill's requirements and associated policies adopted by the institution. The bill establishes a one-time reporting requirement for each institution regarding its implementation of the bill's provisions.

#### **Senate Bill 25**

**Effective:** 6-14-19

**Senate Author:** West et al.

**House Sponsor:** Turner, Chris et al.

Senate Bill 25 amends the Education Code to establish an annual reporting requirement for each public junior college regarding courses taken by students who transferred to a general academic teaching institution or earned an associate degree at the junior college. The bill establishes an annual reporting requirement for each general academic teaching institution regarding whether qualifying lower-division courses completed by a student transferring from another public institution of higher education were granted academic credit or credit toward the student's major, as applicable.

Senate Bill 25 revises provisions relating to the required filing of a degree plan at a public institution of higher education, including by changing certain deadlines. The bill sets out provisions relating to authorized sharing of student information among certain educational entities for specified purposes.

Senate Bill 25 requires each public institution of higher education to develop, for each undergraduate certificate or degree program offered by the institution, at least one recommended course sequence that fulfills certain criteria, to include those course sequences in the institution's course catalog and on its website, and to submit the course sequences to the Texas Higher Education Coordinating Board. The bill authorizes each general academic teaching institution to enter into an articulation agreement with a lower-division institution of higher education for purposes of a certificate or degree program and sets out related provisions. The bill makes semester credit hours earned by a high school student for a dual credit course eligible for inclusion in the instruction and operations funding formula for the public institution of higher education offering college credit for that course if the credit is in a field of study or program of study curriculum.

Senate Bill 25 requires the coordinating board to conduct a study relating to the feasibility of implementing statewide meta majors for public institutions of higher education, provides for an interim report of the study's findings and recommendations, and requires the coordinating board to establish an advisory committee for purposes of the study.



**Senate Bill 38**  
**Effective:** 9-1-19

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

Senate Bill 38 amends the Education Code to revise the conduct that constitutes the offense of hazing in the context of a public or private high school or a postsecondary educational institution, including by classifying as such conduct an act that involves coercing a student to consume a drug or to consume an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated and by expanding the types of student organizations associated with the purpose of the act. The bill imposes certain conditions on the immunity from civil or criminal liability granted to a person who reports a specific hazing incident, other than the person's own act, involving a student in an applicable school or institution. The bill sets out provisions establishing venue for the prosecution of a hazing offense.

Senate Bill 38 requires each postsecondary educational institution to develop, update, and post on the institution's website by a specified deadline before each fall or spring semester a certain report on each disciplinary action and each criminal conviction for hazing committed during the preceding three years by an organization registered with or recognized by the institution.

**Senate Bill 212**  
**Effective:** See below

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

Senate Bill 212 amends the Education Code to require an employee of a public, private, or independent institution of higher education who, in the course and scope of employment, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment, sexual assault, dating violence, or stalking and is alleged to have been committed by or against a person who was a student or employee of the institution at the time of the incident to promptly report the incident to the institution's Title IX coordinator or deputy Title IX coordinator. The bill sets out provisions relating to the content and confidentiality of such a report, including certain exceptions and limitations. The bill requires a Title IX coordinator to report to the institution's chief executive officer and requires the chief executive officer to report to the governing body and post on the institution's website certain information regarding the combined reported incidents and sets out related provisions. The bill provides for certain immunities for a person acting in good faith who reports or assists in the investigation of a report of an applicable incident or who testifies or otherwise participates in a disciplinary process or judicial proceeding arising from such a report, subject to a certain exception.

Effective January 1, 2020, Senate Bill 212 creates a Class B misdemeanor offense for a person who is required to make a report of an applicable incident and knowingly fails to do so and for a person who, with the intent to harm or deceive, knowingly makes such a report that is false. The bill enhances the penalty to a Class A misdemeanor if it is shown on the trial of the offense that the actor intended to conceal the incident that the actor was required to report. The bill requires an institution to terminate the employment of an employee whom the institution determines to have committed an offense created by these provisions.

Senate Bill 212 provides for the confidentiality and authorized disclosure of the identity of an alleged victim of an applicable reported incident. The bill prohibits an institution from disciplining or otherwise discriminating against an employee who in good faith makes a report of an applicable incident or cooperates with an investigation, disciplinary process, or judicial proceeding relating to such a report made by the employee, unless the employee is the alleged perpetrator.

Senate Bill 212 sets out provisions relating to compliance and enforcement, authorizes the Texas Higher Education Coordinating Board to assess an administrative penalty against a noncompliant institution, and requires such a penalty to be deposited to the credit of the sexual assault program fund. The bill requires the coordinating board annually to report certain compliance information to the governor, lieutenant governor, speaker of the house, and appropriate standing legislative committees.

Senate Bill 212 requires the commissioner of higher education to establish an advisory committee to develop recommended training for applicable personnel. This provision takes effect immediately on passage. Except as otherwise provided, the bill's provisions take effect September 1, 2019.

**Senate Bill 440**

**Effective:** 9-1-19

**Senate Author:** Hughes

**House Sponsor:** Schaefer

Senate Bill 440 amends the Education Code to remove the statutory authorization for The University of Texas at Tyler to be sued and to clarify that the provision establishing venue for a suit against the university may not be construed as granting legislative consent for a suit against the board of regents or the university except as authorized by law.

**Senate Bill 479**

**Effective:** 6-7-19

**Senate Author:** Watson et al.

**House Sponsor:** Longoria

Senate Bill 479 amends the Education Code to classify the Dell Medical School at The University of Texas at Austin and the School of Medicine at The University of Texas Rio Grande Valley as medical and dental units for purposes of the Higher Education Coordinating Act of 1965 and as participating medical schools in the joint admission medical program. The bill makes the Dell Medical School eligible for distributions from the permanent health fund for higher education for applicable programs.

**Senate Bill 502**

**Effective:** 6-14-19

**Senate Author:** Seliger et al.

**House Sponsor:** Howard

Senate Bill 502 amends the Education Code to establish an annual reporting requirement for each general academic teaching institution regarding any denial of transfer credit by the institution for certain lower-division undergraduate courses from another public institution of higher education. The bill establishes an annual reporting requirement for each public junior college regarding the total number and types of courses taken by students who, during the preceding academic year, transferred to a general academic teaching institution or earned an associate degree at the college.

**Senate Bill 709**

**Effective:** 8-31-19

**Senate Author:** West et al.

**House Sponsor:** Frullo et al.

Senate Bill 709 amends the Education Code to revise provisions governing the annual amounts allocated to certain higher education institutions under the equitable allocation formula, including establishing the amounts of such allocation for, respectively, the 2020 state fiscal year and each state fiscal year beginning with the 2021 state fiscal year. Among other provisions, the bill does the following:

- removes the requirement that a governing board participating in such distribution of funds receive prior approval from the legislature or approval, review, or endorsement, as applicable, from the Texas Higher Education Coordinating Board to expend the funds for new construction, for land acquisition projects, and for major repair and rehabilitation projects in excess of \$600,000;

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- includes the purchase or contract for certain cloud computing services or other intangible assets among the purposes for which amounts allocated under the formula may be spent by an institution's governing board; and
- includes Texas State Technical College--Fort Bend and Texas State Technical College—North Texas among the component campuses of the Texas State Technical College System to which amounts are allocated under the equitable allocation formula.

### **Senate Bill 1017**

**Effective:** 6-10-19

**Senate Author:** Powell et al.

**House Sponsor:** Guerra et al.

Senate Bill 1017 amends the Education Code to require the Texas Higher Education Coordinating Board to establish an advisory council on postsecondary education for persons with intellectual and developmental disabilities and sets out further provisions relating to the advisory council and its reporting requirements. The bill requires the coordinating board, with the assistance of the advisory council, periodically to review the policies and practices that increase access to higher education opportunities for persons with intellectual and developmental disabilities and to distribute certain educational outreach materials. The bill increases the frequency with which the coordinating board is required to update an inventory of relevant postsecondary educational programs and services provided by public institutions of higher education.

### **Senate Bill 1276**

**Effective:** 5-28-19

**Senate Author:** Powell

**House Sponsor:** Frullo

Senate Bill 1276 amends the Education Code to expand the requirements for an agreement between a public school district and a public institution of higher education to provide a dual credit program to include requirements relating to the following:

- common advising strategies and terminology;
- the alignment of high school transcript endorsements offered by the district and dual credit courses offered under the agreement with postsecondary pathways and credentials and industry certifications; and
- the identification of tools to assist school counselors, students, and families in selecting endorsements and dual credit courses.

### **Senate Bill 1324**

**Effective:** 6-4-19

**Senate Author:** Taylor et al.

**House Sponsor:** Turner, Chris

Senate Bill 1324 amends the Education Code to require a student who is enrolled in a course for joint high school and junior college credit at a public junior college to file a degree plan with the college within a specified time period after the student earns a cumulative total of 15 or more semester credit hours if the student is not subject to certain degree plan requirements for a student enrolled in an associate or bachelor's degree program. The bill revises degree plan requirements for a multidisciplinary studies associate degree program to conform to requirements for other associate degree programs. The bill changes the authorization for the Texas Higher Education Coordinating Board to adopt rules regarding the required filing of a degree plan to a requirement and specifies that the rules must include certain reporting requirements for public institutions of higher education.

**Senate Bill 1378**  
**Effective:** 5-20-19

**Senate Author:** Buckingham et al.  
**House Sponsor:** Turner, Chris

Senate Bill 1378 amends the Education Code to require a plan regarding the addition of first-year residency positions for the graduate medical education program to be offered in connection with a new doctor of medicine or doctor of osteopathic medicine degree program proposed by a public institution of higher education, if in its preliminary planning the institution establishes a long-term targeted maximum individual enrollment class size that differs from its proposed initial maximum individual enrollment class size, to include a proposed increase in the number of first-year residency positions over time that will be sufficient to accommodate, in accordance with the requirements applicable to that plan, the institution's planned increase or increases in maximum individual enrollment class size. The bill, among other provisions, requires any institution that experiences substantial growth in an applicable class size after the approval of its plan promptly to provide to the Texas Higher Education Coordinating Board an updated plan that complies with the statutory requirement to increase first-year residency positions accordingly, based on the institution's actual maximum class size and, if the institution anticipates continued substantial growth, based on the institution's targeted maximum class size.

**Senate Bill 1441**  
**Effective:** 6-14-19

**Senate Author:** Zaffirini  
**House Sponsor:** Turner, Chris

Senate Bill 1441 amends the Education Code to require the Texas Higher Education Coordinating Board to conduct a study comparing postsecondary educational outcomes for students enrolled at public institutions of higher education who received a high school diploma and students enrolled at those institutions who received a high school equivalency certificate.

**Senate Bill 1504**  
**Effective:** 6-10-19

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

Senate Bill 1504 amends the Education Code to postpone to September 1, 2024, the date on which the Texas B-On-time student loan account is abolished and to restrict the purpose for which any money remaining in the account on that date that is appropriated to an eligible institution may be used by the institution to increasing the number of at-risk students who graduate from the institution or the rate at which at-risk students graduate from the institution.

**Senate Bill 1680**  
**Effective:** 6-4-19

**Senate Author:** West  
**House Sponsor:** Rose

Senate Bill 1680 amends the Education Code to require the Texas Higher Education Coordinating Board to approve for purposes of tuition equalization grants a private or independent institution of higher education that previously qualified by meeting the same program standards and accreditation requirements as public institutions of higher education but no longer holds that same accreditation, if the institution meets certain alternative criteria.

**Senate Bill 1757**  
**Effective:** 9-1-19

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

Senate Bill 1757 amends the Education Code to extend the types of student loans eligible for repayment assistance under the math and science scholars loan repayment assistance program to include a loan for education at certain institutions operating under a memorandum of understanding with the state. The bill revises eligibility requirements relating to the recipient's GPA and to the maximum length of the recipient's public school teaching obligation.

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### **Senate Bill 1788**

**Effective:** 6-10-19

**Senate Author:** Zaffirini

**House Sponsor:** Raymond

Senate Bill 1788 amends the Education Code to authorize the use of funds appropriated for the education of university students at The University of Texas Health Science Center at San Antonio for certain travel expenses associated with the educational programs for such students who are attending the Laredo Regional Campus and receiving clinical training in Webb County and the surrounding communities.

## 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 and the regulation of insurers and insurance adjusters. In addition, this chapter covers legislation relating to the functions and operations of the Texas Department of Insurance, the Texas Windstorm Insurance Association, the Texas Title Insurance Guaranty Association, the Texas Property and Casualty Insurance Guaranty Association, and the Texas Life and Health Insurance Guaranty Association. The chapter also contains legislation relating to balance billing and drug cost transparency. 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 170

**Effective:** 9-1-19

**House Author:** Bernal et al.

**Senate Sponsor:** Alvarado et al.

House Bill 170 amends the Insurance Code to require a health benefit plan that provides coverage for a screening mammogram to provide coverage for a diagnostic mammogram that is no less favorable than the coverage for a screening mammogram. The bill extends the applicability of provisions governing coverage of mammography to certain health benefit plans for governmental employees and, to the extent allowed by federal law, the state Medicaid program and the Medicaid managed care program.

### House Bill 207

**Effective:** 9-1-19

**House Author:** Craddick

**Senate Sponsor:** Hancock

House Bill 207 amends the Insurance Code to set out disclosure requirements for an insurer that increases a non-guaranteed charge applied to a life insurance policy or that decreases the credited interest paid on the policy. The bill also requires an insurer that issues a life insurance policy containing non-guaranteed charges to offer to provide to the policy owner at least annually an in-force illustration, which must be offered at no charge if the insurer has changed any non-guaranteed charges or the credited interest rate.

### House Bill 259

**Effective:** 9-1-19

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

**Senate Sponsor:** Hancock et al.

House Bill 259 amends the Insurance Code and Transportation Code to prohibit an insurer writing automobile insurance in Texas from delivering, issuing for delivery, or renewing a named driver policy unless the policy is an operator's policy. The bill authorizes an insurer to use a named driver exclusion only if the exclusion specifically names each excluded driver and does not exclude a class of drivers and the named insured accepts the exclusion in writing. The bill repeals provisions requiring an agent or insurer to disclose, orally and in writing, that a named driver policy does not provide coverage for individuals residing in the insured's household that are not named on the policy and removes the requirement for a standard proof of motor vehicle liability insurance form for a named driver policy to include that disclosure.

### House Bill 1251

**Effective:** 9-1-19

**House Author:** Thompson, Senfronia

**Senate Sponsor:** Creighton

House Bill 1251 amends the Insurance Code to cap the aggregate assessment that a fraternal benefit society may impose on its certificate holders if the society's reserves become impaired and to subject such an assessment to the approval of the commissioner of insurance. The bill authorizes the commissioner to order a fraternal benefit society in a hazardous financial

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condition to transfer its benefit members, benefit certificates, assets, and liabilities to another society or insurer under certain circumstances and sets out procedures for such a transfer.

### **House Bill 1306**

**Effective:** 9-1-19

**House Author:** Frullo

**Senate Sponsor:** Hancock

House Bill 1306 amends the Insurance Code to exempt flood coverage under a policy issued by an eligible surplus lines insurer that has a financial strength rating of A- or better from the A. M. Best Company from certain limitations on the provision of surplus lines insurance.

### **House Bill 1455**

**Effective:** 9-1-19

**House Author:** Hunter et al.

**Senate Sponsor:** Buckingham et al.

House Bill 1455 amends the Insurance Code to prohibit a health benefit plan issuer or pharmacy benefit manager that audits wholesale invoices during an audit of a pharmacist or pharmacy from auditing the pharmacy claims of another health benefit plan or pharmacy benefit manager. The bill requires a health benefit plan issuer or pharmacy benefit manager to reverse a finding of a discrepancy under certain circumstances, sets out the documents an issuer or manager must accept as evidence to support the validity of a claim related to a dispensed drug, and requires an issuer or manager to provide a pharmacist or pharmacy with any supporting documents the pharmacist's or pharmacy's suppliers provided to the issuer or manager by a certain date after the pharmacist or pharmacy requests the documents.

### **House Bill 1554**

**Effective:** 5-24-19

**House Author:** Smithee

**Senate Sponsor:** Zaffirini

House Bill 1554 amends the Insurance Code to authorize an insurer to provide a customer a version of a personal automobile or residential property insurance policy or endorsement, or related explanatory or advertising material, in a language other than English. The English version of the policy document controls in the case of a dispute or complaint.

### **House Bill 1555**

**Effective:** 5-23-19

**House Author:** Smithee

**Senate Sponsor:** Zaffirini

House Bill 1555 amends the Insurance Code to establish that a document providing a summary of a personal automobile or residential property insurance policy or a summary of an endorsement to such a policy or other ancillary material, including an advertisement for the policy or endorsement, is not part of the policy or endorsement form. Such a summary does not modify the provisions of the policy and is not admissible as evidence of the coverage provided by the policy.

### **House Bill 1584**

**Effective:** 9-1-19

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

**Senate Sponsor:** Buckingham et al.

House Bill 1584 amends the Insurance Code to prohibit a health benefit plan that provides coverage for stage-four advanced, metastatic cancer and associated conditions from requiring that an enrollee fail to successfully respond to a different drug or prove a history of such failure before the plan provides coverage of an FDA-approved prescription drug used for the treatment of the cancer or condition.

### **House Bill 1614**

**Effective:** 9-1-19

**House Author:** Oliverson et al.

**Senate Sponsor:** Creighton

House Bill 1614 amends the Insurance Code to revise and update the Texas Title Insurance Guaranty Act. Among other provisions, the bill grants a Texas Title Insurance Guaranty

Association representative immunity from liability for a good faith action or omission of the representative in exercising the representative's powers and performing the representative's duties, establishes venue for an action against the association, and revises the association's general powers and duties. The bill requires the association's plan of operation to provide for the establishment of a claims filing procedure that satisfies certain criteria and allows for an amendment to the plan of operation to take effect if the commissioner of insurance does not disapprove the amendment within 90 days of submission. The bill provides for the association's authority to advance money from certain accounts for specified purposes and for the association's authority to file a claim in a receivership proceeding against an impaired title insurance company or impaired agent to recover certain costs incurred by the association. The bill includes provisions relating to assessments and supplemental assessments, claims against trust funds or an escrow account, appeals of claim determinations, and claim deadlines. The bill increases certain coverage limits.

**House Bill 1742**

**Effective:** Vetoed

**House Author:** Smithee

**Senate Sponsor:** Johnson

House Bill 1742 amends the Insurance Code to authorize an enrollee of a preferred provider benefit plan or another applicable health benefit plan to request mediation of a settlement of an out-of-network health benefit claim for a laboratory service under certain conditions.

Governor's Reason for Veto: "In an effort to end surprise medical billing in Texas, I have signed Senate Bill 1264 into law. That leaves no work to be done by House Bill 1742, as the bill itself acknowledges in Section 14. I applaud the Legislature for addressing this critical issue in a number of bills, and I am proud to have signed the broadest one that reached my desk."

**House Bill 1757**

**Effective:** 9-1-19

**House Author:** Lucio III

**Senate Sponsor:** Schwertner et al.

House Bill 1757 amends the Insurance Code to authorize an individual insured under a health insurance policy to select a licensed pharmacist to provide the services scheduled in the policy that are within the scope of the pharmacist's license.

**House Bill 1900**

**Effective:** 6-10-19

**House Author:** Bonnen, Greg

**Senate Sponsor:** Taylor et al.

House Bill 1900 amends the Texas Windstorm Insurance Association Act, Insurance Code, to prohibit the Texas Windstorm Insurance Association (TWIA) from paying insured losses and operating expenses resulting from an occurrence or series of occurrences in a catastrophe year with premium or other revenue earned in a subsequent year and to require an emergency meeting to be called by the TWIA board of directors if an ultimate loss estimate indicates member insurers may be subject to an assessment. The bill revises the criteria for determining eligibility for replacement cost coverage under a TWIA policy and provides for public access to TWIA rate adequacy analyses, replacement cost coverage claims processing, and assessments to pay the cost of reinsurance purchased by TWIA or alternative financing mechanisms used by TWIA in excess of certain minimum funding levels. The bill transfers authority relating to the issuance of certificates of compliance for completed improvements from TWIA to the Texas Department of Insurance (TDI) and sets out certain other provisions relating to certificates of compliance. The bill revises provisions relating to the extension of deadlines set under the act.

House Bill 1900 establishes the windstorm insurance legislative funding and funding structure oversight board. The bill requires the board to prepare and deliver a report regarding the funding, funding structure, and sustainability of TWIA to the governor, lieutenant governor, and speaker of the house.



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House Bill 1900 requires the windstorm insurance legislative oversight board to conduct a study to evaluate a merger of TWIA and the Fair Access to Insurance Requirements Plan and to submit a written report of the study to the governor, lieutenant governor, speaker of the house, and TDI.

### **House Bill 1902**

**Effective:** 9-1-19

**House Author:** Bonnen, Greg

**Senate Sponsor:** Taylor

House Bill 1902 amends the Insurance Code to revise the procedures for approval of proposed adjustments to the maximum liability limits for windstorm and hail insurance coverage provided through the Texas Windstorm Insurance Association. Among other changes, the bill establishes a presumption that those limits are approved by the commissioner of insurance unless the commissioner disapproves or modifies the limits within 30 days of receiving the filing of the proposed adjustments.

### **House Bill 1940**

**Effective:** 6-14-19

**House Author:** Lucio III

**Senate Sponsor:** Creighton

House Bill 1940 amends the Insurance Code to establish that the availability of windstorm and hail insurance from the Texas Windstorm Insurance Association does not preclude an eligible surplus lines insurer from providing windstorm and hail insurance or limiting the amount of insurance that may be provided.

### **House Bill 1944**

**Effective:** 9-1-19

**House Author:** Lucio III et al.

**Senate Sponsor:** Hancock

Current law authorizes the commissioner of insurance to extend deadlines for claims settlement and dispute resolution under the Texas Windstorm Insurance Association Act on a showing of good cause. House Bill 1944 amends the Insurance Code to authorize the commissioner to set the length of such a deadline extension and to replace the cap on the aggregate length of deadline extensions for claims filed during a particular catastrophe year with a cap on the aggregate length of the extension of deadlines that apply to the Texas Windstorm Insurance Association (TWIA) only and that relate to claims arising from a particular storm. The cap does not affect the extension of a deadline applicable to a claimant or to both TWIA and a claimant.

### **House Bill 2102**

**Effective:** 9-1-19

**House Author:** Capriglione

**Senate Sponsor:** Zaffirini

House Bill 2102 amends the Insurance Code to require a person insured under a property insurance policy to pay any deductible applicable to a first-party claim made under the policy and to provide for a consumer education program concerning the payment of property insurance deductibles. The bill authorizes an insurer that issues a property insurance policy with replacement cost coverage to refuse to pay certain claims until the insurer receives reasonable proof of payment of any applicable deductible.

House Bill 2102 amends the Business & Commerce Code to require a contract for a good or service that is expected to be paid from the proceeds of a claim under a property insurance policy and that has a contract price of \$1,000 or more to contain a specified notice concerning the requirement for a person to pay any applicable deductible. The bill sets out conduct that constitutes a Class B misdemeanor offense for a seller of goods or services who reasonably expects to be paid wholly or partly from the proceeds of a property insurance claim and who allows the insured person to fail to pay, or assists the insured person's failure to pay, the

applicable insurance deductible. The bill removes the Class A misdemeanor offense relating to certain insurance claims for excessive charges.

**House Bill 2103**  
**Effective:** 9-1-19

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

House Bill 2103 amends the Insurance Code to make the prohibition against a roofing contractor acting as a public insurance adjuster or advertising to adjust claims for any property for which the contractor is providing or may provide services applicable to all contractors. The bill clarifies that the prohibition applies regardless of whether the contractor is authorized to act on behalf of the insured under a power of attorney or other agreement.

**House Bill 2486**  
**Effective:** 9-1-19

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

House Bill 2486 amends the Insurance Code to set out provisions applicable to an employee benefit plan or health insurance policy that provides dental care benefits. The bill provides for the establishment of a website for certain of those plans and policies and for the required disclosure of certain dental care benefit information on the website. The bill requires an applicable plan or policy to provide one or more methods of payment or reimbursement that provide the dentist 100 percent of the contracted amount of the payment or reimbursement and that do not require the dentist to incur a fee to access the payment or reimbursement.

House Bill 2486 prohibits an applicable plan or policy from deducting the amount of an overpayment of a claim from a payment or reimbursement for a service provided by a dentist who did not receive the overpayment. The bill sets out provisions regarding the prior authorization of dental care services, including provisions limiting the conditions under which a provider or issuer may deny a claim for a preauthorized service or reduce payment or reimbursement for the service.

**House Bill 2536**  
**Effective:** 9-1-19

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

House Bill 2536 amends the Health and Safety Code to require a pharmaceutical drug manufacturer to submit an annual report to the executive commissioner of the Health and Human Services Commission stating the current wholesale acquisition cost information for FDA-approved drugs sold in or into Texas by that manufacturer. The bill also requires such a manufacturer to submit a report to the executive commissioner for certain drug price increases. The bill requires the executive commissioner to develop a website to provide the general public with the information in these reports.

House Bill 2536 amends the Insurance Code to require pharmacy benefit managers and health benefit plan issuers to submit annual reports containing certain information concerning prescription drug costs to the commissioner of insurance. The bill requires the commissioner to publish the aggregated data from these reports on the Texas Department of Insurance website.

**House Bill 2587**  
**Effective:** 9-1-19

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

House Bill 2587 amends the Insurance Code to provide for the regulation of the business of travel insurance. The bill establishes that travel insurance is classified and filed for purposes of rates and forms under an inland marine line of insurance, except travel insurance that provides coverage for sickness, accident, disability, or death occurring during travel may be filed under an accident and health line of insurance. The bill provides for a premium tax on travel insurance

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premiums, sets out provisions relating to travel protection plans, and establishes certain required sales practices and certain unfair trade practices. The bill revises provisions relating to travel insurance supervising entities and travel retailers and provides for the role of a travel administrator.

### **House Bill 2659**

**Effective:** 9-1-19

**House Author:** Paul

**Senate Sponsor:** Schwertner

House Bill 2659 amends the Insurance Code to authorize a licensed public insurance adjuster to use a name different from the name under which the adjuster is currently licensed in an advertisement, solicitation, or contract for business if the name is used under a valid assumed name certificate.

### **House Bill 2694**

**Effective:** 9-1-19

**House Author:** Lucio III

**Senate Sponsor:** Creighton

House Bill 2694 amends the Insurance Code to provide for the authority of an insurer or insurance company to make investments in a bond exchange-traded fund registered under federal law.

### **House Bill 2816**

**Effective:** 9-1-19

**House Author:** Lucio III

**Senate Sponsor:** Watson

House Bill 2816 amends the Government Code and Insurance Code to classify a commissioned law enforcement officer of the insurance fraud unit of the Texas Department of Insurance as a state employee for purposes of hazardous duty pay and to entitle such an officer to injury leave under certain conditions. The bill requires the commissioner of insurance to ensure that such an officer is compensated according to Schedule C of the position classification salary schedule prescribed by the General Appropriations Act.

### **House Bill 3041**

**Effective:** 9-1-19

**House Author:** Turner, Chris et al.

**Senate Sponsor:** Buckingham et al.

House Bill 3041 amends the Insurance Code to require a health benefit plan issuer that requires preauthorization as a condition of payment for a medical or health care service to provide a preauthorization renewal process that allows a renewal of an existing preauthorization to be requested by a physician or health care provider at least 60 days before the date the preauthorization expires. The bill requires an issuer that receives a renewal request before the existing preauthorization expires to review the request and issue a determination indicating whether the service is preauthorized before the expiration.

### **House Bill 3228**

**Effective:** 9-1-19

**House Author:** Muñoz, Jr. et al.

**Senate Sponsor:** Hancock

House Bill 3228 amends the Insurance Code to authorize the following interested persons to request a public hearing to consider changing a title insurance premium rate: a Texas resident, a business entity doing business in Texas, a political subdivision located in Texas, or a public or private organization, other than a state agency, that is located in Texas. The bill requires the commissioner of insurance to initiate the hearing or deny the request in writing by a certain deadline and extends to those interested persons the authority to request that a public hearing to consider a rate change be conducted as a contested case hearing. The bill removes the requirement that a hearing be conducted as a contested case hearing if such a request is received and sets out procedures under which the commissioner is instead required to grant or deny a petition making such a request after holding a public hearing on the petition.

House Bill 3228 also expands the entitlement of certain persons, associations, and entities to be admitted as parties to hearings regarding premium rates and other matters relating to the regulation of title insurance.

**House Bill 3306**  
**Effective:** 9-1-19

**House Author:** Smithee  
**Senate Sponsor:** Zaffirini

House Bill 3306 amends the Insurance Code to require certain insurers, or the insurance group of which the insurer is a member, to submit a corporate governance annual disclosure to the commissioner of insurance or to the commissioner of the lead state for the insurance group, as applicable. Among other provisions, the bill provides for the level of reporting, review, contents, and confidentiality of the disclosure. The bill subjects an insurer that, without good cause, fails to timely file the disclosure to an administrative penalty.

**House Bill 3345**  
**Effective:** 9-1-19

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

House Bill 3345 amends the Insurance Code to require a health benefit plan to provide coverage for a telemedicine or telehealth service on the same basis and to the same extent that the plan provides coverage for the service in an in-person setting. The bill prohibits a health benefit plan from limiting, denying, or reducing coverage for a covered telemedicine or telehealth service based on the health professional's choice of platform for delivering the service and from imposing an annual or lifetime maximum on coverage for telemedicine or telehealth services other than a maximum that applies to all items, services, and procedures covered under the plan.

**House Bill 3420**  
**Effective:** 9-1-19

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

House Bill 3420 amends the Insurance Code to require a personal automobile insurance policy to include primary liability coverage for a temporary vehicle that is loaned or provided to an insured by an automobile repair facility for the insured's use while the insured's vehicle is at the facility for service, repair, maintenance, or damage or to obtain an estimate.

**House Bill 3441**  
**Effective:** 9-1-19

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

House Bill 3441 amends the Insurance Code to prohibit the denial of reimbursement under certain health benefit plans for services and procedures performed by a pharmacist that are within the scope of the pharmacist's license and would be covered if the service or procedure were provided by a physician, an advanced practice nurse, or a physician assistant.

**House Bill 3771**  
**Effective:** 6-10-19

**House Author:** Oliverson  
**Senate Sponsor:** Zaffirini

House Bill 3771 amends the Property Code to change the type of rating a court may consider in approving an insurance company for purposes of providing certain structured settlement annuity contracts.

**House Bill 3911**  
**Effective:** 9-1-19

**House Author:** Vo  
**Senate Sponsor:** Campbell

House Bill 3911 amends the Insurance Code to require the commissioner of insurance to examine an insurer to determine the quality and adequacy of a network used by a preferred provider benefit plan or an exclusive provider benefit plan offered by the insurer at least once

every three years and whenever the commissioner considers an examination necessary. The bill changes the account to which the Texas Department of Insurance deposits an assessment collected in connection with such an examination.

**Senate Bill 437**  
**Effective:** 9-1-19

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

Senate Bill 437 amends the Insurance Code to prohibit a life insurance company from taking any of the following actions based solely on whether an individual has been prescribed or has obtained through a standing order an opioid antagonist: denying coverage to the individual; limiting the amount, extent, or kind of coverage available to the individual; or, with certain exceptions, charging the individual or a group to which the individual belongs a rate that is different from the rate charged to other individuals or groups for the same coverage.

**Senate Bill 442**  
**Effective:** 9-1-19

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

Senate Bill 442 amends the Insurance Code to require an insurer that issues or renews a commercial or residential property insurance policy that does not provide coverage against loss caused by flooding to include with the policy documents provided to the policyholder on issuance or renewal a specified statement informing the policyholder of the potential need to consider purchasing flood insurance.

**Senate Bill 590**  
**Effective:** 9-1-19

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

Senate Bill 590 amends the Insurance Code to make provisions relating to the cancellation and nonrenewal of certain liability insurance policies applicable to a commercial property insurance policy. The bill establishes that a change to a liability insurance or commercial property insurance policy provision on renewal is not a nonrenewal or cancellation if the insurer provides the insured with 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. The bill requires an insurer that elects to make a material change to a policy form on renewal to provide written notice to each agent of the insurer that clearly indicates each material change being made to the policy form in addition to providing notice to the insured. The bill provides certain exceptions to these notice requirements.

**Senate Bill 1063**  
**Effective:** 9-1-19

**Senate Author:** Hancock  
**House Sponsor:** Paul

Senate Bill 1063 amends the Insurance Code to revise provisions relating to the operation of the Texas Property and Casualty Insurance Guaranty Association. Among other provisions, the bill revises the definition of "impaired insurer," changes the method of filling a vacancy on the association's board of directors for a seat filled by a public representative, requires audio recordings of board meetings to be posted online, and revises the requirements for holding a board meeting by telephone conference call.

Senate Bill 1063 entitles the association to recover costs, expenses, and reasonable attorney's fees incurred in contesting or defending against certain claims and requires a court to award the association costs and attorney's fees incurred in seeking certain recovery. The bill authorizes the association to handle claims through a contract claims adjuster and provides for the handling of claims through an insurer designated as a servicing facility.

**Senate Bill 1153****Effective:** 9-1-19**Senate Author:** Hancock**House Sponsor:** Smithee

Senate Bill 1153 amends the Insurance Code to revise and update the Texas Life and Health Insurance Guaranty Association Act. Among other provisions, the bill requires a health maintenance organization to participate as a member insurer in the Texas Life and Health Insurance Guaranty Association; revises provisions relating to meetings of the association's board of directors and the appointment of board members; and provides for the association's authority to implement or file for an actuarially justified rate or premium increase, the reissuance of an impaired or insolvent insurer's policies or contracts, and the allocation of Class B assessments for long-term care insurance written by an impaired or insolvent member insurer. The bill changes the effective date of an amendment to the association's plan of operation and revises provisions relating to exclusions from coverage under the act.

**Senate Bill 1264****Effective:** 9-1-19**Senate Author:** Hancock et al.**House Sponsor:** Oliverson et al.

Senate Bill 1264 amends the Insurance Code to establish consumer protections against balance billing by certain out-of-network providers. The bill prohibits those providers from billing health benefit plan enrollees for certain covered health care services or supplies in an amount greater than an applicable copayment, coinsurance, or deductible under the plan and provides for the right of those providers to receive payment for those services or supplies at the usual and customary rate or at an agreed rate. Among other provisions, the bill provides for a balance billing prohibition notice, the authority of the attorney general to bring a civil action to enjoin a violation of the balance billing prohibitions, and the enforcement of balance billing prohibitions by an appropriate regulatory agency.

Senate Bill 1264 also revises the procedures for out-of-network claim dispute resolution. Among other provisions, the bill removes enrollees from the process, establishes mediation procedures for disputes involving out-of-network facilities and arbitration procedures for disputes involving out-of-network providers that are not facilities, and requires the commissioner of insurance to establish corresponding mediation and arbitration programs.

Senate Bill 1264 requires the Texas Department of Insurance to conduct a biennial study on the impacts of the bill on Texas consumers and health benefit coverage in Texas.

**Senate Bill 1584****Effective:** 9-1-19**Senate Author:** Hughes**House Sponsor:** Paul

Senate Bill 1584 amends the Insurance Code to require the Texas Department of Insurance to accept a claims certification issued to a licensed insurance adjuster by a national or state claims association as satisfaction of any continuing education requirement imposed on the adjuster if the association and its certification program satisfy certain criteria.

**Senate Bill 1623****Effective:** 9-1-19**Senate Author:** Zaffirini et al.**House Sponsor:** Smithee

Senate Bill 1623 amends the Insurance Code to exempt a nonprofit legal services corporation from regulation by the Texas Department of Insurance. The bill revises, removes, and repeals provisions governing such a corporation.

**Senate Bill 1739**

**Effective:** 9-1-19

**Senate Author:** Menéndez

**House Sponsor:** Lucio III et al.

Senate Bill 1739 amends the Insurance Code to prohibit a health maintenance organization offering a health care plan or an insurer offering a preferred provider benefit plan from refusing to reimburse an in-network chiropractor or preferred provider chiropractor, respectively, for the performance of a service that is covered by the plan and within the scope of a chiropractor's license solely because the service is provided by a chiropractor. The bill establishes an administrative penalty for a violation of that prohibition or a violation of provisions relating to an insured's selection of a chiropractor.

**Senate Bill 1742**

**Effective:** 9-1-19

**Senate Author:** Menéndez et al.

**House Sponsor:** Johnson, Julie

Senate Bill 1742 amends the Insurance Code and Labor Code to require physician and health care provider directories maintained by health benefit plan issuers to include the specialty of each physician and provider and to include certain information for health care providers that are facilities. The bill provides for the required posting of preauthorization requirements on the website of a health maintenance organization or insurer that uses a preauthorization process. The bill also revises provisions relating to utilization review, independent review, and peer review for certain health benefit plans and workers' compensation coverage. Among other provisions, the bill requires physicians involved in the utilization review process to be licensed in Texas.

Senate Bill 1742 creates a joint interim committee to study, review, and report on the use of prior authorization and utilization review processes by private health benefit plan issuers in Texas and to propose reforms related to the transparency of and improving patient outcomes under those processes.

**Senate Bill 1852**

**Effective:** 9-1-19

**Senate Author:** Paxton

**House Sponsor:** Smithee

Senate Bill 1852 amends the Insurance Code to require the commissioner of insurance to prescribe a specified disclosure form to be provided with a short-term limited-duration insurance policy and application and to require an insurer issuing such a policy to adopt procedures to obtain a signed form from the insured acknowledging receipt of the disclosure form. The bill removes the requirement for a policyholder or contract holder under a consumer choice plan, on renewal of coverage, to sign and return the written disclosure statement concerning the plan's coverage that is provided by the health carrier or health maintenance organization, as applicable.

**Senate Bill 1940**

**Effective:** 6-10-19

**Senate Author:** Hancock

**House Sponsor:** Oliverson

Senate Bill 1940 amends the Insurance Code to postpone the expiration of statutory provisions relating to the establishment of a temporary health insurance risk pool. The bill revises the purpose of the temporary health insurance risk pool and prohibits the pool from being used in a manner that requires the state to assume functions currently performed by the U.S. Department of Health and Human Services or the U.S. Internal Revenue Service under the federal Patient Protection and Affordable Care Act. The bill authorizes the commissioner of insurance to take actions necessary to establish a temporary high risk pool substantially similar to the risk pool that was dissolved by the 83rd Legislature if necessary to ensure access to quality individual health insurance coverage for individuals with preexisting conditions.

## Juvenile Justice

This chapter covers legislation relating to juvenile justice generally, juvenile records, juvenile court proceedings, and the functions and duties of the Texas Juvenile Justice Department and its independent ombudsman. Legislation relating to family law, including child custody and support, family violence, and child abuse, is in the **Family Law** chapter.

**House Bill 1760**  
**Effective:** 9-1-19

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

House Bill 1760 amends the Family Code and Human Resources Code to update provisions relating to the confidentiality, sharing, sealing, and destruction of juvenile records and certain records of at-risk youth. Among other provisions, the bill revises the entities to whom certain facility, probation department, prosecutor, and court records may be disclosed and prohibits an individual or entity that receives such confidential information from disclosing the information unless otherwise authorized by law. The bill makes the records related to a youth who was provided prevention and intervention services by the Texas Juvenile Justice Department confidential and available only to certain treatment or service providers.

House Bill 1760 requires a juvenile court, on the court's own motion and without a hearing, to immediately order the sealing of all records related to the alleged conduct of a child if the court enters a finding that the allegations are not true. The bill makes records of a child referred to a juvenile court for conduct indicating a need for supervision subject to mandatory sealing only if the case resulted in a court filing. The bill changes the qualifications that trigger a juvenile court's authority to order the sealing of a person's juvenile records on application by the person. The bill provides for records relating to a child's conduct to be destroyed on a finding of no probable cause regardless of whether the child was taken into custody for the conduct.

**House Bill 1771**  
**Effective:** Vetoed

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

House Bill 1771, the Child Sex Trafficking Victims Protections and Provisions Act, amends the Penal Code and Family Code to prohibit the prosecution of a person for a prostitution offense committed when the person was younger than 17 years of age in which the person knowingly offered or agreed to receive a fee from another person to engage in sexual conduct. The bill establishes that such conduct is not delinquent conduct or conduct indicating a need for supervision and that a child may not be referred to the juvenile court for such conduct. The bill prohibits a law enforcement officer taking possession of a child who is suspected of engaging in such conduct from arresting the child and requires the officer to use best efforts to deliver the child to the child's parent or to another person entitled to take possession of the child. The bill sets out alternative requirements for the officer regarding the care of the child if the parent or other person is not immediately available.

Governor's Reason for Veto: "Although House Bill 1771 is a well-intentioned tool to protect victims of human trafficking, it has unintended consequences. The bill takes away options that law enforcement and prosecutors can use to separate victims from their traffickers, and it may provide a perverse incentive for traffickers to use underage prostitutes, knowing they cannot be arrested for engaging in prostitution. Efforts to reduce trafficking are to be commended, and I have signed numerous laws this session cracking down on it. I look forward to working with the author on ways to separate victims from their traffickers, both physically and economically."



**House Bill 2229**  
**Effective:** 6-10-19

**House Author:** Johnson, Jarvis  
**Senate Sponsor:** Whitmire

House Bill 2229 amends the Human Resources Code to require the Texas Juvenile Justice Department (TJJD) to submit its biennial report concerning children in TJJD custody who have been in foster care to each member of the legislature and to make the report available to the public on the TJJD website. The bill requires data in the report to be disaggregated by certain factors.

**House Bill 3195**  
**Effective:** Vetoed

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

House Bill 3195 amends the Education Code, Family Code, and Human Resources Code to set out procedures for a student's transition from an alternative education program to a regular classroom, including procedures for the development of a personalized transition plan. The bill authorizes the Texas Juvenile Justice Department (TJJD) to reduce the amount of time that a child at sanction level six is required to participate in a highly structured residential program and requires the reason for the reduction to be documented. The bill makes examination and treatment records of a child under TJJD jurisdiction available to an individual or entity assisting TJJD in providing transition planning and reentry services to the child and changes the deadline by which TJJD must provide the appropriate court with a progress report and a reentry and reintegration plan for a child about to be released. The bill repeals a provision that requires a student in a TJJD education program to participate in a positive behavior support system and, in certain circumstances, reading instruction before being released on parole.

Governor's Reason for Veto: "Parts of House Bill 3195 are unnecessary because they duplicate provisions of House Bill 2184, which I have already signed into law. But among its other changes, House Bill 3195 would remove an important requirement: that juvenile offenders participate in certain educational programs before being eligible for parole. This requirement is intended to improve the literacy skills and behavior of juvenile offenders so that recidivism rates decrease. It should not be eliminated."

**House Bill 3648**  
**Effective:** Vetoed

**House Author:** Guillen  
**Senate Sponsor:** Whitmire

House Bill 3648 amends the Human Resources Code to clarify that the powers of the office of the independent ombudsman of the Texas Juvenile Justice Department include the inspection of certain facilities and the investigation of complaints alleging a violation of the rights of children committed to or placed in such a facility who are 10 years of age or older and younger than 19 years of age.

Governor's Reason for Veto: "I appreciate the author of House Bill 3648 for seeking to clarify the authority of the independent ombudsman who serves a vital role in assisting children committed to the Texas Juvenile Justice Department. That important goal has already been accomplished in the exact same way through Senate Bill 1702, which I have signed into law, and the additional part of House Bill 3648 is unnecessary."

**House Bill 3688**  
**Effective:** 9-1-19

**House Author:** White  
**Senate Sponsor:** Perry

Current law authorizes a sheriff, deputy sheriff, constable, or police officer to arrest without a warrant a child committed to the Texas Juvenile Justice Department who has escaped from a secure juvenile facility or who has violated the conditions of release under supervision. House Bill 3688 amends the Human Resources Code to extend such authority to all other peace officers and to special investigators.

**House Bill 3689**  
**Effective:** 9-1-19

**House Author:** White  
**Senate Sponsor:** Flores

House Bill 3689 amends the Government Code and Human Resources Code to authorize the Texas Juvenile Justice Department (TJJD) to provide hazardous duty pay to an investigator, inspector general, security officer, or apprehension specialist employed by the office of the inspector general of TJJD. The bill clarifies that the office of inspector general is a law enforcement agency and expands the statutory purposes of the office.

**Senate Bill 1702**  
**Effective:** 9-1-19

**Senate Author:** Whitmire  
**House Sponsor:** Dutton

Senate Bill 1702 amends the Human Resources Code to clarify that the powers of the office of independent ombudsman of the Texas Juvenile Justice Department include the inspection of certain facilities and the investigation of complaints alleging a violation of the rights of the children committed to or placed in such a facility.

**Senate Bill 1887**  
**Effective:** 9-1-19

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

Senate Bill 1887 amends the Family Code to authorize a judge exercising jurisdiction over a child in a child protection suit to refer any aspect of a suit involving the child that is instituted under the juvenile justice code to the appropriate associate judge for child protection cases serving in the county and exercising jurisdiction over the child, provided that the associate judge consents to the referral. The bill authorizes a juvenile court to transfer a child's case to a district or statutory county court located in another county that is exercising jurisdiction over the child in a child protection suit with the consent of the judge of the court to which the case is being transferred.

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## Labor and Employment

This chapter covers legislation on workers and employers, including legislation on workers' compensation and workforce development.

### House Bill 387

**Effective:** 9-1-19

**House Author:** Cortez

**Senate Sponsor:** Creighton

House Bill 387 amends the Texas Workers' Compensation Act, Labor Code, to authorize a treating doctor to delegate to a licensed advanced practice registered nurse (APRN) the authority to complete and sign a work status report for purposes of workers' compensation benefits regarding an injured employee's ability to return to work. The bill makes the delegating treating doctor responsible for the acts of the APRN regarding the exercise of that authority.

### House Bill 621

**Effective:** 9-1-19

**House Author:** Neave

**Senate Sponsor:** Zaffirini

House Bill 621 amends the Family Code to expand the adverse employment actions that an employer is prohibited from taking against an employee who in good faith reports child abuse or neglect. The bill authorizes a person who suffers an adverse employment action for such reporting to sue for injunctive relief, damages, or both.

### House Bill 680

**Effective:** 9-1-19

**House Author:** Deshotel et al.

**Senate Sponsor:** Watson et al.

House Bill 680 amends the Government Code to require each local workforce development board, to the extent practicable, to ensure that any professional development for child care providers, directors, and employees that is funded by certain federal funds can be used toward requirements for a credential, certification, or degree program and meets the professional development requirements of the Texas Rising Star program. The bill amends the Labor Code to revise the requirements for the Texas Workforce Commission (TWC) annual evaluation of formulas for allocating federal child care development funds to local workforce development boards.

House Bill 680 requires the TWC to measure and evaluate certain aspects of the progress of the TWC subsidized child care program and to extend the provision of certain information and findings about the program to public school districts, open-enrollment charter schools, and the public. The bill expands requirements for the TWC policy for obtaining and using input from interested parties regarding the program. The bill authorizes a local workforce development board to contract with qualifying child care providers to provide subsidized child care services and sets out associated provider eligibility requirements and workforce development board reporting requirements.

### House Bill 700

**Effective:** 9-1-19

**House Author:** Guillen et al.

**Senate Sponsor:** Powell et al.

House Bill 700 amends the Labor Code to include local workforce development boards among the entities that are eligible to use the skills development fund as start-up or emergency funds for certain job-training purposes. The bill provides for a study and report by the Texas Workforce Commission on the effectiveness of the fund.

## Labor and Employment

### **House Bill 1074** **Effective:** 9-1-19

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

House Bill 1074 repeals a Labor Code provision that limits the applicability of the prohibition against discrimination because of age by an employer, labor organization, or joint labor-management committee with regard to admission to or participation in an apprenticeship, on-the-job training, or other training or retraining program to discrimination against an individual who is at least 40 years of age but younger than 56 years of age.

### **House Bill 1665** **Effective:** 5-23-19

**House Author:** Patterson  
**Senate Sponsor:** Paxton

House Bill 1665 amends the Labor Code to require a hiring contractor and an independent contractor who have made a joint agreement affirming their independent relationship to notify the division of workers' compensation of the Texas Department of Insurance that those entities have excepted themselves from that agreement only if the division requests such notification.

### **House Bill 1949** **Effective:** 9-1-19

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

House Bill 1949 amends the Labor Code to require Texas Workforce Commission criteria for the award of performance-based incentive funds to an entity delivering adult education and literacy services to include the entity's achievement of certain benchmarks related to student outcomes.

### **House Bill 2143** **Effective:** 9-1-19

**House Author:** Turner, John et al.  
**Senate Sponsor:** Whitmire et al.

House Bill 2143 amends the Labor Code to specify that post-traumatic stress disorder suffered by a first responder employed by a political subdivision of the state is compensable under the workers' compensation system if it is based on a diagnosis that the disorder was caused by one or more events occurring in the course and scope of the first responder's employment and if the preponderance of evidence indicates that the event or events were a producing cause of the disorder. The bill establishes that the date of injury for post-traumatic stress disorder suffered by such a first responder is the date on which the first responder first knew or should have known that the disorder may be related to the first responder's employment.

### **House Bill 2240** **Effective:** 9-1-19

**House Author:** Murphy et al.  
**Senate Sponsor:** Hinojosa

House Bill 2240 amends the Labor Code to authorize an employer to elect to pay wages to an employee through a payroll card account plan that is linked to a federally insured financial institution and uses electronic funds transfer to deposit wages in the employee's account. The bill sets out implementation and employee notification requirements for such a payment method and provides for an employee to opt out of the payroll card account plan and request an alternate form of payment.

### **House Bill 2348** **Effective:** Vetoed

**House Author:** King, Tracy O. et al.  
**Senate Sponsor:** Perry et al.

House Bill 2348 amends the Labor Code to prohibit an employer from terminating or suspending the employment of or discriminating against an employee who is absent from or late to work because the employee is responding to a declared disaster as a volunteer emergency responder. Among other provisions, the bill entitles an employee who is suspended

or terminated in violation of the prohibition to reinstatement to the employee’s former position or a comparable position, certain compensation for lost wages, and reinstatement of fringe benefits and seniority rights. The bill authorizes an employee to bring a civil action against an employer who violates the bill’s provisions.

Governor’s Reason for Veto: “First responders play a vital role in disaster recovery, so I appreciate the good intentions of the author. But this does not mean we need to create a new civil cause of action so that employees who volunteer in disasters can sue their employers. House Bill 2348 would open the door to such lawsuits against both public and private employers. Employers have every incentive to accommodate their brave employees who serve as first responders, but they deserve the flexibility to develop their own leave policies for their employees, instead of having the State dictate the terms.”

**House Bill 2503**  
**Effective:** 9-1-19

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

House Bill 2503 amends the Labor Code to make a remarried spouse of an individual who died in the course and scope of employment as a peace officer of the state, a political subdivision of the state, or a private institution of higher education located in Texas eligible for death benefits for life under the Texas Workers’ Compensation Act.

**House Bill 2784**  
**Effective:** 9-1-19

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

House Bill 2784 amends the Labor Code to require the Texas Workforce Commission (TWC) to establish and administer the Texas industry-recognized apprenticeship programs grant program. The program’s purpose is to address the immediate industrial workforce needs of Texas resulting from the impact of Hurricane Harvey and overall workforce shortages by encouraging the private sector to develop qualifying apprenticeship programs. The bill establishes the Texas industry-recognized apprenticeship fund, sets out eligibility criteria for apprenticeship program operators to receive program grants, and sets out provisions relating to the funding to be awarded per participant trained, including maximum amounts. The bill requires the TWC to submit and publish a certain annual report on grants made under the program. Implementation of a provision of this bill by the TWC is mandatory only if a specific appropriation is made for that purpose.

**House Bill 3511**  
**Effective:** Vetoed

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

House Bill 3511 amends the Education Code to establish the temporary Commission on Texas Workforce of the Future to develop recommendations and prepare an interim report on certain issues related to workforce development and the future of the state’s workforce, including enhancing coordination and alignment between industry, public education, and higher education.

Governor’s Reason for Veto: “House Bill 3511 is redundant of the Tri-Agency Workforce Initiative, which is comprised of the Texas Workforce Commission, the Texas Education Agency, and the Texas Higher Education Coordinating Board. Since 2016, those three agencies have worked to assess local economic activity, examine workforce challenges and opportunities, and consider innovative approaches to meeting the State’s workforce goals. Together, they are implementing reforms that will improve the quality of education and the workforce in Texas. We need to give those changes a chance to succeed before we start adding bureaucracy and duplicating effort through creation of an expansive new commission.”

**Senate Bill 753**

**Effective:** 9-1-19

**Senate Author:** Huffman et al.

**House Sponsor:** Raney et al.

Senate Bill 753 amends the Human Resources Code to prohibit a community rehabilitation program from participating in the purchasing from people with disabilities program after the later of September 1, 2022, or the expiration date of an extension granted under the bill's provisions unless each worker with a disability employed by the rehabilitation program is paid at least the federal minimum wage for any work relating to products or services purchased through the purchasing from people with disabilities program. The bill authorizes the Texas Workforce Commission (TWC) to exempt a rehabilitation program from this requirement with respect to a worker if the TWC makes certain determinations based on that worker's circumstances.

The bill requires the TWC to provide certain assistance to a rehabilitation program regarding the implementation of the wage increase requirement and provides for a one-time extension of such a program's compliance deadline. The bill requires each community rehabilitation program to ensure, to the maximum extent possible, that each worker with a disability remains employed by the rehabilitation program after the wage increase is implemented but includes certain provisions relating to job training and employment services for workers with disabilities whom a rehabilitation program is unable to retain.

**Senate Bill 935**

**Effective:** 9-1-19

**Senate Author:** Hancock et al.

**House Sponsor:** Shine et al.

Senate Bill 935 amends the Labor Code to require reimbursement rates under the Texas Workers' Compensation Act for medical services provided to an injured employee by a federal military treatment facility to be equal to the rates at which a third-party payer is required to reimburse such a treatment facility for the same services as determined under federal regulations. The bill exempts the reimbursement of such a facility's charges for those medical services from the Workers' Compensation Health Care Network Act, certain provisions of the Texas Workers' Compensation Act relating to medical benefits and medical review, and statutory provisions relating to the election of workers' compensation insurance coverage for political subdivision employees.

**Senate Bill 1055**

**Effective:** 9-1-19

**Senate Author:** Zaffirini

**House Sponsor:** Frullo et al.

Senate Bill 1055 amends the Labor Code to require the Texas Workforce Commission (TWC), in consultation with the Texas Education Agency, to establish and administer a workforce diploma pilot program under which eligible high school diploma-granting entities participating in the program may be reimbursed for successfully assisting adult students to obtain a high school diploma and develop technical career readiness skills and employability. The bill sets out provider eligibility criteria, requires the TWC to publish an annual list of approved providers, and provides for the reimbursement of each participating provider by the TWC according to a specified scale for the achievement of certain milestones by students receiving services from that provider. The bill establishes certain reporting requirements and requires the TWC to prescribe minimum performance standards and to review provider performance annually. Implementation of a provision of this bill is mandatory only if a specific appropriation is made for that purpose.

**Senate Bill 1336**

**Effective:** See below

**Senate Author:** Zaffirini

**House Sponsor:** Beckley et al.

Senate Bill 1336 amends the Insurance Code and the Labor Code to remove the requirement for the Texas Department of Insurance (TDI) to establish classification relativities for purposes

of the workers' compensation hazard classification system. Among other provisions, the bill removes the requirement that TDI revise the classification system at least once every five years. Except as otherwise provided, the bill takes effect September 1, 2019.

**Senate Bill 1413**

**Effective:** 9-1-19

**Senate Author:** Zaffirini et al.

**House Sponsor:** Vo

Senate Bill 1413 amends the Human Resources Code and Labor Code to require the Texas Workforce Commission (TWC), at the time the TWC submits its annual report, to submit a separate supplemental annual report to the governor and the legislature that consolidates certain reports that were previously required to be submitted separately.

**Senate Bill 1500**

**Effective:** 5-22-19

**Senate Author:** Zaffirini

**House Sponsor:** Vo

Senate Bill 1500 repeals a Labor Code provision that makes failure by a party to a wage claim to pay wages or an administrative penalty pursuant to a Texas Workforce Commission order within the required period a waiver of the party's right to judicial review.

**Senate Bill 2038**

**Effective:** 9-1-19

**Senate Author:** Rodríguez

**House Sponsor:** Fierro

Senate Bill 2038 amends the Labor Code to require the Texas Workforce Commission to prepare and publish an interim report on occupational skills training for individuals with intellectual and developmental disabilities.

**Senate Bill 2296**

**Effective:** 1-1-20

**Senate Author:** Powell

**House Sponsor:** Vo et al.

Senate Bill 2296 amends the Labor Code to classify a common paymaster, as defined by federal law, as an employing unit for purposes of the Texas Unemployment Compensation Act.

**Senate Bill 2551**

**Effective:** 6-10-19

**Senate Author:** Hinojosa et al.

**House Sponsor:** Burrows et al.

Senate Bill 2551 amends the Government Code and the Texas Workers' Compensation Act, Labor Code, to specify the types of cancers for which a firefighter or emergency medical technician who suffers from cancer resulting in death or total or partial disability is presumed to have developed during the course and scope of employment. The bill, among other provisions, revises the presumptive standard used to determine an insurance carrier's liability for such a person's work-related disease or illness. The bill authorizes a political subdivision or pool of political subdivisions that self-insure to establish for the payment of workers' compensation death benefits and lifetime income benefits an account whose assets may be invested in the interest of its beneficiaries.



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## Local Government

This chapter covers legislation generally relating to the powers and duties of counties, municipalities, and other political subdivisions. Legislation relating to special districts is in the **Special Districts** chapter, and legislation on a specific topic that may involve a political subdivision is in the chapter that covers that topic.

**House Bill 145**  
**Effective:** 9-1-19

**House Author:** González, Mary  
**Senate Sponsor:** Rodríguez

House Bill 145 amends the Local Government Code to change the fees charged for services by the offices of the sheriff and constables in a county in which those fees are not set by the commissioners court.

**House Bill 234**  
**Effective:** 9-1-19

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

House Bill 234 amends the Local Government Code and Property Code to prohibit the adoption or enforcement of a local ordinance, order, or rule regulating the occasional sale of lemonade or other nonalcoholic beverages by a child from a stand on private property or in a public park. The bill also prohibits a property owners' association from adopting or enforcing certain restrictive covenants that would hinder such sales by a child who is selling with the permission of the property owner.

**House Bill 305**  
**Effective:** 9-1-19

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

House Bill 305 amends the Government Code to require certain political subdivisions with the authority to impose a tax that maintain a publicly accessible website to post on the website certain contact, election, and meeting information.

**House Bill 347**  
**Effective:** 5-24-19

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

House Bill 347 amends the Local Government Code to remove the tier system with regard to municipal annexations. The bill repeals the municipal annexation definitions of "tier 1 county," "tier 2 county," "tier 1 municipality," and "tier 2 municipality"; repeals general annexation authority provisions applicable to a tier 1 municipality; and repeals certain provisions relating to tier 1 municipality annexation procedures for areas annexed under a municipal annexation plan, including provisions relating to a required municipal annexation plan, a required inventory of services and facilities, annexation hearing requirements, required negotiations, contracts for the provision of services in lieu of annexation, and arbitration regarding negotiations for services.

Among other provisions, House Bill 347 makes tier 1 municipality annexation procedures that applied to an area exempted from a municipal annexation plan applicable only to certain specified annexations. The bill repeals provisions that limit to a tier 2 municipality the applicability of provisions relating to consent annexations, including provisions relating to general annexation authority and procedures, the annexation of an area on the request of owners, the annexation of an area with a population of less than 200 by petition, and the annexation of an area with a population of at least 200 by election. The bill repeals provisions relating to arbitration of a strategic partnership agreement between a municipality and an applicable conservation and reclamation district and provisions relating to annexation and

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incorporation procedures for certain unincorporated communities in certain counties. The bill repeals Special District Local Laws Code provisions to make conforming changes.

### **House Bill 356**

**Effective:** 9-1-19

**House Author:** Lang

**Senate Sponsor:** Buckingham

House Bill 356 repeals Government Code provisions authorizing the county attorney or the Commissioners Court of Brown County to accept gifts or grants for the purpose of financing or assisting the operation of the office of county attorney.

### **House Bill 440**

**Effective:** 9-1-19

**House Author:** Murphy et al.

**Senate Sponsor:** Lucio

House Bill 440 amends the Education Code, Election Code, and Government Code to limit the purposes for which a political subdivision may use the unspent proceeds of issued general obligation bonds and to set out the conditions under which such unspent proceeds may be used for purposes other than the specific purposes for which the bonds were authorized. The bill also prohibits a political subdivision from issuing general obligation bonds to purchase, improve, or construct one or more improvements to real property, to purchase one or more items of personal property, or to do both, if the weighted average maturity of the issue of bonds exceeds 120 percent of the reasonably expected weighted average economic life of the improvements and personal property financed with the issue of bonds.

### **House Bill 477**

**Effective:** 9-1-19

**House Author:** Murphy et al.

**Senate Sponsor:** Bettencourt et al.

House Bill 477 amends the Election Code, Government Code, and Local Government Code to revise notice requirements with respect to the issuance of certain debt obligations by a political subdivision.

### **House Bill 852**

**Effective:** 5-21-19

**House Author:** Holland et al.

**Senate Sponsor:** Fallon

House Bill 852 amends the Local Government Code to prohibit a municipality from considering the value of a residential dwelling or the cost of constructing or improving the dwelling in determining the amount of a related building permit or inspection fee. The bill prohibits a municipality from requiring the disclosure of information related to that value or cost as a condition of obtaining a building permit except as required by FEMA for participation in the National Flood Insurance Program.

### **House Bill 1135**

**Effective:** 6-14-19

**House Author:** Price et al.

**Senate Sponsor:** Seliger

House Bill 1135 amends the Local Government Code to authorize the City of Amarillo to undertake a project that confers a special benefit on areas that share a common characteristic or use in a public improvement district solely composed of territory in which the only businesses are hotels with 10 or more rooms ordinarily used for sleeping.

### **House Bill 1136**

**Effective:** 6-14-19

**House Author:** Price et al.

**Senate Sponsor:** Nelson

House Bill 1136 amends the Local Government Code to authorize any municipality to undertake a project that confers a special benefit on areas that share a common characteristic or use in a public improvement district solely composed of territory in which the only businesses

are one or more hotels. The bill restricts the purposes for which such a district created after September 1, 2019, may undertake such a project. The bill authorizes a municipality's governing body to include property that is a hotel in such a district if the property could have been included in the district without violating certain petition requirements when the district was created.

**House Bill 1417**

**Effective:** 5-28-19

**House Author:** Clardy

**Senate Sponsor:** Nichols

House Bill 1417 amends the Local Government Code to authorize the City of Nacogdoches to undertake a project that confers a special benefit on areas that share a common characteristic or use in a public improvement district solely composed of territory in which the only businesses are hotels with 75 or more rooms ordinarily used for sleeping.

**House Bill 1474**

**Effective:** 9-1-19

**House Author:** Anderson

**Senate Sponsor:** Birdwell

House Bill 1474 amends the Local Government Code to authorize the City of Waco to undertake a project that confers a special benefit on areas that share a common characteristic or use in a public improvement district solely composed of territory in which the only businesses are hotels with 75 or more rooms ordinarily used for sleeping. The bill restricts the project's purposes to special supplemental services for improvement and promotion of the district.

**House Bill 1927**

**Effective:** 6-10-19

**House Author:** Herrero

**Senate Sponsor:** Hinojosa

House Bill 1927 amends the Local Government Code to set a deadline by which the county judge of a county with a population of more than 300,000 must appoint an applicable person to fill a vacancy in the office of county commissioner and to require the county commissioners court to make the appointment by majority vote if the county judge does not fill the vacancy by that deadline.

**House Bill 2198**

**Effective:** 9-1-19

**House Author:** Clardy

**Senate Sponsor:** Nichols

House Bill 2198 amends the Health and Safety Code to authorize the City of Nacogdoches to abolish its perpetual trust fund for a cemetery and to use the fund for permanent improvements to the cemetery.

**House Bill 2365**

**Effective:** 9-1-19

**House Author:** Hunter

**Senate Sponsor:** Hinojosa

House Bill 2365 amends the Government Code to require a notice of intent to apply for the passage of a local or special law or of a law establishing or adding territory to a municipal management district to include the name of the person paying for the notice publication.

**House Bill 2439**

**Effective:** 9-1-19

**House Author:** Phelan et al.

**Senate Sponsor:** Buckingham

House Bill 2439 amends the Government Code to prohibit a governmental entity from adopting or enforcing a rule, charter provision, ordinance, order, building code, or regulation that either:

- directly or indirectly restricts the use or installation in a residential or commercial building of a building product or material that is approved for use by a certain applicable and recent national model code; or

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- establishes a standard for a building product, material, or aesthetic method in the construction or alteration of such a building that is more stringent than the applicable code standard.

The bill, among other provisions, sets out certain exceptions to these provisions and a process for injunctive relief.

### **House Bill 2496**

**Effective:** 5-25-19

**House Author:** Cyrier et al.

**Senate Sponsor:** Buckingham

House Bill 2496 amends the Local Government Code to prohibit certain municipalities from designating a property as a local historic landmark unless the owner of the property consents to the designation or the designation is approved by the governing body of the municipality and the zoning, planning, or historical commission of the municipality. The bill requires the municipality to timely provide the owner of the property with a historic designation impact statement and to allow the owner to withdraw consent at any time during the designation process.

### **House Bill 2497**

**Effective:** 9-1-19

**House Author:** Cyrier et al.

**Senate Sponsor:** Hughes

House Bill 2497 amends the Local Government Code to specify the persons who may appeal to a municipal board of adjustment a decision made by an administrative official based on whether the decision relates to a specific application, address, or project and to specify certain deadlines with regard to the appeal process. The bill conditions a board of adjustment's adoption of rules on the approval of the municipality's governing body.

### **House Bill 2566**

**Effective:** 6-2-19

**House Author:** Dominguez

**Senate Sponsor:** Lucio

House Bill 2566 amends the Local Government Code to authorize the Cameron County Commissioners Court to adopt and enforce orders to control the disposal of litter and the removal of illegally dumped litter and regulate the storage or abandonment of property for mosquito control.

### **House Bill 2617**

**Effective:** 9-1-19

**House Author:** Cole

**Senate Sponsor:** Alvarado

House Bill 2617 amends the Local Government Code to require a political subdivision, excluding certain special districts, that is created on or after September 1, 2019, and that has authority to impose a tax to have the same fiscal year as the county in which the political subdivision is wholly or primarily located.

### **House Bill 2736**

**Effective:** 6-14-19

**House Author:** Darby et al.

**Senate Sponsor:** Seliger

House Bill 2736 amends the Local Government Code to authorize a governmental unit that has withdrawn from a regional planning commission to join another such commission that is adjacent to the unit if the unit submits to the governor a request for approval of the transfer that meets certain criteria and the transfer is approved by the governor and the governing bodies of the unit and the commission the unit wishes to join.

**House Bill 2812****Effective:** 9-1-19**House Author:** Morrison**Senate Sponsor:** Kolkhorst

House Bill 2812 amends the Health and Safety Code to authorize a municipality in a county with a specified population, such as the City of Cuero, to abolish its perpetual trust fund for a cemetery and to use the fund for permanent improvements to the cemetery.

**House Bill 2858****Effective:** 9-1-20**House Author:** Toth et al.**Senate Sponsor:** Schwertner

House Bill 2858 amends the Local Government Code to adopt the International Swimming Pool and Spa Code promulgated by the International Code Council as the municipal swimming pool and spa code in Texas and to provide for a municipality's adoption of local amendments and amendments made by the council to the code.

**House Bill 3001****Effective:** 9-1-19**House Author:** Morrison**Senate Sponsor:** Birdwell

House Bill 3001 amends the Government Code and Local Government Code to revise reporting requirements for certain special purpose districts and other political subdivisions. Among other provisions, the bill exempts certain special purpose districts from the comptroller of public accounts annual financial reporting requirement for political subdivisions if the district is subject to the comptroller's special purpose district public information database reporting requirements. With regard to those reporting requirements, the bill provides the comptroller the option to include a link to or description of a district's or other applicable political subdivision's information that is posted separately on an applicable entity's website as an alternative or in addition to reproducing the information in the database or on the comptroller's website. The bill expands the authorized reporting methods for certain water districts that are subject to Water Code requirements relating to district audits.

**House Bill 3167****Effective:** 9-1-19**House Author:** Oliverson et al.**Senate Sponsor:** Hughes

House Bill 3167 amends the Local Government Code to revise provisions relating to municipal and county approval procedures for land development applications. With respect to municipalities, the bill, among other provisions, provides for municipal approval of a subdivision development plan and for the extension of the approval deadline for a plat. With respect to counties, the bill, among other provisions, shortens the deadline for approval of a plat application.

House Bill 3167, with respect to both municipalities and counties, sets out a procedure by which the applicable entity that conditionally approves or disapproves a plan, plat, or plat application is required to provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval. The bill provides for the satisfaction and remedy of those conditions and reasons by the applicant and for the approval of the previously conditionally approved or disapproved plan, plat, or plat application.

**House Bill 3314****Effective:** 9-1-19**House Author:** Romero, Jr.**Senate Sponsor:** Zaffirini

House Bill 3314 amends the Local Government Code to revise certain hearing and notice requirements to replat a municipal subdivision or part of a subdivision.

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**House Bill 3371**  
**Effective:** 9-1-19

**House Author:** Darby  
**Senate Sponsor:** Taylor

House Bill 3371 amends the Local Government Code to prohibit a municipality or county from adopting or enforcing an ordinance, order, or regulation that requires a permit for the installation or use of an applicable battery-charged fence that is in addition to an alarm system permit issued by the municipality or county, that imposes certain installation or operational requirements for the battery-charged fence or an alarm system, or that prohibits the installation or use of a battery-charged fence.

**House Bill 3714**  
**Effective:** 9-1-19

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

House Bill 3714 amends the Transportation Code to authorize the commissioners courts of Denton County and Harris County to provide for the establishment of street lights along a county road in the unincorporated area of the county, provided the street lights are not located on private property.

**House Bill 3716**  
**Effective:** 9-1-19

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

Previous law required the commissioners court of a county with a population of more than one million and without a reputable medical school to establish and maintain a medical examiner's office. House Bill 3716 amends the Code of Criminal Procedure to require instead the commissioners court of a county with a population of more than two million to do so, regardless of whether the county has a reputable medical school.

**House Bill 3753**  
**Effective:** 6-2-19

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

House Bill 3753 amends the Local Government Code to authorize the provision of fire-related training programs and the operation of a training facility by a county fire marshal for first responders in the county.

**House Bill 3910**  
**Effective:** Vetoed

**House Author:** Sherman, Sr. et al.  
**Senate Sponsor:** West

House Bill 3910 amends the Local Government Code to provide for the establishment and powers of supplemental county civil service commissions to assist in administering the civil service system in Dallas County.

Governor's Reason for Veto: "The Legislature has not shown the need for House Bill 3910, which would have created additional bureaucracy and increased the number of unelected officials with final decision-making power over county civil service matters. If workload is the problem, the answer is streamlined operations, not state laws creating unaccountable creatures like supplemental commissions. There is no apparent justification for singling out one county and giving it this ill-advised carve-out."

**House Bill 4179**  
**Effective:** 6-7-19

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

House Bill 4179 amends the Health and Safety Code to authorize Fort Bend County to own, operate, and maintain a cemetery and to clarify the conditions under which a county commissioners court may use public funds and county resources to maintain a cemetery.

**House Bill 4257**  
**Effective:** 6-10-19

**House Author:** Craddick  
**Senate Sponsor:** Campbell

House Bill 4257 amends the Local Government Code to prohibit a tier 2 municipality that makes a wholesale sale of water to specified special districts from charging rates for the water that are higher than rates charged in other similarly situated areas solely because the district is wholly or partly located in an area that disapproved of a proposed annexation.

**House Bill 4544**  
**Effective:** 6-14-19

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

House Bill 4544 amends the Health and Safety Code to authorize a municipality with a population density of more than 2,500 persons per square mile to capture, relocate, or euthanize a coyote located within the municipality or the municipality's extraterritorial jurisdiction and to request assistance from Texas Wildlife Services for that purpose.

**Senate Bill 124**  
**Effective:** Vetoed

**Senate Author:** West  
**House Sponsor:** Sherman, Sr.

Senate Bill 124 amends the County Purchasing Act, Local Government Code, to authorize a county commissioners court to require submission of bids or proposals under the act through electronic transmission.

Governor's Reason for Veto: "Senate Bill 124 would have allowed commissioners courts to create a patchwork of bidding requirements, with some counties accepting hard-copy bids and others insisting on electronic bids. This would lay a trap for the unwary bidder. If the Legislature prefers electronic bidding, it should pursue consistency across the State."

**Senate Bill 254**  
**Effective:** 5-20-19

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

Senate Bill 254 amends the Local Government Code to authorize a district court, in an action brought by a municipality located in El Paso County against a property owner that is not in substantial compliance with certain municipal ordinances, to appoint an individual without a demonstrated record of rehabilitating properties as a receiver for the property if the municipality demonstrates that no individual with a demonstrated record of rehabilitating properties is available and that the individual being appointed is competent and able to fulfill the duties of a receiver.

**Senate Bill 354**  
**Effective:** 5-31-19

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

Senate Bill 354 amends the Local Government Code to extend the authority of the officers of certain counties to disburse or direct payment of county funds for salaries or expenses to the officers of any county. The bill authorizes a district, county, or precinct officer in a county with a population of 190,000 or less to issue a warrant against the county officers' salary fund to pay authorized office expenses and employee salaries.

**Senate Bill 385**  
**Effective:** 9-1-19

**Senate Author:** Nelson  
**House Sponsor:** Holland

Senate Bill 385 amends the Local Government Code to authorize the City of Frisco to undertake a project that confers a special benefit on areas that share a common characteristic or use in a public improvement district solely composed of territory in which the only businesses are hotels with 75 or more rooms ordinarily used for sleeping. The bill restricts the project's purposes to special supplemental services for improvement and promotion of the district.



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### **Senate Bill 386**

**Effective:** 9-1-19

**Senate Author:** Nelson

**House Sponsor:** Stucky

Senate Bill 386 amends the Local Government Code to authorize the City of Denton to undertake a project that confers a special benefit on areas that share a common characteristic or use in a public improvement district solely composed of territory in which the only businesses are hotels with 75 or more rooms ordinarily used for sleeping. The bill restricts the project's purposes to special supplemental services for improvement and promotion of the district.

### **Senate Bill 496**

**Effective:** 9-1-19

**Senate Author:** Perry

**House Sponsor:** Murr

Senate Bill 496 amends the Government Code to require the Texas Historical Commission to factor in a county's or municipality's local funding capacity in reviewing an application for a grant or loan through the historic courthouse preservation program.

### **Senate Bill 642**

**Effective:** 5-20-19

**Senate Author:** Johnson et al.

**House Sponsor:** Anchia

Senate Bill 642 amends the Local Government Code to authorize the City of Irving to undertake a project that confers a special benefit on areas that share a common characteristic or use in a public improvement district solely composed of territory in which the only businesses are hotels with 75 or more rooms ordinarily used for sleeping.

### **Senate Bill 746**

**Effective:** Vetoed

**Senate Author:** Campbell et al.

**House Sponsor:** Cortez

Senate Bill 746 amends the Local Government Code to set out the petition and election procedure for a tier 1 county to be considered a tier 2 county for municipal annexation purposes. The bill extends the period during which a tier 2 municipality is prohibited from annexing an area after a failed annexation attempt.

Governor's Reason for Veto: "I have signed House Bill 347, which reforms municipal annexation procedures to provide property owners in all counties, regardless of population size, protection against forced annexation. Provisions in Senate Bill 746 are based on the tiered county system that was overhauled by House Bill 347. Disapproving Senate Bill 746 will allow the protections in House Bill 347 to work statewide without creating confusion."

### **Senate Bill 790**

**Effective:** 9-1-19

**Senate Author:** Buckingham

**House Sponsor:** Morrison

Senate Bill 790 amends the Local Government Code to remove the comptroller of public accounts as a recipient of certain required reports and audits of a regional planning commission, council of governments, or similar regional planning agency.

### **Senate Bill 1024**

**Effective:** 9-1-19

**Senate Author:** Perry et al.

**House Sponsor:** Craddick

Senate Bill 1024 amends the Local Government Code to require a tier 1 municipality with a population of 350,000 or less that annexes an area under a municipal annexation plan to provide access to services provided to the annexed area under a service plan that is identical or substantially similar to access to those services in the municipality. The bill authorizes a person residing in an annexed area subject to a service plan to apply for a writ of mandamus against a municipality that fails to provide such access.

**Senate Bill 1303****Effective:** 9-1-19**Senate Author:** Bettencourt et al.**House Sponsor:** Bell, Cecil

Senate Bill 1303 amends the Local Government Code to require a municipality to maintain a copy of its map of municipal boundaries and extraterritorial jurisdiction in a location that is easily accessible to the public, including on the municipality's website if applicable. The bill requires a home-rule municipality to create, or contract for the creation of, and make publicly available a digital map of its municipal boundaries and extraterritorial jurisdiction.

Senate Bill 1303 requires a tier 1 home-rule municipality, with respect to an annexation under a municipal annexation plan, to give certain written notice to each property owner in any area that would be newly included in the municipality's extraterritorial jurisdiction as a result of a proposed annexation. The bill, for an applicable annexation, requires a tier 1 home-rule municipality to create, or contract for the creation of, and make publicly available a digital map that identifies the area proposed for annexation and any area that would be newly included in the municipality's extraterritorial jurisdiction as a result of the proposed annexation and to publish certain notice of the annexation hearings in a newspaper of general circulation in any area that would be newly included in the municipality's extraterritorial jurisdiction by the expansion of the municipality's extraterritorial jurisdiction resulting from the proposed annexation.

**Senate Bill 1402****Effective:** 1-1-20**Senate Author:** Rodríguez**House Sponsor:** González, Mary

Senate Bill 1402 amends the Local Government Code to provide for the authority of El Paso County to impose more current infrastructure requirements on certain lots in platted subdivisions in the county that have remained undeveloped or unoccupied.

**Senate Bill 1468****Effective:** 6-10-19**Senate Author:** Campbell**House Sponsor:** Goodwin

Senate Bill 1468 amends the Local Government Code to prohibit a municipality that operates a municipally owned water utility, is a party to a strategic partnership agreement with a municipal utility district under which the municipality contemplates annexing 400 or more water or wastewater connections that are not located in the district, and is authorized or required to annex a conservation and reclamation district for full purposes under an applicable strategic partnership agreement from annexing the district without also annexing all of the unincorporated area served by the district that is located in the municipality's extraterritorial jurisdiction. The bill requires the municipality to receive approval for the annexations as required by specified annexation provisions for tier 2 municipalities, as applicable, before annexation.

**Senate Bill 1510****Effective:** 6-10-19**Senate Author:** Schwertner**House Sponsor:** Muñoz, Jr.

Senate Bill 1510 amends the Local Government Code to prohibit, if a county requires as a condition of approval for a property development project that the developer bear a portion of the costs of county infrastructure improvements by the making of dedications or the payment of fees or construction costs, the developer's portion of the costs from exceeding the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer retained by the county. The bill provides for an appeal of a determination relating to the apportionment of county infrastructure costs and makes related changes to provisions regarding the apportionment of municipal infrastructure costs.

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### **Senate Bill 2128**

**Effective:** 9-1-19

**Senate Author:** Creighton

**House Sponsor:** Parker

Senate Bill 2128 amends the Local Government Code and Property Code to establish a process for county clerks to record a paper or tangible copy of an electronic record that is otherwise eligible under state law to be recorded in the real property records, provided the copy meets certain signature requirements and has been declared as true and correct by a notary public or other applicable officer. The bill establishes a standard form for that declaration and requires the property record index entry for a paper document so recorded to contain the names of the grantors and grantees.

## Military Forces and Veterans

This chapter covers legislation on issues relating to the Texas Military Department, the Texas Military Preparedness Commission, the Texas Veterans Commission, and current and former military personnel, including benefits, services, and special recognitions.

**House Bill 295**  
**Effective:** 9-1-19

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

House Bill 295 amends the Government Code to designate March 30 as Master Sergeant Jonathan J. Dunbar Day in honor of Master Sergeant Jonathan J. Dunbar, who served in the United States Army and gave his life in defense of the nation.

**House Bill 306**  
**Effective:** 9-1-19

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

House Bill 306 amends the Health and Safety Code to enact the Service Member and Veteran Open Burn Pit Registry Act. The bill requires the Department of State Health Services (DSHS) to create and maintain an open burn pit registry of service members and veterans who were exposed to open burn pit smoke or other airborne hazards during their military service in certain conflicts or theaters. The state registry is electronically linked to the complementary federal registry. The bill, among other provisions, authorizes an applicable service member or veteran, or a family member of that member or veteran, to voluntarily register a case of exposure to open burn pit smoke or other airborne hazards with DSHS. DSHS, with assistance from the Texas Veterans Commission, must develop and make available online information relating to the registry's use, scientific developments about such exposure, and treatment and disability options and must submit a biennial report to the legislature relating to the effectiveness of and improvements to the registry. Implementation of a provision of this bill by DSHS is mandatory only if a specific appropriation is made for that purpose.

**House Bill 696**  
**Effective:** 6-10-19

**House Author:** Blanco et al.  
**Senate Sponsor:** Powell et al.

House Bill 696 amends the Labor Code to require the Texas Workforce Commission (TWC) to establish and administer the operation welcome home program to expedite the entry of certain veterans and military service members into the workforce through enhanced employment services. The bill requires the TWC, in consultation with the Texas Veterans Commission, to establish a Texas veterans leadership program to serve as a resource and referral network connecting veterans with tools and local, state, and federal resources. The bill requires the leadership program to employ veterans to serve as veteran resource and referral specialists.

**House Bill 714**  
**Effective:** 6-2-19

**House Author:** Lucio III et al.  
**Senate Sponsor:** Rodríguez et al.

House Bill 714 amends the Code of Criminal Procedure, Government Code, and Labor Code to make a defendant who is a veteran of the U.S. armed forces and placed on community supervision for a misdemeanor offense eligible to participate in a veterans reemployment program. The bill sets out the content of the workplace skills training program, which must be developed or approved by the Texas Workforce Commission, and program completion criteria. The bill requires the court, on a defendant's successful completion of the program and after all other conditions of community supervision are met, to enter an order of nondisclosure with respect to all records of the offense for which the defendant was placed on community supervision.

## Military Forces and Veterans

### **House Bill 819**

**Effective:** 9-1-19

**House Author:** Leach

**Senate Sponsor:** Paxton

House Bill 819 amends the Transportation Code to require the Texas Department of Motor Vehicles to issue specialty license plates for recipients of the China Service Medal that include the name of the award.

### **House Bill 833**

**Effective:** 9-1-19

**House Author:** Hernandez et al.

**Senate Sponsor:** Menéndez

House Bill 833 amends the Government Code to provide for the creation, implementation, and administration of a statewide camo alert system for missing military members who have elected to participate in the temporary alert system.

### **House Bill 1351**

**Effective:** 9-1-19

**House Author:** Cortez et al.

**Senate Sponsor:** Menéndez

House Bill 1351 amends the Government Code to provide for the confidentiality of information provided by service members of the U.S. armed forces and state military forces to the Texas Veterans Commission to receive services or participate in commission programs.

### **House Bill 1597**

**Effective:** 5-28-19

**House Author:** Lambert et al.

**Senate Sponsor:** Buckingham

House Bill 1597 amends the Education Code to authorize a person whose parent or guardian is an active-duty member of the U.S. armed forces to establish residency for purposes of public school admission by providing to the public school district or open-enrollment charter school, by a specified deadline, a copy of a military order requiring the parent's or guardian's transfer to a military installation in or adjacent to the district's or school's attendance zone.

### **House Bill 1656**

**Effective:** 9-1-19

**House Author:** Kacal

**Senate Sponsor:** Birdwell

House Bill 1656 amends the Transportation Code to require the Texas Department of Motor Vehicles to issue specialty license plates for persons who served in the 173rd Airborne Brigade of the U.S. Army.

### **House Bill 1883**

**Effective:** 9-1-19

**House Author:** Bonnen, Greg et al.

**Senate Sponsor:** Creighton

House Bill 1883 amends the Tax Code to make the authorization for a person serving on active duty in the U.S. armed forces to defer payment of delinquent property taxes without penalty or interest applicable without respect to whether the person is serving during a war or national emergency. A delinquent tax for which such person defers payment that is not paid on or before the date the deferral period expires accrues interest but does not incur a penalty.

### **House Bill 2039**

**Effective:** 9-1-19

**House Author:** Shine et al.

**Senate Sponsor:** Buckingham

House Bill 2039 amends the Transportation Code to provide for the issuance of specialty license plates for recipients of the Master Army Aviator Badge.

**House Bill 2119**  
**Effective:** 9-1-19

**House Author:** Cortez  
**Senate Sponsor:** Campbell

House Bill 2119 amends the Government Code to provide for a member of the Texas Military Preparedness Commission to participate in a meeting by telephone or other means of telecommunication or electronic communication to consider an application for a loan from the Texas military value revolving loan account. The bill authorizes a defense community awarded such a loan to use a portion of the loan proceeds to pay off other debt the community incurred for purposes of financing an eligible project.

**House Bill 2214**  
**Effective:** 9-1-19

**House Author:** Hernandez  
**Senate Sponsor:** Taylor

House Bill 2214 amends the Occupations Code to require the Texas Department of Licensing and Regulation (TDLR) to review each type of license issued by TDLR to an individual to identify the types for which a significant number of military service members, military veterans, or military spouses submit applications. The bill requires TDLR to submit a report and applicable recommendations to the governor, the lieutenant governor, the speaker of the house of representatives, and each legislative standing committee with primary jurisdiction over TDLR.

**House Bill 2530**  
**Effective:** 9-1-19

**House Author:** Flynn  
**Senate Sponsor:** Zaffirini

House Bill 2530 amends the Government Code to provide for the development and maintenance on the state electronic Internet portal project of an online repository of information of use to active duty members of the U.S. armed forces and their families relocating to Texas.

**House Bill 2643**  
**Effective:** 9-1-19

**House Author:** Martinez  
**Senate Sponsor:** Campbell

House Bill 2643 amends the Transportation Code to provide for the issuance of specialty license plates for recipients of the Combat Infantryman Badge.

**House Bill 3068**  
**Effective:** 9-1-19

**House Author:** Kuempel  
**Senate Sponsor:** Flores

House Bill 3068 amends the Transportation Code to authorize the use of disabled veteran license plates as an alternative to the applicable specialty license plates for certain exhibition vehicles, classic motor vehicles, travel trailers, custom vehicles, and street rods.

**House Bill 3343**  
**Effective:** 9-1-19

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

House Bill 3343 amends the Transportation Code to provide for the issuance of specialty license plates for recipients of a Purple Heart awarded by the Department of Public Safety or another law enforcement agency in Texas.

**House Bill 3601**  
**Effective:** 9-1-19

**House Author:** Bell, Cecil et al.  
**Senate Sponsor:** Menéndez et al.

House Bill 3601 amends the Higher Education Coordinating Act of 1965, Education Code, to authorize the Texas Higher Education Coordinating Board to approve a public institution of higher education to offer in coordination with the Texas Military Department a degree that uses alternative methods of determining mastery of program content, including competency-based education. The bill sets out eligibility criteria for such a degree program, including minimum periods of active service in the Texas military forces.

## Military Forces and Veterans

**House Bill 4429**  
**Effective:** 9-1-19

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

House Bill 4429 amends the Government Code and Health and Safety Code to require the Texas Veterans Commission to coordinate local delivery to veterans and their immediate family members of mental health first aid for veterans training, to require the inclusion of such training in the mental health intervention program for veterans developed by the Department of State Health Services, and to set out annual reporting requirements regarding the number of veterans and their immediate family members who completed the veterans module of a mental health first aid training program offered by a local mental health authority during the preceding fiscal year.

**Senate Bill 225**  
**Effective:** 9-1-19

**Senate Author:** Flores  
**House Sponsor:** Cortez et al.

Senate Bill 225 amends the Transportation Code to provide for the issuance of specialty license plates for recipients of the Army of Occupation Medal.

**Senate Bill 822**  
**Effective:** 5-31-19

**Senate Author:** Nelson  
**House Sponsor:** Flynn

Senate Bill 822 amends the Government Code to better align provisions relating to the grant program for supporting community mental health programs that provide services and treatment to veterans and their families with similar community grant programs by repealing requirements that a qualified nonprofit or private entity serve as the administrator of a grant program. The bill requires the Health and Human Services Commission to condition the provision of each grant on a potential recipient obtaining or securing funds from non-state sources in certain amounts depending on the number of counties for which the community mental health program provides services and the population of such counties.

**Senate Bill 1091**  
**Effective:** 6-14-19

**Senate Author:** Nichols  
**House Sponsor:** Ashby

Senate Bill 1091 amends the Transportation Code to authorize a toll project entity to cap the number of transponders issued to an electronic toll collection customer for which free or discounted use of the entity's project is provided under a veteran discount program and to require an entity that adopts such a cap to allow a program participant to be issued one extra transponder on demonstration of hardship by the participant, as determined by the entity.

**Senate Bill 1180**  
**Effective:** 9-1-19

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

Senate Bill 1180 amends the Government Code to require the Texas Veterans Commission to report annually to the governor, lieutenant governor, the speaker of the house, and each member of the legislature information regarding the number of defendants who participated in each veterans treatment court program and successfully completed or did not successfully complete each program and the amount of grant funding received by each program.

**Senate Bill 1200**  
**Effective:** 9-1-19

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

Senate Bill 1200 amends the Occupations Code to establish the conditions under which a military spouse may engage in a business or occupation in Texas for which a license is required without obtaining the applicable license.

**Senate Bill 1443**

**Effective:** 9-1-19

**Senate Author:** Campbell

**House Sponsor:** Flynn

Senate Bill 1443 amends the Government Code to continue the military BRAC (base realignment and closure) task force until September 1, 2023. The bill gives the Texas Military Preparedness Commission broader discretion in setting the criteria by which to award defense economic adjustment assistance grants.

**Senate Bill 1597**

**Effective:** 9-1-19

**Senate Author:** Hall

**House Sponsor:** Shine

Senate Bill 1597 amends the Government Code to expand eligibility for the Lone Star Medal of Valor, Texas Outstanding Service Medal, and Texas Medal of Merit to include certain acts of military service performed as a member of a crew.

**Senate Bill 1598**

**Effective:** 9-1-19

**Senate Author:** Hall

**House Sponsor:** Tinderholt

Senate Bill 1598 amends the Government Code to entitle a security officer employed by the Texas Military Department to hazardous duty pay.

**Senate Bill 1806**

**Effective:** 9-1-19

**Senate Author:** Rodríguez

**House Sponsor:** Ortega

Senate Bill 1806 amends the Transportation Code to provide for the issuance of specialty license plates for recipients of the Nuclear Deterrence Operations Service Medal.

**Senate Bill 1819**

**Effective:** 5-22-19

**Senate Author:** Campbell

**House Sponsor:** Minjarez

Senate Bill 1819 amends the Government Code to designate May 8 as Military Spouse Appreciation Day in recognition of the wives and husbands of brave individuals who serve in the U.S. armed forces or state military forces and to require regular observation of Military Spouse Appreciation Day through appropriate programs and activities coordinated by the Texas Veterans Commission.

**Senate Bill 2104**

**Effective:** See below

**Senate Author:** Zaffirini et al.

**House Sponsor:** Miller

Senate Bill 2104 amends the Government Code, effective September 1, 2019, to establish a temporary Texas Veterans County Service Officer Task Force to study the impact and efficacy of veterans county service officers in Texas. The bill requires the Texas Veterans Commission (TVC) to report on the task force's recommendations regarding veterans county service officers to the Senate Committee on Veteran Affairs and Border Security and the House Committee on Defense and Veterans' Affairs. The bill expands the use of the Fund for Veterans Assistance to include grants for pro bono legal services to veterans, active duty members of the United States armed forces, and members of the state military forces.

Senate Bill 2104 amends the Education Code, effective June 10, 2019, to require an institution of higher education to permit a spouse of a member of the U.S. armed forces who is stationed outside Texas to pay tuition, fees, and other charges provided for Texas residents under certain conditions.



## Military Forces and Veterans

### **Senate Bill 2131**

**Effective:** 9-1-19

**Senate Author:** Powell et al.

**House Sponsor:** Cortez

Senate Bill 2131 amends the Government Code to provide for a member of the Texas Military Preparedness Commission to participate in a meeting by telephone or other means of telecommunication or electronic communication to consider an application for a loan from the Texas military value revolving loan account. The bill authorizes a defense community awarded such a loan to use a portion of the loan proceeds to pay off other debt the community incurred for purposes of financing an eligible project.

## 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 alcoholic beverage, financial, health care, insurance, law enforcement, and transportation sectors is in the **Alcoholic Beverages, Business and Commerce, Health and Human Services, Insurance, Public Safety, and Transportation** chapters, respectively. Legislation relating to workers' compensation and workforce development is in the **Labor and Employment** chapter, and legislation relating to the continuation of certain regulatory authorities is in the **Sunset Review** chapter.

### House Bill 389

**Effective:** Vetoed

**House Author:** Bailes

**Senate Sponsor:** Nichols

House Bill 389 amends the Local Government Code to authorize the commissioners court of Liberty County to regulate the operation of game rooms.

Governor's Reason for Veto: "I have signed House Bill 892, which gives all counties statewide the authority to regulate game rooms by removing all local bracket provisions from the relevant statute. House Bill 389 attempts to amend the provisions already repealed by House Bill 892. As such, House Bill 389 is unnecessary and I am vetoing it at the request of the author."

### House Bill 882

**Effective:** 6-10-19

**House Author:** Bell, Cecil

**Senate Sponsor:** Kolkhorst

House Bill 882 amends the Occupations Code to increase the maximum duration of a bingo occasion from four hours to six hours and to increase from four to six the number of hours a temporary license to conduct bingo is valid during any one day.

### House Bill 892

**Effective:** 9-1-19

**House Author:** Kuempel et al.

**Senate Sponsor:** Nichols

House Bill 892 repeals the Local Government Code provision that makes the statutory authority of a county to regulate the operation of game rooms applicable only to certain counties.

### House Bill 914

**Effective:** See below

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

**Senate Sponsor:** Zaffirini

House Bill 914 amends the Government Code and the Bingo Enabling Act, Occupations Code, to, among other things: eliminate the five percent prize fee on non-cash prizes exceeding \$5; require a licensed authorized organization or unit that conducts bingo to collect the five percent prize fee on cash prizes and to remit 50 percent of the fee collected to the Texas Lottery Commission on a quarterly basis; require applicable counties and cities to opt in to continue receiving prize fees; and establish that revenue collected by the lottery commission from prize fees is considered to be miscellaneous revenue for purposes of appropriations made to the lottery commission for the administration of the Bingo Enabling Act. The bill repeals certain provisions of the Bingo Enabling Act applicable to a temporary license to conduct bingo, a license to conduct bingo, an initial and renewal application submitted for inclusion in the registry of approved bingo workers, and an initial or renewal unit manager license.

House Bill 914 takes effect January 1, 2020, except that the provision authorizing a county or municipality that voted to impose a prize fee to vote to discontinue the imposition of the fee

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and the provision establishing that the revenue collected by the lottery commission from prize fees is considered to be miscellaneous revenue take effect September 1, 2019.

### **House Bill 1031**

**Effective:** Vetoed

**House Author:** Deshotel

**Senate Sponsor:** Creighton

House Bill 1031 amends the Local Government Code to authorize the commissioners court of Jefferson County to regulate game rooms.

Governor's Reason for Veto: "I have signed House Bill 892, which gives all counties statewide the authority to regulate game rooms by removing all local bracket provisions from the relevant statute. House Bill 1031 attempts to amend the provisions already repealed by House Bill 892. As such, House Bill 1031 is unnecessary."

### **House Bill 1140**

**Effective:** 6-14-19

**House Author:** King, Tracy O.

**Senate Sponsor:** Zaffirini

House Bill 1140 amends the Occupations Code to provide for the biennial adjustment by the Texas Commission of Licensing and Regulation of the impoundment and storage fees of a vehicle storage facility or governmental vehicle storage facility. The adjustment is based on the percentage increase or decrease in the consumer price index during the preceding state fiscal biennium. The bill sets at \$20 the daily storage fee the operator of such a facility may charge the owner of a vehicle not longer than 25 feet and removes a provision authorizing an operator to charge a fee for the remediation, recovery, or capture of an environmental or biological hazard.

### **House Bill 1342**

**Effective:** 9-1-19

**House Author:** Leach et al.

**Senate Sponsor:** Hinojosa

House Bill 1342 amends the Occupations Code to set out and revise provisions regarding the eligibility for certain occupational licenses for a person who has been convicted of an offense. The bill removes as grounds for disqualification for an occupational license a conviction for an offense that does not directly relate to the duties and responsibilities of the licensed occupation and that was committed less than five years before the date the person applies for the applicable license. Among other provisions, the bill requires a licensing authority to provide written notice and allow a person to submit relevant information to the authority before the authority may deny the person a license or the opportunity to be examined for a license based on the person's prior conviction of an offense. The bill requires the state auditor, in collaboration with licensing authorities, to develop a best practices guide for an applicant with a prior conviction to use when applying for a license and to publish the guide on the state auditor's website. The bill also provides for the issuance of restricted licenses for air conditioning and refrigeration contractors and electricians as an alternative to denying, revoking, suspending, or refusing to issue or renew a license under certain circumstances.

### **House Bill 1404**

**Effective:** Vetoed

**House Author:** Dean

**Senate Sponsor:** Hughes

House Bill 1404 amends the Local Government Code to authorize the commissioners court of Upshur County to regulate game rooms.

Governor's Reason for Veto: "I have signed House Bill 892, which gives all counties statewide the authority to regulate game rooms by removing all local bracket provisions from the relevant statute. House Bill 1404 attempts to amend the provisions already repealed by House Bill 892. As such, House Bill 1404 is unnecessary and I am vetoing it at the request of the author."

**House Bill 1476****Effective:** Vetoed**House Author:** Anderson**Senate Sponsor:** Birdwell

Current law authorizes the commissioners court of a county with a population of more than 200,000 and less than 220,000 to regulate game rooms. House Bill 1476 amends the Local Government Code to raise the maximum population threshold of such a county to 250,000.

Governor's Reason for Veto: "House Bill 1476 attempts to amend the statute already repealed by House Bill 892. As such, House Bill 1476 is unnecessary."

**House Bill 1865****Effective:** See below**House Author:** Landgraf et al.**Senate Sponsor:** Nelson

House Bill 1865 amends the Occupations Code to provide for a criminal history record information check of each applicant for a massage therapy license or license renewal. The bill, among other provisions, creates a student permit for a student enrolled in a massage school and requires a massage school to maintain a monthly progress report regarding each student attending the school. The bill takes effect September 1, 2019, except that provisions regarding the progress report take effect July 1, 2020.

**House Bill 1894****Effective:** 9-1-19**House Author:** Goldman**Senate Sponsor:** Hancock

House Bill 1894 repeals Occupations Code provisions that make it a Class C misdemeanor offense for a person other than an interior designer to represent or imply that the person is a registered interior designer or for a person to knowingly violate a statutory standard of conduct governing interior designers.

**House Bill 1995****Effective:** 9-1-19**House Author:** King, Tracy O.**Senate Sponsor:** Hinojosa

House Bill 1995 amends the Texas Racing Act, Occupations Code, to specify that the required distribution of money by a racetrack association from deductions from each simulcast pari-mutuel pool and each simulcast cross-species pari-mutuel pool are to be made to the Texas Racing Commission for the administration of the Texas Racing Act.

**House Bill 2228****Effective:** 9-1-19**House Author:** Geren et al.**Senate Sponsor:** Huffman

House Bill 2228 amends the Health and Safety Code to authorize the extension, under certain circumstances and for a period not to exceed 24 months, of the statutorily prescribed maximum inspection interval of steam collection or liberation drums of process steam generators manufactured before January 1, 1970. The bill sets 144 months as the maximum inspection interval for steam collection or liberation drums of process steam generators manufactured on or after January 1, 1970.

**House Bill 2452****Effective:** 5-29-19**House Author:** Goldman et al.**Senate Sponsor:** Zaffirini

House Bill 2452 amends the Occupations Code to authorize the Texas Department of Licensing and Regulation (TDLR) to contract with a qualified individual to assist TDLR with reviewing or investigating complaints filed with TDLR. The bill grants an individual with whom TDLR so contracts immunity from liability and prohibits such an individual from being subject to a suit for damages for any act arising from the performance of the individual's duties in specified circumstances, except for an act of the individual involving fraud, conspiracy, or malice. The

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

**House Bill 2463**  
**Effective:** 9-1-19

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

House Bill 2463 amends the Occupations Code and Tax Code to provide for the deposit and allocation of proceeds from the collection of the sales and use tax imposed on expenditures directly related to horse ownership, riding, or boarding to the credit of the horse industry escrow account administered by the Texas Racing Commission. Among other provisions, the bill sets a maximum balance of that account and limits the annual allocation of money in the account for use as purses. Implementation of this bill is mandatory only if specific appropriations are made for its purposes.

**House Bill 2471**  
**Effective:** 9-1-19

**House Author:** Kacal  
**Senate Sponsor:** Schwertner

House Bill 2471 amends the Government Code to designate the week that includes the third Saturday in October as Veterinary Technician Week.

**House Bill 2546**  
**Effective:** 9-1-19

**House Author:** Guillen  
**Senate Sponsor:** Hughes

House Bill 2546 amends the Occupations Code to authorize a manufacturer or builder of industrialized housing to construct single-family industrialized housing in accordance with the energy efficiency performance standards outlined in the energy code adopted by the Texas Industrialized Building Code Council or the energy code in Texas for single-family residential construction with certain local amendments or alternative compliance paths.

**House Bill 2584**  
**Effective:** 9-1-19

**House Author:** Cortez  
**Senate Sponsor:** Menéndez

House Bill 2584 amends the Penal Code and Occupations Code to authorize a certified code enforcement officer who possesses or carries an instrument used specifically for deterring an animal bite while the officer is performing official duties or traveling to or from a place of duty to carry a club.

**House Bill 2698**  
**Effective:** 9-1-19

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

House Bill 2698 amends the Occupations Code to authorize an approved barber school, private beauty culture school, or a public secondary or postsecondary beauty culture school to administer a practical examination required for barbering and cosmetology licensure.

**House Bill 2699**  
**Effective:** 9-1-19

**House Author:** Goldman  
**Senate Sponsor:** Zaffirini

House Bill 2699 amends the Occupations Code to update and revise provisions relating to permit and license examinations for hearing instrument fitters and dispensers, including provisions authorizing an applicant to retake the examination under certain circumstances and provisions prescribing notice requirements. The bill repeals provisions requiring the examination to be administered at least twice each year and to be validated by an independent testing professional and repeals a provision authorizing the Texas Department of Licensing

and Regulation to refuse to examine an applicant who has been convicted of a misdemeanor involving moral turpitude or a felony.

**House Bill 2747**  
**Effective:** 9-1-19

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

House Bill 2747 amends the Occupations Code to prohibit a massage establishment from allowing any individual to reside on the premises of the massage establishment and sets out certain exceptions. The bill, among other provisions, requires each massage establishment and massage school to display a sign concerning services and assistance available to victims of human trafficking.

**House Bill 2847**  
**Effective:** 9-1-19

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

House Bill 2847 amends the Business & Commerce Code, Education Code, Health and Safety Code, and Occupations Code to revise a variety of regulatory provisions relating to certain occupations, activities, and agreements. The bill, among other provisions, authorizes the Texas Commission of Licensing and Regulation, for each program regulated by the Texas Department of Licensing and Regulation, to establish by rule the length of a license term, a fee for the issuance or renewal of a license, and any continuing education required to renew a license. Implementation of a provision of this bill is mandatory only if a specific appropriation is made for that purpose.

**House Bill 3366**  
**Effective:** 9-1-19

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

House Bill 3366 amends the Occupations Code to establish the Texasbred incentive fund in the state treasury and to provide for deposits to the fund and distribution of money in the fund.

**Senate Bill 37**  
**Effective:** 6-7-19

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

Senate Bill 37 amends the Occupations Code, Finance Code, and Government Code to prohibit an occupational licensing authority of the state or a political subdivision from taking disciplinary action against a person based on the person's default on a student loan or breach of a student loan repayment contract or scholarship contract, including by denying the person's license or license renewal application or suspending the person's license. The bill specifies that the scope of this prohibition includes a scholarship contract or student loan repayment contract to which a political subdivision is a party and includes a student loan made by a public or private entity.

Senate Bill 37 repeals and removes provisions relating to certain unfavorable licensing outcomes based on a person's default on an applicable student loan with regard to the following specific occupational licenses: a residential mortgage loan originator license, a state lottery sales agent license, a license to practice law, and a court reporter certification. The bill repeals Education Code provisions requiring the Texas Guaranteed Student Loan Corporation to notify a state licensing agency of licensees who are in default on loans guaranteed by the corporation and prohibiting the renewal of the licenses of such licensees unless specified conditions are met.

Senate Bill 37 terminates on the bill's effective date a pending disciplinary action proceeding by a licensing authority under a former statutory authorization if the proceeding was initiated before that date.

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**Senate Bill 284**  
**Effective:** 9-1-19

**Senate Author:** Hinojosa  
**House Sponsor:** Howard

Senate Bill 284 amends the Code of Criminal Procedure to require the Texas Forensic Science Commission to give written notice by certified mail of a determination that a licensed forensic analyst has committed professional misconduct to the license holder and to authorize the license holder to request a hearing by submitting a written request to the Judicial Branch Certification Commission. Absent a hearing request, the disciplinary action becomes final and not subject to review.

**Senate Bill 1217**  
**Effective:** 6-14-19

**Senate Author:** Alvarado  
**House Sponsor:** Morales

Senate Bill 1217 amends the Occupations Code to prohibit a licensing authority from considering an arrest that did not result in a person's conviction or placement on deferred adjudication community supervision for purposes of determining an applicant's eligibility for an occupational license.

**Senate Bill 1531**  
**Effective:** 9-1-19

**Senate Author:** Hancock  
**House Sponsor:** White

Senate Bill 1531 amends the Occupations Code to revise provisions governing the requirements for an electrician license and auctioneer license and governing the grounds on which the Texas Commission of Licensing and Regulation (TCLR) or the Texas Department of Licensing and Regulation (TDLR) may take certain actions related to a license to practice podiatry, midwifery, or dog or cat breeding. Among other provisions, the bill removes a person's conviction of a felony or a crime that involves moral turpitude from the grounds on which TCLR or TDLR may refuse to admit a person to an examination and to issue a license to practice podiatry and removes a person's conviction of a misdemeanor involving moral turpitude or a felony from the grounds on which TCLR or the executive director of TDLR may discipline a licensed midwife, refuse to renew a midwife's license, or refuse to issue a license to an applicant.

**Senate Bill 1947**  
**Effective:** 9-1-19

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

Senate Bill 1947 amends the Health and Safety Code and Occupations Code to require the Texas State Board of Pharmacy to make certain reported information relating to the distribution of controlled substances available to the State Board of Veterinary Medical Examiners for the purpose of routine inspections and investigations. The bill includes two hours of continuing education related to opioid abuse and controlled substance diversion, inventory, and security every two years among the veterinarian license continuing education requirements.

**Senate Bill 1995**  
**Effective:** 9-1-19

**Senate Author:** Birdwell  
**House Sponsor:** Paddie

Senate Bill 1995 amends the Occupations Code to require the governor to establish a division within the Office of the Governor to review state agency rules relating to certain occupational licensing. The bill requires a state agency that issues a license to submit any proposed rule affecting market competition in Texas relating to the business, occupation, or profession for which a license is issued to the division for review before the rule is adopted, readopted, repealed, or implemented. The bill, among other provisions, sets out the division review process and prohibits a state agency from finally adopting or implementing a proposed rule required to be submitted for review unless the division has approved the rule.

**Senate Bill 2011****Effective:** 9-1-19**Senate Author:** Buckingham**House Sponsor:** Sheffield

Senate Bill 2011 amends the Education Code to provide for a study conducted by the Texas Higher Education Coordinating Board regarding the feasibility of developing a pilot program to streamline physician licensing requirements for advanced practice registered nurses.

**Senate Bill 2119****Effective:** See below**Senate Author:** Alvarado**House Sponsor:** Goldman et al.

Senate Bill 2119 amends the Agriculture Code, Occupations Code, and Tax Code to transfer responsibility for the regulation of motor fuel metering and motor fuel quality from the Department of Agriculture (TDA) to the Texas Department of Licensing and Regulation (TDLR). The bill provides for various aspects of the administrative transition, requires TDLR to administer and enforce the bill's provisions and to regulate all motor fuel metering devices sold or offered for sale in Texas, and authorizes TDLR to purchase necessary apparatus and to contract with one or more holders of a service technician license or service company license to perform TDLR's duties relating to the regulation of metering devices.

Senate Bill 2119 sets out provisions relating to standard weights and measures for motor fuel and relating to the inspection and registration of motor fuel metering devices and establishes a civil penalty for a violation of those provisions or of associated administrative rules. The bill, among other provisions, defines certain such violations, creates certain Class C misdemeanor offenses, and sets out further powers and duties of TDLR with regard to these functions.

Senate Bill 2119 sets out occupational licensing procedures, requirements, and exemptions for a service technician or service company that performs motor fuel device maintenance activities and sets out the powers and duties of TDLR in connection with licensing inspections and other compliance enforcement. The bill creates a Class B misdemeanor offense for a nonexempt person who performs device maintenance activities without the required license, employs or contracts with an unlicensed person, or causes another person to commit either violation. The bill enhances the penalty for a subsequent conviction to a Class A misdemeanor.

Senate Bill 2119 sets out provisions relating to the sale, delivery, and quality of motor fuel, including provisions imposing certain notice requirements regarding fuel mixtures, requiring the Texas Commission on Licensing and Regulation to adopt minimum quality and testing standards, and setting out certain testing procedures. The bill establishes a civil penalty and authorizes an administrative penalty for certain violations of these provisions and establishes a Class C misdemeanor offense for a person who refuses to allow certain TDLR sample collection or quality testing. The bill's provisions take effect September 1, 2020, except that certain provisions relating to the transfer of regulatory functions from the TDA to TDLR take effect September 1, 2019.



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## Open Government and Privacy

This chapter covers legislation on issues relating to open government and 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.

**House Bill 81**  
**Effective:** 5-17-19

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

House Bill 81 amends the Government Code to make certain information about the receipt or expenditure of funds by a governmental body for a parade, concert, or other entertainment event open to the general public and paid for with public funds available under a provision of state public information law relating to competitive bidding. The bill makes void a contract related to such an event that prohibits or would otherwise prevent such a disclosure of information.

**House Bill 125**  
**Effective:** 9-1-19

**House Author:** Martinez  
**Senate Sponsor:** Menéndez

House Bill 125 amends the Occupations Code to prohibit the Texas Department of Licensing and Regulation for licensed dyslexia practitioners and licensed dyslexia therapists, the Texas State Board of Examiners of Professional Counselors, the Department of State Health Services for chemical dependency counselors, and the Texas State Board of Social Worker Examiners from including the home address of an applicable licensee in an online roster, registry, or other database unless the person requests that the address appear online. The bill establishes that such appropriately posted home address information is public information and is not excepted from required disclosure under state public information law.

**House Bill 1495**  
**Effective:** 6-14-19

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

House Bill 1495, the J D Lambright Local Government Ethics Reform Act, amends the Government Code and Local Government Code to require the disclosure of certain contracts and budgeted expenses for lobbying services by certain governmental entities and state agencies. The bill provides for the establishment of a county ethics commission in Montgomery County and Chambers County and authorizes the commissioners court of Chambers County to adopt a code of ethics that provides standards of conduct for commissioners court members.

**House Bill 1785**  
**Effective:** 9-1-19

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

House Bill 1785 amends the Government Code to require the registration form for lobbyists to include a statement of whether the registrant is or is required to be registered as a foreign agent under federal law.

**House Bill 1872**  
**Effective:** 5-23-19

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

Current law requires a county clerk or the Texas Ethics Commission, on request by a county judicial officer or candidate, to remove certain information included on the officer's or candidate's personal financial statement before the statement is made available to a member of the public. House Bill 1872 amends the Local Government Code to include the officer's or candidate's home address among the information to be removed, to require that the information

also be removed from any county or commission record derived from the statement, and to remove the need for the officer or candidate to request the removal of the information.

**House Bill 2828**  
**Effective:** 6-10-19

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

House Bill 2828 amends the Government Code to make confidential and excepted from the public availability requirement of state public information law certain personally identifying information related to the humane disposition of an animal by a municipality or county. The bill authorizes the limited disclosure of that information for purposes related to the protection of public health and safety and prohibits the use of the disclosed information for a purpose not directly related to that protection.

**House Bill 2840**  
**Effective:** 9-1-19

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

House Bill 2840 amends the Government Code to require certain local governmental bodies to allow each member of the public who desires to address the body regarding an item on the body's open meeting agenda to do so before or during the body's consideration of the item. The bill provides for the adoption of related rules by an applicable governmental body and prohibits such a body from prohibiting public criticism of the body that is otherwise lawful.

**House Bill 2900**  
**Effective:** 5-24-19

**House Author:** Fierro et al.  
**Senate Sponsor:** Hall

House Bill 2900 amends the Agriculture Code to authorize a commodity producers board or a committee established by such a board to hold an open or closed meeting by telephone conference call if convening a board or committee quorum at one location is inconvenient for any board or committee member. The bill subjects such a meeting to certain notice, audio, and recording requirements.

**House Bill 3175**  
**Effective:** 9-1-19

**House Author:** Deshotel  
**Senate Sponsor:** Creighton

House Bill 3175 amends the Government Code to make confidential certain information the disclosure of which would identify or tend to identify an individual, business, or household that applies for state or federal disaster recovery funds. The street name and census block group of the award recipient and the amount of funds awarded are not confidential after the funds are awarded.

**House Bill 3913**  
**Effective:** 9-1-19

**House Author:** Huberty  
**Senate Sponsor:** Alvarado

House Bill 3913 amends the Government Code to except from public availability requirements of state public information law certain personal information obtained by a flood control district located in Harris County in connection with operations related to a declared disaster or flooding.

**Senate Bill 73**  
**Effective:** 9-1-19

**Senate Author:** Nelson  
**House Sponsor:** Leach

Senate Bill 73 amends the Property Code to include any record recorded by a county clerk related to real property in the definition of "instrument" for purposes of provisions relating to personal information in real property records, including provisions governing the omission or redaction of certain personal information of a federal judge, state judge, or spouse of a federal or state judge from an instrument available in a public online database.

Senate Bill 73 amends the Tax Code and Transportation Code to clarify the definitions of “federal judge” and “state judge” for purposes of provisions relating to the confidentiality of home address information contained in appraisal records and the omission of residence address information on a driver’s license.

**Senate Bill 489**

**Effective:** 9-1-19

**Senate Author:** Zaffirini

**House Sponsor:** Smithee

Senate Bill 489 amends the Election Code, Government Code, Local Government Code, Property Code, Tax Code, and Transportation Code to provide for the removal or redaction of the residence addresses of the following persons from certain records and reports: federal judges; state judges; county attorneys; spouses of federal judges, state judges, and county attorneys; and candidates for the office of state judge or county attorney. The bill requires the director of security and emergency preparedness to submit to the legislature annually a report and related recommendations on court security activities supported by the judicial security division of the Office of Court Administration of the Texas Judicial System. The bill makes provisions governing the removal or redaction of personal information in certain real property instruments applicable to any record recorded by a county clerk related to real property.

**Senate Bill 494**

**Effective:** 9-1-19

**Senate Author:** Huffman et al.

**House Sponsor:** Walle

Senate Bill 494 amends the Government Code to provide for the suspension of state public information law requirements for a governmental body that is, at the time, impacted by a catastrophe. The bill sets out the process for such a suspension, including limits for length, conditions for when the suspension may occur, procedures for an extension of a suspension, and public notice requirements. The bill, among other provisions, revises the exception to the public notice requirements under state open meetings law for cases of an emergency or urgent public necessity, including limiting the matters on which a governmental body may deliberate or take action and authorizing attorney general action for certain violations.

**Senate Bill 548**

**Effective:** 9-1-19

**Senate Author:** Birdwell et al.

**House Sponsor:** King, Phil

Senate Bill 548 amends the Government Code to provide a person with a defense to prosecution or to the imposition of a civil penalty if the Texas Ethics Commission (TEC) fails to timely issue an advisory opinion regarding the same fact situation or a substantially similar fact situation that forms the basis of the alleged violation. The bill requires the TEC to dismiss a complaint to the extent the complaint alleges a statement, registration, or report violates a law or rule if the respondent has timely filed a corrected or amended statement, registration, or report that remedies the alleged violation. The bill, among other provisions, specifies deadlines by which the TEC must act after receiving a respondent’s response to an initial complaint or written questions. The bill authorizes a respondent to appeal the TEC executive director’s decision relating to jurisdiction and to have witnesses subpoenaed for a preliminary review hearing and a formal hearing.

**Senate Bill 662**

**Effective:** 6-14-19

**Senate Author:** Campbell

**House Sponsor:** Paddie

Senate Bill 662 amends the Government Code and Tax Code to except from the public availability requirement of state public information law information that relates to the home address, home telephone number, emergency contact information, or social security number of a statewide elected officer or a member of the legislature or that reveals whether such a person

has family members, regardless of whether the person has elected to disclose or restrict public access to such personal identifying information. The bill makes such information confidential if the applicable individual chooses to restrict public access to the information and notifies the governmental body of the individual's choice in the appropriate form. The bill also restricts the disclosure and use of certain tax appraisal record information for a statewide elected officer or a member of the legislature.

**Senate Bill 943**

**Effective:** 1-1-20

**Senate Author:** Watson et al.

**House Sponsor:** Capriglione et al.

Senate Bill 943 amends the Government Code to make government contracting information public and require its disclosure. The bill sets out certain exceptions to and exemptions from disclosure, including for proprietary information and trade secrets. The bill, among other provisions, requires a governmental body that receives a request for contracting information that is in the custody or possession of the contracted entity and not maintained by the governmental body to ask that the entity provide the information to the governmental body. The bill authorizes a governmental body to terminate a contract for an entity's noncompliance with the bill's provisions.

**Senate Bill 944**

**Effective:** 9-1-19

**Senate Author:** Watson et al.

**House Sponsor:** Capriglione

Senate Bill 944 amends the Government Code to ensure that public information on a privately owned device of a current or former officer or employee of a governmental body is transferred to the governmental body or appropriately preserved. The bill creates an exception to public disclosure for certain sensitive health care information. The bill updates the process for requesting information under the Public Information Act and requires the Office of the Attorney General to promulgate a standard request form.

**Senate Bill 1386**

**Effective:** 9-1-19

**Senate Author:** Watson

**House Sponsor:** Phelan

Senate Bill 1386 amends the Water Code to authorize the Texas Water Development Board (TWDB) to hold a closed meeting to consider and discuss financial matters related to the investment or potential investment of TWDB funds. The bill requires a final action, decision, or vote on a matter considered or discussed in such a closed meeting to be made in an open meeting conducted in compliance with state open meetings law notice provisions.

**Senate Bill 1640**

**Effective:** 6-10-19

**Senate Author:** Watson et al.

**House Sponsor:** Phelan et al.

Senate Bill 1640 amends the Government Code to clarify, specify, and make more precise the conduct that constitutes a prohibited series of communications under the state open meetings law, conduct commonly referred to as a "walking quorum."

## 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 337

**Effective:** 9-1-19

**House Author:** Larson

**Senate Sponsor:** Campbell

House Bill 337 amends the Water Safety Act, Parks and Wildlife Code, to create an offense punishable by a fine for a person who operates at a certain speed a motorboat less than 26 feet in length that is equipped with an engine cutoff switch without first verifying that the switch is operational, fully functional, and properly attached to the operator.

### House Bill 489

**Effective:** 9-1-19

**House Author:** Springer

**Senate Sponsor:** Seliger

House Bill 489 amends the Parks and Wildlife Code to prohibit possessing a certain type of bow or arrow while fishing, discharging a firearm, or shooting an arrow in or on the bed or bank of a navigable river or stream in Hall County.

House Bill 489 repeals a provision making it an offense to use a boat or other floating device to hunt any wild bird or wild animal on a certain part of Big Sandy Creek in Wood County.

### House Bill 510

**Effective:** 9-1-19

**House Author:** Wilson et al.

**Senate Sponsor:** Schwertner

House Bill 510 amends the Local Government Code to authorize Williamson County to enact park use rules, the violation of which constitutes a Class C misdemeanor.

### House Bill 547

**Effective:** 9-1-19

**House Author:** Canales et al.

**Senate Sponsor:** Perry

House Bill 547 amends the Parks and Wildlife Code to require agency rules relating to a hunting license, fishing license, and combination hunting and fishing license to provide that an image of the applicable license displayed on a wireless communication device is sufficient verification of possession of the license. The bill provides that the display of the license does not constitute effective consent to access the contents of the device except to view the license information and that a telecommunications provider may not be held liable for the failure of a device to display license information.

### House Bill 1181

**Effective:** 9-1-19

**House Author:** Guillen

**Senate Sponsor:** Zaffirini

House Bill 1181 amends the Parks and Wildlife Code to authorize an appropriately licensed person to engage in commercial catfishing on a licensed commercial fishing boat in the portion of Falcon Lake that borders Starr and Zapata Counties. The bill authorizes the Parks and Wildlife Department to regulate the amount of catfish taken from that portion of Falcon Lake as necessary to protect the lake's catfish population.

### House Bill 1300

**Effective:** 9-1-19

**House Author:** Hunter et al.

**Senate Sponsor:** Kolkhorst et al.

House Bill 1300 amends the Parks and Wildlife Code to require the Parks and Wildlife Commission, in coordination with the Department of Agriculture, the Department of State Health Services, the General Land Office, and the Texas Commission on Environmental Quality, to

## Parks and Wildlife

establish criteria, rules, and fees for the implementation of a cultivated oyster mariculture permit program in Texas coastal waters. The bill, among other provisions, provides for misdemeanor penalties, program funding, and a cultivated oyster mariculture cleanup account.

**House Bill 1628**  
**Effective:** 9-1-19

**House Author:** Morrison  
**Senate Sponsor:** Kolkhorst

House Bill 1628 amends the Local Government Code to authorize the commissioners court of certain coastal counties to establish reasonable rules on camping, access, litter, resource protection, or waste disposal for an island park, beach park, or public beach controlled or maintained by the county. The bill creates a Class C misdemeanor offense for a person who violates such rules.

**House Bill 1824**  
**Effective:** 9-1-19

**House Author:** Murr  
**Senate Sponsor:** Flores

House Bill 1824 amends the Parks and Wildlife Code to allow proceeds collected by the Parks and Wildlife Commission from the sale of marl, sand, gravel, shell, and mudshell to be used for the enhancement, preservation, and restoration of fish habitats in rivers and streams. The bill authorizes the San Jacinto River Authority and Harris County Flood Control District to take sand, gravel, marl, shell, and mudshell from the San Jacinto River and its tributaries to restore, maintain, or expand the capacity of the river and its tributaries to convey storm flows and exempts those political subdivisions from permit and fee requirements for such activity.

**House Bill 1828**  
**Effective:** 9-1-19

**House Author:** Martinez  
**Senate Sponsor:** Fallon

House Bill 1828 amends the Parks and Wildlife Code to create an enhanceable Class B misdemeanor offense punishable by fine for a person who sells or purchases aquatic products that are taken, possessed, transported, or sold in violation of a federal or state law or regulation. The bill sets out an applicable affirmative defense to prosecution.

**House Bill 1896**  
**Effective:** 9-1-19

**House Author:** Phelan  
**Senate Sponsor:** Flores

House Bill 1896 amends the Government Code to exempt the Parks and Wildlife Department from the prohibition against a state agency adopting a rule for which the fiscal note states that the rule imposes a cost on regulated persons, another state agency, a special district, or a local government.

**House Bill 2038**  
**Effective:** 6-10-19

**House Author:** Darby  
**Senate Sponsor:** Flores

House Bill 2038 amends the Parks and Wildlife Code to increase the penalty for disturbing or taking marl, sand, gravel, shell, or mudshell, or disturbing any oyster bed or fishing water, without the applicable permit and authorization from a Class C Parks and Wildlife Code misdemeanor to a Class B Parks and Wildlife Code misdemeanor.

**House Bill 2065**  
**Effective:** 6-14-19

**House Author:** Lucio III et al.  
**Senate Sponsor:** Lucio et al.

House Bill 2065 amends the Parks and Wildlife Code to authorize money from the general revenue fund to be appropriated to the Parks and Wildlife Department for employee salaries and related costs of the artificial reef program. The bill waives state park entrance fees for a student enrolled in the fifth grade or a child who is 11 years of age.

**House Bill 2218**  
**Effective:** 9-1-19

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

House Bill 2218 amends the Parks and Wildlife Code to create a Class C menhaden boat license for the purpose of catching, storing, and transporting menhaden in tidal water. The license authorizes the holder to use a cast net to catch menhaden in any coastal bay, river, or tributary landward from the Texas shoreline along the Gulf of Mexico coast and limits the amount of menhaden a license holder may take and harvest.

**House Bill 2321**  
**Effective:** 9-1-19

**House Author:** Morrison  
**Senate Sponsor:** Hinojosa

House Bill 2321 amends the Parks and Wildlife Code to increase and enhance the penalties for violating provisions related to the regulation of oyster harvesting, including harvesting oysters from a closed area.

**House Bill 2805**  
**Effective:** 9-1-19

**House Author:** Darby  
**Senate Sponsor:** Flores

House Bill 2805 amends the Parks and Wildlife Code to provide for a standardized single application form for an individual or general permit to disturb or take marl, sand, gravel, shell, or mudshell. The bill requires a permit holder to report to the Parks and Wildlife Department how much marl, sand, gravel, shell, or mudshell was removed during the term of the permit.

**Senate Bill 26**  
**Effective:** See below

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

Senate Bill 26 amends the Tax Code and Parks and Wildlife Code to require the legislature to allocate the money credited to the Parks and Wildlife Department (TPWD) from the proceeds of the sporting goods sales tax to the appropriate TPWD accounts in specific amounts provided in the General Appropriations Act. The bill includes the payment of debt service on park-related bonds issued by TPWD among the authorized uses of the money credited to TPWD.

Senate Bill 26 reenacts and amends provisions of the Government Code, effective January 1, 2020, to convert the historic site account to a dedicated account in the general revenue fund.

Except as otherwise provided, the bill's provisions take effect September 1, 2021, contingent on voter approval of the constitutional amendment proposed by Senate Joint Resolution 24.

**Senate Bill 317**  
**Effective:** 9-1-19

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

Senate Bill 317 amends the Parks and Wildlife Code to allow the taking of any feral hog on a landowner's land without a hunting license regardless of whether the hog causes depredation on the land.

**Senate Bill 345**  
**Effective:** 9-1-19

**Senate Author:** Creighton  
**House Sponsor:** Toth

Senate Bill 345 amends the Education Code to require that the entire territory of the William Goodrich Jones State Forest remain natural, scenic, undeveloped, and open in a manner that maintains the forest's tree canopy cover and to prohibit the enforcement of any statute, rule, policy, or ordinance with respect to the forest territory unless it protects and conserves the forest's natural resources, air quality, or water quality.



## Parks and Wildlife

### **Senate Bill 733**

**Effective:** 6-4-19

**Senate Author:** Perry et al.

**House Sponsor:** Cyrier

Senate Bill 733 amends the Parks and Wildlife Code to authorize the Parks and Wildlife Commission to impose a fee for participation in the managed lands deer program. The collected fees must be deposited to the credit of the game, fish, and water safety account.

### **Senate Bill 810**

**Effective:** 9-1-19

**Senate Author:** Perry et al.

**House Sponsor:** Cyrier et al.

Senate Bill 810 amends the Parks and Wildlife Code to revise requirements for the identification of breeder deer by, among other provisions, requiring a breeder deer to be identified through the application of an identification tag bearing a unique identifier and an electronic identification device. The bill sets out requirements for the content and design of the identification tag and requires the Parks and Wildlife Department to create and maintain a database containing the electronic identification device numbers entered by deer breeders.

### **Senate Bill 948**

**Effective:** 9-1-19

**Senate Author:** Kolkhorst

**House Sponsor:** Martinez

Senate Bill 948 amends the Parks and Wildlife Code to require that a release site onto which breeder deer are liberated be surrounded by a fence that is at least seven feet high and that is capable of retaining deer at all times.

### **Senate Bill 1438**

**Effective:** 5-25-19

**Senate Author:** Taylor

**House Sponsor:** Bailes et al.

Senate Bill 1438 amends the Water Code to prohibit a navigation district from conveying or exchanging an interest in real property to an individual or private entity for the purpose of bedding or harvesting oysters.

### **Senate Bill 1511**

**Effective:** 6-10-19

**Senate Author:** Nichols et al.

**House Sponsor:** Cyrier et al.

Senate Bill 1511 amends the Parks and Wildlife Code to require the Parks and Wildlife Department to timely enter into a memorandum of understanding for a term of 99 years with an appropriate nonprofit foundation for the operation and maintenance of the Battleship "Texas."

### **Senate Joint Resolution 24**

**For Election:** 11-5-19

**Senate Author:** Kolkhorst et al.

**House Sponsor:** Cyrier et al.

Senate Joint Resolution 24 proposes an amendment to the Texas Constitution to provide for the automatic allocation of the net revenue received each state fiscal year from the collection of the sporting goods sales tax to the Parks and Wildlife Department and the Texas Historical Commission.

## Probate and Guardianship

This chapter covers legislation on probate and guardianship matters, transfer on death deeds, and the management and administration of a trust.

### House Bill 2245

**Effective:** 9-1-19

**House Author:** Wray et al.

**Senate Sponsor:** Rodríguez

House Bill 2245 amends the Property Code to revise and update provisions relating to trusts. The bill prohibits the terms of a trust from limiting a court's power to order disgorgement of a trustee's compensation if the trustee commits a breach of trust or to make an award of costs and attorney's fees. The bill establishes that Estates Code provisions governing abatement of bequests apply to the abatement of at-death transfers and that, for a trust that is created and amendable or revocable by the settlor or by the settlor and the settlor's spouse, Estates Code provisions governing the construction and interpretation of wills apply at the settlor's death to the construction and interpretation of at-death transfers as if the settlor of the trust is the testator, the beneficiaries of the at-death transfer are devisees, and the at-death transfers are devised.

House Bill 2245 sets out provisions relating to the effect of the dissolution of a marriage on certain transfers in trust and relating to the transfer of trust property to a pooled trust subaccount. The bill also provides for the creation of a second trust from distributed principal of a first trust and establishes that a court-ordered reformation of a trust is effective as of the creation of the trust and that a trust created for the benefit of a disabled minor terminates on the death of the beneficiary.

### House Bill 2246

**Effective:** 9-1-19

**House Author:** Wray

**Senate Sponsor:** Rodríguez

House Bill 2246 amends the Property Code to establish that an advisor of a directed trust is a fiduciary regardless of trust terms to the contrary, except that that the trust terms may provide that an advisor acts in a nonfiduciary capacity if the advisor's only power is to remove and appoint trustees, advisors, trust committee members, or other protectors and the advisor does not exercise that power to appoint the advisor's self to such a position.

### House Bill 2734

**Effective:** 9-1-19

**House Author:** Burrows et al.

**Senate Sponsor:** Zaffirini

House Bill 2734 amends the Health and Safety Code to require the executive commissioner of the Health and Human Services Commission to prescribe a form that a guardian of a resident in a state supported living center may sign for purposes of making an anatomical gift on the resident's behalf.

### House Bill 2780

**Effective:** 9-1-19

**House Author:** Wray

**Senate Sponsor:** Rodríguez

House Bill 2780 amends the Civil Practice and Remedies Code, Education Code, Estates Code, Government Code, Health and Safety Code, Occupations Code, and Property Code to update certain obsolete references to the former Texas Probate Code and the former Texas Department on Aging.

**House Bill 2782**  
**Effective:** 9-1-19

**House Author:** Wray  
**Senate Sponsor:** Rodríguez

House Bill 2782 amends the Estates Code and Government Code to revise and update provisions relating to decedents' estates, transfer on death deeds, and matters involving probate courts. Among other provisions, the bill provides for the designation of an administrator of a testator's estate who serves if none of the executors named in the testator's will are able and willing to serve as executor. The bill provides for the assignment of a statutory probate court judge or a transfer to an applicable court in cases where a personal representative petitions the county court to modify or reform the terms of a will in a county in which there is no statutory probate court. The bill authorizes a court order for purposes of compelling the disclosure of digital assets of a decedent to a personal representative of the decedent's estate. The bill repeals the statutory forms for transfer on death deeds and revises provisions relating to the presentment and payment of claims against an estate and to the authority of a public probate administrator.

**House Bill 4531**  
**Effective:** 9-1-19

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

House Bill 4531 amends the Estates Code, Government Code, and Health and Safety Code to set out provisions relating to rights and protections for certain adult sexual assault survivors. Among other provisions, the bill authorizes a ward to make decisions related to sexual assault crisis services, provides guidelines on who may consent to the provision of a forensic medical examination and treatment to an adult sexual assault survivor for whom a guardian is appointed or who is incapable of consenting to the examination or treatment, and revises provisions governing consent for the release of certain confidential information and evidence regarding a survivor for whom a guardian is appointed. The bill prohibits contact by a health care facility with a survivor's legal agent and the disclosure of certain confidential information under the Sexual Assault Prevention and Crisis Services Act to a guardian of a survivor if an applicable person knows or has reason to believe that the legal agent or guardian, as applicable, is a suspect or accomplice in the sexual assault of the survivor.

**Senate Bill 667**  
**Effective:** Vetoed

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

Senate Bill 667 amends the Civil Practice and Remedies Code, Estates Code, Government Code, Health and Safety Code, Human Resources Code, and Local Government Code to revise and update certain provisions governing probate and guardianship matters and procedures for persons who are incapacitated or have a mental illness. Among other provisions, the bill authorizes the commissioners court of a county to create an office of public guardian to provide certain guardianship services to incapacitated persons or enter into an agreement with a person operating a nonprofit guardianship program or private professional guardianship program to act as a public guardian for such purposes.

Governor's Reason for Veto: "Senate Bill 667 would make a number of improvements to the law governing probate and guardianship matters, but they unfortunately cannot take effect this session because of a section of the bill that would create new public guardianship offices controlled by counties. It has not been shown that it is necessary to add permanent county offices dedicated to this function. Private attorneys are capable of handling these cases without the expense of this new bureaucracy."

**Senate Bill 874**  
**Effective:** 9-1-19

**Senate Author:** Huffman  
**House Sponsor:** Farrar

Senate Bill 874 amends the Government Code to require the Texas Supreme Court, as the court considers appropriate, to promulgate a form for use to create a transfer on death deed and a form for use to create an instrument of revocation of a transfer on death deed. The bill repeals Estates Code provisions that prescribe optional forms for creating such a deed or revocation instrument.

**Senate Bill 1184**  
**Effective:** 6-7-19

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

Senate Bill 1184 amends the Education Code to revise the conditions under which a parent, legal guardian, or other fiduciary of the designated beneficiary of a Texas achieving a better life experience (ABLE) program account is eligible to participate in the program on behalf of the beneficiary.

**Senate Bill 1420**  
**Effective:** 9-1-19

**Senate Author:** Zaffirini  
**House Sponsor:** Murphy

Senate Bill 1420 amends the Estates Code and Property Code to change the manner by which an heir or devisee of an estate or an assignee of an heir or devisee may recover their share of the funds of the estate paid to the comptroller of public accounts by requiring such a person to file a claim with the comptroller in the manner provided by Property Code provisions governing the recovery of unclaimed property presumed to have been abandoned.

**Senate Bill 1784**  
**Effective:** 6-2-19

**Senate Author:** Zaffirini  
**House Sponsor:** Leach

Senate Bill 1784 amends the Estates Code to increase from \$175 per month to \$250 per month the cap on the amount of compensation paid to a guardian of a Medicaid recipient that may be deducted as an additional personal needs allowance in the computation of the recipient's applied income.

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## Property Interests and Housing

This chapter covers legislation on issues relating to property interests, including affordable housing, real property transactions, and the landlord-tenant relationship. Legislation relating to property taxation is in the **Taxes and Tax Administration** chapter.

### House Bill 69

**Effective:** 1-1-20

**House Author:** Minjarez et al.

**Senate Sponsor:** Zaffirini

House Bill 69 amends the Property Code to authorize the estate of a residential tenant who was the sole occupant of a rental dwelling and who dies before the expiration of the tenant's lease to terminate the tenant's rights and obligations under the lease, vacate the leased premises, and avoid liability, except as specified by the bill, for any sum due under the lease for prematurely terminating the lease and vacating the premises. This authorization is conditioned on written notice of the termination being provided to the landlord or the landlord's agent, the deceased tenant's property being removed in accordance with applicable state law, and an inventory of the removed property being signed by a representative of the estate, if required by the landlord or the landlord's agent.

### House Bill 837

**Effective:** 6-10-19

**House Author:** Geren

**Senate Sponsor:** Nelson

House Bill 837 amends the Local Government Code to expand the group of municipalities owning land near a lake shoreline that may, without notice or the solicitation of bids, sell the land to the person leasing the land for the land's fair market value as determined by a certified appraiser.

### House Bill 1002

**Effective:** 1-1-20

**House Author:** Collier

**Senate Sponsor:** West

House Bill 1002 amends the Property Code to require a landlord who issues a parking permit to a residential tenant to issue the permit for a term that is coterminous with the tenant's lease term and to prohibit such a landlord from terminating or suspending the permit until the date the tenant's right of possession ends.

### House Bill 1025

**Effective:** See below

**House Author:** Bohac

**Senate Sponsor:** Whitmire

House Bill 1025 amends the Property Code to authorize a property owners' association that governs a subdivision composed of multiple sections to designate in an association governing instrument a specified number of positions on the association board, each of which must be elected from a designated section of the subdivision. The bill prohibits a person who cohabits at the same primary residence with another board member from serving on an association board and provides for certain exceptions to this prohibition. The bill is effective September 1, 2019, except that the provision establishing the prohibition takes effect on June 14, 2019.

### House Bill 1215

**Effective:** Vetoed

**House Author:** Collier et al.

**Senate Sponsor:** Alvarado

House Bill 1215 amends the Government Code to authorize the Texas Department of Housing and Community Affairs (TDHCA) to require as part of the threshold criteria under a qualified allocation plan for the low income housing tax credit program that a proposed development satisfy certain criteria relating to educational quality. The bill, however, prohibits the TDHCA

## Property Interests and Housing

from adopting a qualified allocation plan that uses a scoring system that awards points to an application based on that criteria.

Governor's Reason for Veto: "House Bill 1215 mirrors current policy regarding the use of educational quality by the Texas Department of Housing and Community Affairs in administering the low income housing tax credit program. The bill would limit administrative flexibility, however, to a degree that is unacceptable."

**House Bill 1385**  
**Effective:** 9-1-19

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

House Bill 1385 amends the Occupations Code, for purposes of the regulation of industrialized housing and buildings, to remove the statutory height restrictions on applicable residential and commercial modular structures.

**House Bill 1833**  
**Effective:** 9-1-19

**House Author:** Wray  
**Senate Sponsor:** Hughes

House Bill 1833 amends the Property Code to authorize an applicable domestic or foreign business entity to execute and record an affidavit identifying one or more individuals with authority to transfer on behalf of the entity an estate or interest in real property in the name of the entity and to authorize such an individual to make such a transfer. The bill provides for certain exceptions to the authorization to execute and record the affidavit, authorizes an entity to terminate transfer authority, and sets the expiration date for transfer authority that has not been terminated by the entity.

**House Bill 1973**  
**Effective:** 9-1-19

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

House Bill 1973 amends the Government Code to establish requirements for the Texas Department of Housing and Community Affairs in reallocating and awarding points for an application for a low income housing tax credit when no written statement relating to community support is received from the state representative who represents the district containing the proposed development site.

**House Bill 2287**  
**Effective:** 9-1-19

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

House Bill 2287 amends the Local Government Code to authorize a municipal housing authority operating in El Paso to operate in unincorporated parts of El Paso County, excluding parts in which another municipal or county housing authority operates, subject to the completion and presentation to the El Paso County Commissioners Court of a needs assessment regarding the operation and a vote of approval by the commissioners court after a public hearing.

**House Bill 2529**  
**Effective:** 9-1-19

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

House Bill 2529 amends the Local Government Code to give certain municipal, county, or regional housing authorities the option of appointing a recipient of housing assistance administered through the authority's housing choice voucher program or project-based rental assistance program to serve as a commissioner of the authority as an alternative to appointing a tenant of a public housing project over which the authority has jurisdiction.

**House Bill 2564**  
**Effective:** 9-1-19

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

House Bill 2564 amends the Government Code to require the Texas Department of Housing and Community Affairs low income housing plan to include an estimate and analysis of the size and different housing needs of homeless youth and young adults in each uniform state service region. The bill expands the types of organizations from whom the Texas Interagency Council for the Homeless may seek program or policy assistance in accomplishing its duties.

**House Bill 2569**  
**Effective:** 9-1-19

**House Author:** Darby  
**Senate Sponsor:** Hughes

House Bill 2569 amends the Property Code to exclude horizontal unit boundaries described in a condominium declaration from the horizontal unit boundaries whose location with reference to established data must be shown on the condominium plats or plans.

**House Bill 3598**  
**Effective:** 6-10-19

**House Author:** Martinez Fischer  
**Senate Sponsor:** Zaffirini

House Bill 3598 amends Property Code provisions regarding the state’s unclaimed property program, including provisions regarding the conditions under which such property is presumed abandoned, certain records retention requirements, and the approval or disapproval of claims filed with the comptroller of public accounts. Among other provisions, including provisions authorizing the comptroller to take testimony and issue administrative subpoenas and requiring the attorney general, when requested, to assist in the enforcement of applicable statutory provisions, the bill provides for combined reporting; sets out a continuing reporting requirement; provides for the expanded authority of the comptroller, the attorney general, or an authorized agent of either to examine applicable records; and sets a limitation period for an examination relating to the reporting, payment, or delivery of applicable property.

**House Bill 3815**  
**Effective:** 9-1-19

**House Author:** Morrison  
**Senate Sponsor:** Huffman

House Bill 3815 amends the Property Code to require the standard disclosure notice the seller of a residential real property must give to a purchaser to include notice of whether the seller: is aware of conditions relating to the property’s present flood insurance coverage, previous flooding due to a failure or breach of a reservoir or a controlled or emergency release of water from a reservoir, or previous water penetration into a structure on the property due to a natural flood event; is aware the property is located wholly or partly in a floodplain, floodway, flood pool, or reservoir; has ever filed a flood claim for flood damage to the property with any insurance provider; and has ever received assistance from FEMA or the U.S. Small Business Administration for flood damage to the property.

**Senate Bill 234**  
**Effective:** 9-1-19

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

Senate Bill 234 amends the Property Code to include a magistrate’s order of emergency protection among the court orders a residential tenant may provide to a landlord or landlord’s agent to exercise the right to terminate a lease, vacate the dwelling, and avoid liability for future rent following family violence. The bill authorizes alternate documentation for that purpose.



## Property Interests and Housing

### **Senate Bill 339**

**Effective:** 9-1-19

**Senate Author:** Huffman et al.

**House Sponsor:** Morrison

Senate Bill 339 amends the Property Code to require the standard seller's disclosure notice for residential real property to include certain notice regarding the property's flood insurance coverage; previous flooding, water penetration, and flood damage claims and assistance; and the property's location in a floodplain, floodway, flood pool, or reservoir.

### **Senate Bill 493**

**Effective:** 9-1-19

**Senate Author:** Alvarado

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

Senate Bill 493 amends the Government Code to authorize the governing board of the Texas Department of Housing and Community Affairs to allocate housing tax credits under the low income housing tax credit program to more than one development in a single community located in an area of the City of Houston that is a federally declared disaster area, provided that the city's governing body has authorized the allocation by vote and is authorized to administer disaster recovery funds as a subgrant recipient.

### **Senate Bill 1414**

**Effective:** 9-1-19

**Senate Author:** Hancock

**House Sponsor:** Phelan

Current law prohibits a residential landlord from charging a tenant a late fee for failing to pay rent unless notice of the fee is included in a written lease, the fee is a reasonable estimate of uncertain damages to the landlord that are incapable of precise calculation and result from late payment of rent, and the rent has remained unpaid one full day after the date the rent was originally due. Senate Bill 1414 amends the Property Code to revise the latter two conditions of that prohibition to prohibit a landlord from collecting from a tenant a late fee for failing to pay any portion of the tenant's rent unless any portion of the rent has remained unpaid for two full days after that original due date and unless the fee is reasonable as determined by the criteria added by the bill. The bill, among other provisions, authorizes a tenant to request that a landlord provide the tenant a written statement of whether a late fee is owed to the landlord and the amount of such a late fee and specifies that a landlord's failure to respond to the tenant's request does not affect the tenant's liability for any late fee owed to the landlord.

### **Senate Bill 1642**

**Effective:** 6-14-19

**Senate Author:** Miles

**House Sponsor:** Wu

Senate Bill 1642 amends the Tax Code to prohibit an owner of real property who is entitled to redeem the property after it is sold at a tax sale from transferring the owner's right of redemption to another person. The bill makes void any instrument purporting to transfer that right of redemption.

### **Senate Bill 1845**

**Effective:** 9-1-19

**Senate Author:** Miles

**House Sponsor:** Vo

Senate Bill 1845 amends the Property Code to provide for the amendment of dedicatory instruments of certain mixed-use real estate developments located in the city of Houston and Harris County.

**Senate Bill 1861**

**Effective:** Vetoed

**Senate Author:** Menéndez

**House Sponsor:** Flynn

Senate Bill 1861 amends the Public Facility Corporation Act, Local Government Code, to set out provisions expressly authorizing a municipality, county, school district, housing authority, or special district to create a public facility corporation to finance, own, and operate an applicable multifamily residential development that meets the bill's prescribed requirements for a property tax exemption.

Governor's Reason for Veto: "Public facility corporations are a way for government entities to get in the business of affordable housing and issue conduit debt. To the extent Senate Bill 1861 would encourage taxing entities, including school districts and community colleges, to engage in activities that are outside of their core missions, it would distract those entities from improving student outcomes. Schools and community colleges should focus on educating students, and House Bill 3 provides the necessary resources to accomplish that goal."

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## Public Education

This chapter covers legislation on issues relating to the state's public school system, including school district and charter school operations. The chapter contains legislation relating to teachers and other school employees, students, curricula, standardized testing, school finance, school accountability, school safety, and health issues affecting students. Legislation relating to dual credit programs is in the **Higher Education** chapter.

### House Bill 3

**Effective:** See below

**House Author:** Huberty et al.

**Senate Sponsor:** Taylor et al.

House Bill 3 amends the Education Code, Government Code, Human Resources Code, Insurance Code, Penal Code, and Tax Code to revise the public school finance system and to make other changes relating to public education, property tax compression, and the enforcement of certain conduct standards for employees of public schools and related entities. Except as otherwise provided, the bill's provisions are effective September 1, 2019.

### Public School Finance and Property Tax Compression

House Bill 3 changes the order in which funds are applied to finance the foundation school program by requiring state available school funds to be applied first. Effective January 1, 2020, the bill creates the tax reduction and excellence in education fund, which consists of certain dedicated funding sources and is to be used to pay the cost of tier one allotments or to reduce district maintenance and operation (M&O) tax rates.

House Bill 3 increases the basic allotment and requires a district, for any year in which the basic allotment is increased, to use a certain portion of the increase to increase compensation to full-time employees other than administrators.

House Bill 3 makes changes to various student-based allotments and other funding elements. Among other provisions, the bill:

- eliminates the gifted and talented student allotment, the high school allotment, and the small and mid-sized district and cost of education adjustments to the basic allotment;
- creates the following:
  - a small and mid-sized district allotment;
  - a funding incentive for districts or charter schools offering certain additional instructional days;
  - an allotment for certain special-purpose school districts;
  - a dyslexia allotment;
  - an early education allotment for students who are educationally disadvantaged or of limited English proficiency;
  - a college, career, or military readiness outcomes bonus;
  - a fast growth allotment;
  - a teacher incentive allotment to attract teachers to high needs and rural district campuses;
  - a mentor program allotment for mentoring new classroom teachers; and
  - a dropout recovery school and residential placement facility allotment;
- revises the special education allotment and compensatory education allotment, requires the establishment of an associated advisory committee for each of those allotments effective June 12, 2019, and requires the commissioner of education to reallocate certain

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funds, if necessary, to maintain the federally mandated level of state support for special education; and

- revises the bilingual, career and technology education, transportation, and new instructional facility allotments.

House Bill 3 sets the state compression percentage initially at 93 percent. Effective September 1, 2020, the bill redefines the state compression percentage as the percentage of the rate of \$1.00 per \$100 valuation of taxable property that is used to determine a district's maximum compressed tax rate and provides a method for calculating that percentage.

House Bill 3 sets the maximum maintenance tax rate per \$100 of taxable value that may be adopted by a district as the sum of \$0.17 and the district's maximum compressed tax rate. The bill sets a district's tier one M&O tax rate at the number of cents levied by the district for M&O purposes that does not exceed the district's maximum compressed tax rate and establishes that a district's enrichment tax rate consists of the following components:

- the first eight cents of additional M&O tax effort that exceeds the district's tier one M&O tax rate; and
- any cents of additional M&O tax effort that exceeds the sum of the district's tier one M&O tax rate and those first eight cents.

House Bill 3 prohibits a district from increasing its maintenance tax rate to create a revenue surplus for the purpose of paying the district's debt service and provides for the enforcement of this prohibition. Effective January 1, 2020, the bill requires a district board of trustees to conduct an efficiency audit before seeking voter approval to adopt an M&O tax rate. Effective September 1, 2020, the bill provides for a new method of calculating a district's maximum compressed tax rate and establishes a limitation mechanism under which one district's maximum compressed rate may not differ from another district's rate by more than 10 percent.

House Bill 3 revises the basis for calculating a district's tier two allotment as follows:

- converts the first two copper pennies to golden pennies so that there are eight golden pennies and nine copper pennies;
- removes language linking the golden penny yield to the tax revenue of the Austin Independent School District and sets the yield instead as 160 percent of the basic allotment, with a floor of the 96th percentile of wealth; and
- changes the copper penny yield from \$31.95 to 80 percent of the basic allotment.

House Bill 3 repeals provisions relating to the equalized wealth level for purposes of state funding recapture and sets out provisions relating to the local revenue level in excess of entitlement for the same purposes. The bill establishes the nature and cost of the purchase of attendance credit for recapture purposes in terms of a dollar amount and eliminates the early agreement credit.

House Bill 3 requires an employing district or charter school to pay the state's contribution to the Teacher Retirement System of Texas on the portion of a qualifying member's salary that exceeds the statutory minimum salary.

House Bill 3 revises provisions relating to a district's rollback tax rate, renamed as the voter-approval tax rate, including requirements for associated ballot language and election dates, the standard calculation method, and certain alternate methods. Effective September 1, 2020, the bill simplifies the standard calculation method.

House Bill 3 revises the applicability of certain foundation school program adjustments and allotments to an open-enrollment charter school. The bill revises and repeals certain provisions relating to the funding effects of a district's disaster remediation costs. The bill repeals provisions relating to certain school facilities standards, provisions relating to certain special-purpose

elements of state funding, and provisions requiring the Legislative Budget Board to adopt rules for the calculation of certain equalized funding elements and establishing a related reporting requirement.

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House Bill 3 requires each public school district and open-enrollment charter school to adopt five-year early childhood literacy and math proficiency plans that set quantifiable per-campus performance goals. The bill sets out requirements regarding reading standards in kindergarten through third grade, including phonics instruction, certain educator training and strategic teacher placement, and the integration of reading diagnostic tests. The bill revises requirements for the adoption of certain such tests and requires a person seeking educator certification to teach prekindergarten through grade six to demonstrate proficiency in the science of teaching reading.

House Bill 3 requires free full-day prekindergarten classes to be offered for eligible children age four and older and makes compliance with high quality prekindergarten standards mandatory. The bill eliminates the high-quality prekindergarten grant program and sets out further requirements and conditions relating to prekindergarten provision.

House Bill 3 requires each district and charter school to adopt five-year college, career, and military readiness plans that set quantifiable per-campus performance goals. The bill requires each public high school student to submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA) before graduating and provides for certain opt-out procedures. The bill establishes a grant program to support summer career and technology education, a blended learning grant program, and a high school equivalency examination subsidy program.

House Bill 3 authorizes district-level adoption of local optional teacher designation systems, which may be based on a state-recommended appraisal process and performance criteria or on a locally developed and adopted process and criteria. The bill provides for a memorandum of understanding between the commissioner of education and Texas Tech University for purposes of monitoring the quality and fairness of the teacher designation systems. The bill eliminates the previous subject-specific master teacher certifications and related grant programs. The bill revises provisions relating to a district's assignment of a mentor teacher to a classroom teacher who has less than two years of teaching experience.

House Bill 3 requires a district to annually certify its provision of a gifted and talented program and provides for a reduction in state funding for a noncompliant district. The bill requires a study of the statewide standardized tests administered to students in grades three through eight with regard to the appropriateness of each test's reading level and the extent to which test content aligns with state curriculum standards.

House Bill 3 establishes various reporting requirements and certain advisory committees. The bill's provisions relating to public education matters other than finance and employee misconduct are effective June 12, 2019.

### **Certain Misconduct of Employees or Prospective Employees of Public Educational Entities**

House Bill 3 sets out provisions regarding employing, terminating, and reporting misconduct of public school and related entity personnel. Among other provisions, the bill requires TEA to create a do-not-hire registry of persons ineligible for employment by public schools and other applicable entities. Certain information obtained by a district or TEA through required criminal history record reviews or through notification of certain State Board for Educator Certification (SBEC) disciplinary measures triggers a person's inclusion on the registry. The bill requires the SBEC and TEA to develop and maintain Internet portals for electronic filing of required reports

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regarding educators and noncertified staff, respectively, and requires the TEA portal to provide access to the registry. The bill harmonizes the requirements that apply to various types of educational entities and establishes penalties for noncompliant charter entities and districts of innovation. Implementation of these provisions by TEA or the SBEC is mandatory only if a specific appropriation is made for that purpose.

### **House Bill 65**

**Effective:** 6-14-19

**House Author:** Johnson, Eric

**Senate Sponsor:** West et al.

House Bill 65 amends the Education Code to require a public school district to report annually certain information to the commissioner of education for each out-of-school suspension of a student.

### **House Bill 76**

**Effective:** 9-1-19

**House Author:** Huberty et al.

**Senate Sponsor:** Alvarado et al.

House Bill 76 amends the Education Code to require a public school district to provide to a district student who is required under University Interscholastic League (UIL) rule or policy to receive a physical examination before being allowed to participate in an athletic activity sponsored or sanctioned by the UIL information about sudden cardiac arrest and electrocardiogram testing and notification of the student's option to request an electrocardiogram in addition to the physical examination. The student may request the electrocardiogram from any appropriately licensed health care professional.

House Bill 76 expressly does not create a cause of action or liability or a standard of care, obligation, or duty that provides a basis for a cause of action or liability against a health care professional or other applicable entity for the injury or death of a student participating in or practicing for an applicable athletic activity in connection with the administration or interpretation of or reliance on an electrocardiogram or for the content of, distribution of, or failure to distribute the required electrocardiogram information.

### **House Bill 109**

**Effective:** Vetoed

**House Author:** Martinez

**Senate Sponsor:** Hinojosa

House Bill 109 amends the Education Code to extend the prohibition against a public school district providing student instruction on Memorial Day to an open-enrollment charter school. The bill authorizes a local innovation plan to exempt a district of innovation from the prohibition.

Governor's Reason for Veto: "Although the purpose of House Bill 109 was to keep Texas schools closed on Memorial Day, as written it would allow up to 859 school districts to remain open on the holiday. Memorial Day is an important holiday, intended to honor and remember the brave men and women who gave their lives in defense of our country. Teaching young Texans how to respectfully celebrate this holiday is critical, and we do not accomplish this goal with a law that may require them to attend school on Memorial Day. If the goal was to create more uniformity in how charter schools and school districts celebrate holidays, the Legislature should draft a more targeted bill next session."

### **House Bill 111**

**Effective:** 5-31-19

**House Author:** González, Mary et al.

**Senate Sponsor:** Fallon et al.

House Bill 111 amends the Education Code to specify that a public school district's or open-enrollment charter school's policy addressing sexual abuse, sex trafficking, and other maltreatment of children must use certain resources developed by the commissioner of education or the Texas Education Agency. The bill requires training provided under the policy to include prevention techniques for and recognition of such maltreatment involving children with significant cognitive disabilities.

**House Bill 114****Effective:** 5-16-19**House Author:** White et al.**Senate Sponsor:** Birdwell et al.

House Bill 114 amends the Education Code and Labor Code to require the Texas Workforce Commission, in cooperation with the Texas Higher Education Coordinating Board, to develop and make available to each public school district and each open-enrollment charter school that offers a high school program informational materials regarding the availability of college credit for military experience, education, and training. The bill includes the information described by the materials among the information about postsecondary education a school counselor must provide to a high school student and the student's parent or guardian and requires the provision of information explaining the materials to a student who is enlisted or intends to enlist in the U.S. armed forces.

**House Bill 165****Effective:** 6-10-19**House Author:** Bernal**Senate Sponsor:** Powell

House Bill 165 amends the Education Code to authorize a student who is enrolled in a special education program to earn an endorsement on the student's high school transcript under specified conditions, which may include modification of the foundation high school curriculum or the applicable endorsement curriculum. The bill requires the student's admission, review, and dismissal committee to determine whether the student is required to achieve satisfactory performance on an end-of-course test to earn such an endorsement.

**House Bill 293****Effective:** 6-7-19**House Author:** King, Ken et al.**Senate Sponsor:** Seliger

House Bill 293 amends the Government Code to exempt a treasurer, chief financial officer, and investment officer of a public school district that does not invest district funds or only deposits those funds in interest-bearing accounts or authorized certificates of deposit from certain investment training requirements.

**House Bill 330****Effective:** 6-10-19**House Author:** VanDeaver et al.**Senate Sponsor:** Hughes

House Bill 330 amends the Education Code to require the commissioner of education to exclude from the computation of dropout and completion rates for purposes of public school system accountability a student who has suffered a condition, injury, or illness that requires substantial medical care and leaves the student unable to attend school and assigned to a medical or residential treatment facility.

**House Bill 391****Effective:** 6-14-19**House Author:** Blanco et al.**Senate Sponsor:** Zaffirini et al.

House Bill 391 amends the Education Code to require a public school district or open-enrollment charter school, in honoring a request by a student's parent to allow the student to take home instructional materials, to provide the materials in printed format if the student does not have reliable access to technology at the student's home. A district or charter school is not required to purchase printed copies of instructional materials that the district or charter school would not otherwise purchase, but may comply by providing the student a printout of the relevant electronic materials.



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### **House Bill 396**

**Effective:** 9-1-19

**House Author:** VanDeaver

**Senate Sponsor:** Hughes

House Bill 396 amends the Education Code to authorize the use of instructional materials and technology allotment funds to purchase inventory software or systems for storing, managing, accessing, and analyzing the usage and effectiveness of instructional materials. The bill removes a geographical limitation on the use of the state instructional materials and technology fund for certain freight, shipping, and insurance expenses.

### **House Bill 403**

**Effective:** 9-1-19

**House Author:** Thompson, Senfronia

**Senate Sponsor:** Huffman et al.

House Bill 403 amends the Education Code to include one hour of training on identifying and reporting potential child victims of sexual abuse, human trafficking, and other maltreatment of children in the State Board of Education training required to be completed by an independent school district trustee at least every two years. The bill requires continuing education requirements for a superintendent for purposes of maintaining state certification to include at least 2-1/2 hours of training on those topics every five years.

### **House Bill 455**

**Effective:** Vetoed

**House Author:** Allen et al.

**Senate Sponsor:** Watson

House Bill 455 amends the Education Code to require the Department of State Health Services School Health Advisory Committee to develop certain model policies on the recess period during the school day. The bill requires the board of trustees of each public school district to adopt a recess policy based on those model policies and the policy recommendations of the local school health advisory council that includes certain specifications and to review and, if necessary, revise the recess policy at least every five years.

Governor's Reason for Veto: "I appreciate the good intentions behind House Bill 455, and there is no disputing the educational and health benefits of recess during the school day. But requiring the State and its school districts to churn out more policies and mandates about recess is just bureaucracy for bureaucracy's sake."

### **House Bill 496**

**Effective:** 6-15-19

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

**Senate Sponsor:** Lucio et al.

House Bill 496 amends the Education Code to require each public school district and open-enrollment charter school to develop and make available annually a protocol for school employees and volunteers to follow in the event of a traumatic injury. The protocol must provide for the availability and use of bleeding control stations under appropriate circumstances. The bill sets out the contents of a bleeding control station, provides for certain staff and student training, and grants immunity from liability for good faith use of a bleeding control station by a district or charter school employee or volunteer.

### **House Bill 548**

**Effective:** 9-1-19

**House Author:** Canales

**Senate Sponsor:** Lucio et al.

House Bill 548 amends the Education Code to require the commissioner of education and the executive commissioner of the Health and Human Services Commission (HHSC) jointly to ensure that the language acquisition of each child eight years of age or younger who is deaf or hard of hearing is regularly assessed using a tool or assessment determined by experts in deaf education to be valid and reliable. The bill provides for a certain memorandum of understanding between the commissioner of education, the executive commissioner of HHSC, and the Educational Resource Center on Deafness at the Texas School for the Deaf and establishes a

joint annual reporting requirement for the Texas Education Agency (TEA), the HHSC division for early childhood intervention services, and the center. Implementation of these provisions by TEA and HHSC is mandatory only if a specific appropriation is made for that purpose.

House Bill 548 includes certain information regarding school nonattendance and truancy as part of the information each public school district and open-enrollment charter school is required to report through the Public Education Information Management System.

**House Bill 638**  
**Effective:** 5-23-19

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

House Bill 638 amends the Education Code to change the conditions under which a public school district is required to issue a posthumous high school diploma on parental request by removing conditions regarding the student's grade level and academic status and requiring the district instead to issue the diploma at the end of the school year in which the student was expected to graduate under the regular schedule of school attendance. The bill prohibits the diploma from being issued before the graduation date of the class in which the student was enrolled at the time of death.

**House Bill 674**  
**Effective:** 9-1-19

**House Author:** Patterson et al.  
**Senate Sponsor:** Fallon

House Bill 674 amends the Education Code to require the commissioner of education, in conjunction with the annual evaluation of a regional service center, to solicit certain information from each public school district served by the center regarding the center's role in providing state compliance assistance services. The solicited information may not be considered in the evaluation.

**House Bill 678**  
**Effective:** 6-10-19

**House Author:** Guillen et al.  
**Senate Sponsor:** Powell

House Bill 678 amends the Education Code to require the State Board of Education, in adopting rules for the foundation high school curriculum, to allow a public high school student to satisfy one of the two required credits in a language other than English by successfully completing a course in American Sign Language at an elementary school.

**House Bill 684**  
**Effective:** 6-14-19

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

House Bill 684 amends the Education Code to authorize the parent or guardian of a public school student with a seizure disorder to seek care for the student's seizures while the student is at school or participating in a school activity by submitting to the school district a copy of a seizure management and treatment plan developed by the parent or guardian and the physician responsible for the student's seizure treatment. The bill provides for the contents, submission, and district review of the plan and for certain limitations on the civil liability of a district employee who provides care to the student under the plan. The bill sets out associated training requirements for a school nurse and for other district employees.

**House Bill 692**  
**Effective:** 6-7-19

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

House Bill 692 amends the Education Code to prohibit a public school district or open-enrollment charter school from placing a student who is homeless in out-of-school suspension except under circumstances involving the student's engagement in certain prohibited conduct. The campus behavior coordinator may coordinate with the district's homeless

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education liaison to identify appropriate alternatives to out-of-school suspension for a student who is homeless.

### **House Bill 811**

**Effective:** 5-24-19

**House Author:** White et al.

**Senate Sponsor:** West

House Bill 811 amends the Education Code to require a student code of conduct adopted by an independent school district to specify that a student's status in the conservatorship of the Department of Family and Protective Services or as a student who is homeless will be considered as a factor in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program.

### **House Bill 961**

**Effective:** 6-2-19

**House Author:** Howard et al.

**Senate Sponsor:** Watson

House Bill 961 amends the Education Code to authorize a school nurse employed by a public school district or open-enrollment charter school to be included on the school nurse's request as a member of the district or school concussion oversight team. The bill subjects a school nurse who serves on such a team to the applicable training requirements for team members. The bill includes a school nurse as a person whose belief that a student might have sustained a concussion during an athletics practice or competition triggers the student's immediate removal from play in the event.

### **House Bill 963**

**Effective:** 6-14-19

**House Author:** Bell, Cecil et al.

**Senate Sponsor:** Taylor et al.

House Bill 963 amends the Education Code to require each public school district either to post on the district website, if any, or to submit to the Texas Education Agency (TEA) for posting on the TEA website certain information regarding each member of the district board of trustees. The bill requires the State Board of Education (SBOE), not later than March 1, 2020, to review and consolidate the state curriculum standards for the career and technology and technology applications curricula. Implementation of a provision of this bill by the SBOE is mandatory only if a specific appropriation is made for that purpose.

### **House Bill 1026**

**Effective:** 6-14-19

**House Author:** Bohac et al.

**Senate Sponsor:** Hughes

House Bill 1026 amends the Education Code to require the State Board of Education to integrate certain positive character traits into the state curriculum standards for kindergarten through grade 12, as appropriate. The bill changes the authorization for a public school district to adopt a certain character education program to a requirement for each public school district and open-enrollment charter school to adopt a character education program that includes the specified traits.

### **House Bill 1051**

**Effective:** 6-14-19

**House Author:** VanDeaver et al.

**Senate Sponsor:** Watson et al.

House Bill 1051 amends the Education Code to revise provisions relating to an adult education program under an adult high school diploma and industry certification charter school program. The bill removes references designating such a program as a pilot program, changes the eligibility criteria, and adds requirements for the program to use a certain instructional model and to provide certain student support services. The bill provides for the expansion of the program in a state fiscal year in which appropriations are made for that purpose.

House Bill 1051 sets out Public Education Information Management System (PEIMS) reporting requirements regarding certain students enrolled in a high school equivalency program, dropout recovery school, or qualifying adult education program, but excludes such students who were not reported as dropouts before such enrollment from certain computations of dropout and completion rates that are used for purposes of public school accountability.

**House Bill 1143**  
**Effective:** 9-1-19

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

House Bill 1143 amends the Education Code to prohibit a public school district or open-enrollment charter school from regulating the manner in which a handgun license holder stores a handgun or other firearm or ammunition in a locked, privately owned or leased motor vehicle in a district or charter school parking area if the handgun, firearm, or ammunition is not in plain view.

**House Bill 1244**  
**Effective:** 6-14-19

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

House Bill 1244 amends the Education Code to require the statewide secondary-level end-of-course test in U.S. history to include 10 randomly selected questions from the civics test administered by the U.S. Citizenship and Immigration Services as part of the naturalization process. The bill requires the Texas Education Agency to ensure that the included questions align with the applicable state curriculum standards and to issue a certain annual report on student performance on those questions.

**House Bill 1387**  
**Effective:** 9-1-19

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

House Bill 1387 amends the Education Code to remove certain limitations on the number of school marshals that the board of trustees of a public school district or the governing body of an open-enrollment charter school or private school may appoint for each campus.

**House Bill 1734**  
**Effective:** 9-1-19

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

House Bill 1734 amends the Education Code to revise provisions relating to actions brought by a public school district for the defective design, construction, renovation, or improvement of an instructional facility. The bill makes certain of those provisions applicable to any type of district facility financed by bonds and sets out requirements for the notice that a district bringing such an action must provide to the commissioner of education, including a requirement that the notice include an itemized list of the defects for which the district is seeking damages. The bill provides for the dismissal of an action for which the requisite notice is not provided.

House Bill 1734 expands the purposes for which the net proceeds from an applicable action may be used and requires a district to provide an itemized accounting of any repairs made using the proceeds. The bill authorizes the attorney general to bring an action on behalf of the state to enjoin a district from violating certain duties relating to the use of such proceeds and sets out provisions authorizing appropriate relief. The bill requires the attorney general to submit an annual report on any such enforcement actions brought by the attorney general during the preceding year.

**House Bill 2184**

**Effective:** 6-10-19

**House Author:** Allen et al.

**Senate Sponsor:** Huffman

House Bill 2184 amends the Education Code to require an alternative education program administrator, as soon as practicable after the program determines a student's release date, to notify the student's parent or a person standing in parental relation to the student of that date and to provide the date, an assessment of the student's academic growth, and any test results to the administrator of the public school campus to which the student intends to transition. The bill requires the campus administrator to coordinate the student's transition into a regular classroom, sets out required components of that coordination, and requires the administrator or administrator's designee to meet for that purpose, if practicable, with the student's parent or a person standing in parental relation to the student.

**House Bill 2190**

**Effective:** 6-14-19

**House Author:** Hunter

**Senate Sponsor:** Hinojosa

House Bill 2190 amends the Education Code to authorize an open-enrollment charter school to admit a child of an employee of the school regardless of whether the child resides in the geographic area served by the school.

**House Bill 2195**

**Effective:** 6-14-19

**House Author:** Meyer et al.

**Senate Sponsor:** Zaffirini

House Bill 2195 amends the Education Code to require a public school district to include in its multihazard emergency operations plan a policy for responding to an active shooter emergency. The district may use any available community resources in developing the policy. The bill requires a school district peace officer or school resource officer to complete an active shooter response training program approved by the Texas Commission on Law Enforcement.

**House Bill 2210**

**Effective:** 6-14-19

**House Author:** Bell, Keith et al.

**Senate Sponsor:** Powell

House Bill 2210 amends the Education Code to require a memorandum of understanding regarding a public school district's provision of educational services to a student who resides in a state hospital to provide for the inclusion of the student's performance on applicable indicators in determining the district's performance for public school accountability purposes.

**House Bill 2243**

**Effective:** 5-24-19

**House Author:** Oliverson et al.

**Senate Sponsor:** Buckingham

House Bill 2243 amends the Education Code to authorize each public school district, open-enrollment charter school, and private school to adopt and implement a policy authorizing a school nurse to maintain and administer asthma medicine at each campus in the district or school. The bill provides authority for the prescription of the medicine in the name of a district or school and provides for notice to parents regarding any adopted policy. The bill makes provisions relating to the immunity from civil or criminal liability or disciplinary action granted to a person who in good faith takes or fails to take certain actions relating to the maintenance, administration, and disposal of epinephrine auto-injectors applicable with regard to asthma medicine.

**House Bill 2424**  
**Effective:** 6-14-19

**House Author:** Ashby  
**Senate Sponsor:** Fallon

House Bill 2424 amends the Education Code to require the State Board for Educator Certification to propose rules establishing a program to issue micro-credentials in appropriate fields of study that fulfil continuing education requirements for educators. The bill requires the Texas Education Agency (TEA) to approve continuing education providers to offer micro-credential courses and provides for the recording of a micro-credential received by an educator. Implementation of a provision of this bill by TEA is mandatory only if a specific appropriation is made for that purpose.

**House Bill 2526**  
**Effective:** 6-10-19

**House Author:** Leach  
**Senate Sponsor:** Fallon

House Bill 2526 amends the Education Code to require the board of trustees of a public school district or the board's designee to admit into the district's schools a person who is otherwise qualified by age and who resides with either of the person's parents in a residence homestead that is located on a parcel of property any part of which is located in the district.

**House Bill 2778**  
**Effective:** 6-2-19

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

House Bill 2778 amends the Education Code to raise a cap on the population of each county in which a certain public school district has territory for purposes of determining the district's proportional responsibility for joint election expenses.

**House Bill 2984**  
**Effective:** 6-14-19

**House Author:** Allison et al.  
**Senate Sponsor:** Taylor

House Bill 2984 amends the Education Code to require the State Board of Education (SBOE), in adopting the state curriculum standards for the technology applications curriculum for kindergarten through eighth grade, to include standards on specified topics. The bill requires the SBOE to review and revise the technology applications standards every five years. Implementation of a provision of this bill by the SBOE is mandatory only if a specific appropriation is made for that purpose.

House Bill 2984 requires the Texas Education Agency to establish the computer science strategic advisory committee to develop and provide recommendations for increasing computer science instruction and participation in public schools. The bill sets out provisions relating to the advisory committee, including a requirement for an interim report.

**House Bill 3007**  
**Effective:** 9-1-19

**House Author:** Turner, Chris et al.  
**Senate Sponsor:** Powell

House Bill 3007 amends the Education Code to require the Texas Education Agency (TEA) to provide to each public school district a copy of certain source data that TEA considers in determining the district's accreditation status or assigning performance ratings for the district or its campuses.

**House Bill 3011**  
**Effective:** 9-1-19

**House Author:** Turner, Chris et al.  
**Senate Sponsor:** Powell et al.

House Bill 3011 amends the Education Code to require the Texas Higher Education Coordinating Board, before the initial release of academic accountability ratings for a school year, to provide to each public school district a copy of certain data that the coordinating board

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provides to the Texas Education Agency to consider in determining the district's accreditation status or assigning performance ratings for the district or its campuses.

### **House Bill 3012**

**Effective:** 6-14-19

**House Author:** Talarico et al.

**Senate Sponsor:** Zaffirini

House Bill 3012 amends the Education Code to require a public school district to provide to a student, during the period of the student's in-school or out-of-school suspension, an alternative means of receiving all course work for foundation curriculum classes missed as a result of the suspension, including at least one option that does not require the use of the Internet.

House Bill 3012 extends certain responsibilities of a juvenile court, the juvenile board of a county, or the juvenile board's designee regarding the provision of education to an applicable student through a juvenile justice alternative education program to include a student who is expelled from school for conduct that contains specified elements of the offense of terroristic threat.

### **House Bill 3217**

**Effective:** 5-24-19

**House Author:** Ashby et al.

**Senate Sponsor:** Paxton et al.

House Bill 3217 amends the Education Code to remove a specification that excludes education as the major of a bachelor's degree required by the State Board of Educator Certification (SBEC) for certain teaching certificates and to remove a limitation on the number of semester credit hours of education courses at the baccalaureate level the SBEC may require for the granting of a teaching certificate. The bill changes a certification requirement for a minimum number of semester credit hours of internship to require either field-based experience or internship.

### **House Bill 3435**

**Effective:** 6-10-19

**House Author:** Bowers

**Senate Sponsor:** Johnson

House Bill 3435 amends the Government Code and Education Code to designate March 1 as Texas Girls in STEM Day to celebrate and encourage the participation of girls in Texas in science, technology, engineering, and mathematics fields.

### **House Bill 3630**

**Effective:** 6-14-19

**House Author:** Meyer et al.

**Senate Sponsor:** Lucio

House Bill 3630 amends the Education Code to prohibit a public school district or a district employee, volunteer, or independent contractor from applying or from authorizing, ordering, or consenting to the application of certain aversive techniques to a student for behavior management purposes. The bill requires the commissioner of education to provide certain guidance in adopting associated procedures. The bill's provisions may not be construed to prohibit a teacher from removing a student from class on specified disciplinary grounds.

### **House Bill 3884**

**Effective:** 6-14-19

**House Author:** Wilson

**Senate Sponsor:** Zaffirini

House Bill 3884 amends the Education Code to transfer from the Texas Education Agency (TEA) to the Department of State Health Services certain duties regarding the annual provision of information regarding bacterial meningitis to public school district students and parents. The bill repeals a provision requiring TEA to establish an advisory committee to assist with related duties.

**House Bill 3906****Effective:** See below**House Author:** Huberty**Senate Sponsor:** Taylor et al.

House Bill 3906 amends the Education Code to establish as state policy that the statewide assessment program be designed to provide standardized tests that are as short as practicable and to minimize the disruption to the educational program. The bill revises requirements for the Texas Education Agency (TEA) to adopt and develop statewide standardized tests in specified subjects for administration in the third through eighth grades by removing grade-level specifications regarding the use of technology for mathematics tests and, effective September 1, 2021, removing the required writing tests. The bill revises provisions relating to the administration of the tests, including by shortening the time required for administration, allowing administration in multiple parts and on multiple days, and establishing certain exceptions. The bill revises certain provisions relating to the administration and scheduling of secondary-level end-of-course tests, limits the proportion of multiple choice questions permitted for any statewide standardized test, and requires TEA to adopt or develop certain optional interim tests. The bill requires the commissioner of education to appoint a technical advisory committee and an educator advisory committee to advise the commissioner and TEA regarding the development of statewide standardized tests.

House Bill 3906 requires TEA, in consultation with the State Board of Education, to develop a transition plan to administer all required statewide standardized tests electronically beginning not later than the 2022-2023 school year and establishes a related reporting requirement to ensure legislative approval of the transition plan before its implementation. The bill requires TEA to establish an integrated formative assessment pilot program and to submit a biennial report on the program to the governor, lieutenant governor, and members of the legislature.

House Bill 3906 prohibits the consideration of performance on a test administered to students in prekindergarten for any purpose relating to public school accountability or accountability interventions and sanctions. The bill requires a public school district to permit a student to substitute a calculator application on a computing device for a graphing calculator for use in an applicable course.

Implementation of a provision of this bill by TEA is mandatory only if a specific appropriation is made for that purpose. The bill caps the annual amount of foundation school program funds appropriated to TEA that TEA may use for that purpose at \$35 million.

**House Bill 4205****Effective:** 6-10-19**House Author:** Craddick**Senate Sponsor:** Perry

House Bill 4205 amends the Education Code to authorize a public school district campus that is subject to certain accountability interventions because of repeated unacceptable ratings to submit an accelerated campus excellence turnaround plan as an alternative to a standard campus turnaround plan. The bill sets out requirements for an accelerated plan, requires the commissioner of education to approve a campus turnaround plan that meets those requirements, and authorizes the commissioner to provide related implementation guidance to districts as necessary.

House Bill 4205 authorizes a campus that has been ordered to be closed under accountability interventions and sanctions provisions to be repurposed to serve students if the campus is operated under a contract with a nonprofit organization that meets certain criteria and the commissioner approves a new campus identification number. A qualifying contract must provide for the admission for enrollment at the repurposed campus of a student who resided in the attendance zone of the campus immediately before the campus was repurposed.

House Bill 4205 establishes that a decision made by the commissioner relating to a campus turnaround plan and associated accountability procedures is final and may not be appealed.



**House Bill 4258**  
**Effective:** 6-14-19

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

House Bill 4258 amends the Education Code to grant sole authority to the attorney general to review the record of public notice and hearings relating to any bond financing an educational facility for an authorized charter school.

**House Bill 4310**  
**Effective:** 6-14-19

**House Author:** Dutton  
**Senate Sponsor:** Hughes

House Bill 4310 amends the Education Code to require a public school district, in adopting a recommended or designated scope and sequence for a required curriculum subject in a particular grade level, to ensure sufficient time is provided to meet the state curriculum standards for that subject and grade level. The bill prohibits a district from penalizing a teacher who does not follow such a recommended or designated scope or sequence based on the teacher's determination that the teacher's students need more or less time to demonstrate proficiency in the applicable standards, unless the district's action with respect to the teacher is based on certain documented evidence of a deficiency in classroom instruction.

**House Bill 4342**  
**Effective:** 9-1-19

**House Author:** Clardy  
**Senate Sponsor:** Taylor

House Bill 4342 amends the Education Code to revise the composition of the board of directors of the Texas School Safety Center.

**House Bill 4388**  
**Effective:** 9-1-19

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

House Bill 4388 amends the Education Code and Natural Resources Code to establish the permanent school fund liquid account in the permanent school fund in the state treasury to be used by the School Land Board (SLB) and State Board of Education (SBOE). Among other provisions, the bill establishes certain quarterly financial reporting requirements for the SBOE and SLB regarding the respective permanent school fund assets and funds for which they are responsible. The bill also provides for a study regarding distributions from the permanent school fund to the available school fund.

**House Bill 4611**  
**Effective:** See below

**House Author:** Huberty  
**Senate Sponsor:** Taylor et al.

House Bill 4611 amends the Education Code to include annual distributions to the available school fund from the General Land Office or another applicable entity with responsibility for managing permanent school fund land as a component of the funds distributed to the available school fund from the permanent school fund. The bill takes effect January 1, 2020, contingent on voter approval of the constitutional amendment proposed by House Joint Resolution 151.

**House Joint Resolution 151**  
**For Election:** 11-5-19

**House Author:** Huberty  
**Senate Sponsor:** Taylor et al.

House Joint Resolution 151 proposes an amendment to the Texas Constitution to raise the cap on the amount of revenue derived from permanent school fund land or other properties that the General Land Office or other applicable entities may distribute annually to the available school fund from \$300 million to \$600 million by each entity. The resolution includes the State Board of Education among the applicable entities and specifies that the capped distribution is in addition to other distributions authorized by the Texas Constitution or by statute.

**Senate Bill 11**  
**Effective:** 6-6-19

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

Senate Bill 11 amends the Education Code and Occupations Code to revise and expand provisions relating to a public school district or public junior college district multihazard emergency operations plan, relating to a district safety and security audit and associated report to the Texas School Safety Center, and relating to additional plan components required specifically for a school district. The bill requires a school district board of trustees to hold a public hearing if the district receives a certain notice of noncompliance regarding the plan and sets out related requirements. The bill authorizes certain commissioner of education interventions for a noncompliant district. The bill sets out the composition of a local school safety and security committee, expands the duties of such a committee, and revises provisions relating to its meetings. The bill provides for parental notification by a school district that receives certain threats and for drills and procedures relating to emergency evacuations. The bill provides for the establishment of a safe and supportive school program, requires each district board of trustees to establish a threat assessment and safe and supportive school team, and sets out related provisions. The bill sets out certain powers and duties of the Texas School Safety Center concerning a school district or junior college district multihazard operations plan, which include the periodic review and verification of the district's plan and certain interventions triggered by an unsatisfactory or unreported district audit. The bill explicitly subjects an open-enrollment charter school to these provisions regarding safety and security.

Senate Bill 11 requires the center to develop model policies and procedures for threat assessment teams. The bill extends a required education and training requirement for a public school district peace officer or school resource officer to a district with fewer than 30,000 enrolled students and requires the commissioner of education to provide a waiver of operational minutes requirements for a district that requires each of its educators to attend a qualifying school safety training course. The bill creates a school safety allotment under the foundation school program for the improvement of school safety and security, as specified by the bill; authorizes the commissioner to establish and administer a grant program for similar purposes; and revises independent school district bond-issuing authority to include certain relevant vehicle retrofitting or purchases.

Senate Bill 11 revises and expands certain public school curriculum requirements to incorporate mental health, suicide prevention, and digital citizenship, including cyberbullying information. The bill extends the duties of a local school health advisory council to address parental awareness of suicide-related risk factors and warning signs of such risk and other behavioral health concerns. The bill requires each district to adopt and implement a policy requiring the integration of trauma-informed care practices in each school environment and sets out related provisions, including training and reporting requirements. The bill requires the Texas Education Agency (TEA) to develop a rubric for use by regional education service centers in identifying specified regionally available mental health resources, requires each service center to produce an inventory of such resources, and requires TEA to develop and to revise biennially a statewide resource inventory and statewide plan for student mental health.

Senate Bill 11 amends the Health and Safety Code to establish the Texas Child Mental Health Care Consortium and sets out provisions relating to its purpose, composition, administration, and duties. Among other provisions, the bill requires the consortium to establish a network of comprehensive child psychiatry access centers at participating health-related institutions of higher education and establish certain telemedicine or telehealth programs. The bill authorizes the consortium to provide funding for certain professional child psychiatry workforce expansion programs.

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Implementation of a provision of Senate Bill 11 by TEA or the Texas School Safety Center is mandatory only if a specific appropriation is made for that purpose.

### **Senate Bill 54**

**Effective:** 6-7-19

**Senate Author:** Zaffirini et al.

**House Sponsor:** González, Mary

Senate Bill 54 requires the Texas Education Agency (TEA) to conduct a study regarding appropriate methods and standards to evaluate the performance of certain students participating in regional day school programs for the deaf and provides for an interim report on the study. Implementation of a provision of this bill by TEA is mandatory only if a specific appropriation is made for that purpose.

### **Senate Bill 139**

**Effective:** 6-14-19

**Senate Author:** Rodríguez et al.

**House Sponsor:** Moody

Senate Bill 139 amends the Education Code to require the Texas Education Agency (TEA) to develop for posting on the TEA website and for other distribution a notice of a child's rights regarding special education services eligibility evaluations, including information on certain regulatory changes. The bill requires each public school district and open-enrollment charter school to distribute the notice to applicable parents and to include appropriate local information in the notice. The bill's requirements are in addition to certain other publication and notification requirements relating to special education services.

### **Senate Bill 213**

**Effective:** See below

**Senate Author:** Seliger et al.

**House Sponsor:** Huberty

Senate Bill 213 amends the Education Code to postpone the expiration date of certain provisions governing individual graduation committees and providing for other alternative graduation qualification procedures from September 1, 2019, to September 1, 2023. The bill's provisions take effect May 7, 2019, except for a nonsubstantive change that is effective September 1, 2019.

### **Senate Bill 232**

**Effective:** 6-14-19

**Senate Author:** Menéndez et al.

**House Sponsor:** Bernal

Senate Bill 232 amends the Education Code to require a public school district to notify the parent of or other person standing in parental relation to each student enrolled in grade nine or above that the student is not required to complete an Algebra II course to graduate under the foundation high school program. The notification must include information regarding other potential consequences of not completing the course.

### **Senate Bill 372**

**Effective:** 6-7-19

**Senate Author:** Campbell

**House Sponsor:** VanDeaver

Senate Bill 372 amends the Education Code to authorize the governing body of an open-enrollment charter school to employ security personnel and commission peace officers in the same manner as a board of trustees of a public school district and to enter into a memorandum of understanding with a local law enforcement agency to assign a school resource officer to the school.

**Senate Bill 435****Effective:** 5-31-19**Senate Author:** Nelson**House Sponsor:** Price et al.

Senate Bill 435 amends the Education Code to include among the duties of a local school health advisory council recommending appropriate grade levels and curriculum for certain instruction regarding opioids.

**Senate Bill 504****Effective:** 6-14-19**Senate Author:** Seliger**House Sponsor:** Beckley

Senate Bill 504 amends the Education Code to authorize an academy developed by The University of Texas at Austin for certain school counselors and postsecondary advisors to include information regarding social-emotional learning and indicators of behavioral issues.

**Senate Bill 522****Effective:** 6-4-19**Senate Author:** Zaffirini et al.**House Sponsor:** Sanford

Senate Bill 522 amends the Education Code to revise provisions relating to the role of braille instruction in an individualized education program for a public school student with a visual impairment by removing references to the classification term “functionally blind” and providing for the determination of appropriate literacy media for a visually impaired student based on certain evaluations by the student’s admission, review, and dismissal committee.

**Senate Bill 668****Effective:** 6-10-19**Senate Author:** Hughes**House Sponsor:** VanDeaver

Senate Bill 668 amends the Education Code and Government Code to revise certain provisions relating to advance notification of a proposed establishment or expansion of an open-enrollment charter school, change the method of determining a certain metric for purposes of a consumer information requirement regarding educator preparation programs, update references to certain definitions relating to homelessness, remove the annual deadline for a public school district’s or open-enrollment charter school’s online requisition for instructional material, revise a reporting requirement relating to epinephrine auto-injectors, and exempt a school district from certain recording and reporting requirements relating to utility services.

Senate Bill 668 repeals provisions requiring the Texas Education Agency (TEA) to establish a certain online clearinghouse of information relating to best educational practices, requiring TEA to develop standards for evaluating and recognizing high school completion and success and college readiness programs, and requiring the use of energy-efficient light bulbs in instructional facilities.

**Senate Bill 712****Effective:** 6-10-19**Senate Author:** Lucio**House Sponsor:** Meyer et al.

Senate Bill 712 amends the Education Code to prohibit a public school district or a district employee, volunteer, or independent contractor from applying or from authorizing, ordering, or consenting to the application of certain aversive techniques to a student for behavior management purposes. The bill requires the commissioner of education to provide certain guidance in adopting associated procedures. The bill’s provisions may not be construed to prohibit a teacher from removing a student from class on specified disciplinary grounds.

**Senate Bill 820**  
**Effective:** 9-1-19

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

Senate Bill 820 amends the Education Code to require each public school district to adopt a cybersecurity policy that meets certain criteria and requires each district superintendent to designate a cybersecurity coordinator to serve as a liaison between the district and the Texas Education Agency (TEA). The bill requires the coordinator to report to TEA any cybersecurity incident that constitutes a breach of system security involving unauthorized access to sensitive, protected, or confidential student information and to notify an affected student's parent of an incident that requires such a report.

**Senate Bill 869**  
**Effective:** 6-14-19

**Senate Author:** Zaffirini  
**House Sponsor:** Parker

Senate Bill 869 amends the Education Code to revise provisions relating to state guidelines for the care of public school students with food allergies who are at risk for anaphylaxis. The bill provides for the annual review and revision as necessary of a Texas Education Agency summary of those guidelines and of a public school district's or open-enrollment charter school's policy for the care of such students. The bill, among other related provisions, provides for the distribution of the guidelines, the summary, and the district or charter school policy. The bill establishes an ad hoc committee to assist the commissioner of state health services in updating the guidelines at least once every three years.

**Senate Bill 1230**  
**Effective:** 9-1-19

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

Senate Bill 1230 amends the Code of Criminal Procedure to require the clerk of a court in which an employee of a private school is convicted or granted deferred adjudication for certain offenses to provide written notice of that fact to the chief administrative officer of the private school by a specified deadline.

Senate Bill 1230 amends the Education Code to require the chief administrator of a private school to notify the State Board for Educator Certification (SBEC) if a private school educator has a criminal record about which the school obtained information or if an educator was terminated or resigned in circumstances involving evidence of abuse of, or certain misconduct with, a student or minor. The bill authorizes any person who knows or has reason to believe that an educator engaged in applicable misconduct to file a report with the SBEC and provides for the immunity from civil or criminal liability of a chief administrator or other person who does so. These provisions relating to reports to the SBEC are in addition to other statutory reporting requirements relating to suspected child abuse or neglect.

Senate Bill 1230 extends the applicability of certain provisions relating to pre-employment disclosure of applicable criminal history for prospective employees of a public school district or open-enrollment charter school to include private schools and persons seeking private school employment in certain roles. The bill requires a district or charter school to disclose a performance evaluation document of a teacher or administrator to an applicable educational entity under certain circumstances.

**Senate Bill 1231**  
**Effective:** 9-1-19

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

Senate Bill 1231 amends the Family Code to include the director of an open-enrollment charter school and the chief executive officer of a private school among the administrators to whom the Department of Family and Protective Services is required to provide information

regarding certain child abuse and neglect investigations and allegations involving an applicable school employee.

**Senate Bill 1306**  
**Effective:** 5-28-19

**Senate Author:** Kolkhorst  
**House Sponsor:** Burns

Senate Bill 1306 amends the Education Code to require a public school district to post on its website, for each district campus, certain contact information for the campus behavior coordinator or a campus administrator designated as being responsible for student discipline, as applicable.

**Senate Bill 1374**  
**Effective:** 6-10-19

**Senate Author:** Paxton  
**House Sponsor:** Ashby

Senate Bill 1374 amends the Education Code to authorize a public school district to allow a student to enroll concurrently in Algebra I and geometry for purposes of fulfilling the foundation high school curriculum requirements.

**Senate Bill 1376**  
**Effective:** 6-4-19

**Senate Author:** Paxton et al.  
**House Sponsor:** Patterson et al.

Senate Bill 1376 amends the Education Code and Health and Safety Code to remove powers and duties of the State Board for Educator Certification relating to supervision of the executive director, approval of an operating budget and making an appropriations request, and execution of certain interagency contracts. The bill consolidates the subject-specific master teacher grant programs in reading, mathematics, technology, and science into a single master teacher grant program, revises the eligibility criteria and grant amount, and repeals certain provisions relating to the former programs. The bill transfers responsibility for a required extracurricular activity safety training program from the commissioner of education to the University Interscholastic League.

Senate Bill 1376 revises certain recycling-related requirements of the Solid Waste Disposal Act to require the Texas Commission on Environmental Quality (TCEQ) to exempt a public school district with a student enrollment of fewer than 10,000 students and to exempt another applicable entity that petitions for the exemption if TCEQ finds that compliance would work a hardship on the entity.

Senate Bill 1376 repeals provisions authorizing the State Board of Education to grant an open-enrollment charter or approve a revision of such a charter; authorizing shared services arrangements for district special education programs; requiring the use of energy-efficient light bulbs in instructional facilities; requiring certain documents relating to a district's depository bank to be filed with the Texas Education Agency; requiring the development, distribution, and provision of certain information about the use of steroids; and relating to the High School Completion and Success Initiative Council and the Interagency Obesity Council.

**Senate Bill 1451**  
**Effective:** 6-10-19

**Senate Author:** Taylor et al.  
**House Sponsor:** Ashby

Senate Bill 1451 amends the Education Code to authorize an independent school district teacher to submit documentation to the principal for any conduct by a student that does not conform to the student code of conduct and to prohibit the district from disciplining the teacher on the basis of such documentation. The bill establishes that a teacher's temporary removal of a student from class for certain discipline-related reasons is not considered a removal for purposes of certain state and federal reporting requirements.

Senate Bill 1451 prohibits a district from assigning an area of deficiency to a teacher in an appraisal solely on the basis of the teacher’s disciplinary referrals or student conduct documentation. The bill requires the state-recommended teacher appraisal process and criteria to ensure that this prohibition is upheld.

**Senate Bill 1454**

**Effective:** 6-10-19

**Senate Author:** Taylor et al.

**House Sponsor:** Huberty

Senate Bill 1454 amends the Education Code to require all remaining funds that are attributable to state funding or the disposition of property and that are held by a charter holder for an open-enrollment charter school that has ceased to operate, after payable obligations are satisfied, to be returned to the Texas Education Agency (TEA) for deposit in the charter school liquidation fund, except under certain circumstances under which TEA may approve a transfer of the remaining funds to another charter holder. The bill prohibits certain uses of foundation school program funding received by a charter holder and sets out provisions relating to the definition of a related party for purposes of categorizing certain transactions of a charter school or charter holder. The bill, among other provisions, authorizes a commissioner of education audit of an applicable charter entity to include the review of real property transactions under certain circumstances and requires a charter school’s annual audit report to disclose certain transactions between the school and a related party and to account for each parcel of the school’s real property, including by identifying relevant funding sources.

Senate Bill 1454 provides for the status under state law of property leased with foundation school program funding received by a charter holder and requires the consent of TEA for the transfer, sale, or disposition of such property if the charter holder has received notice of certain actions affecting or potentially affecting the charter or if the applicable charter school has otherwise ceased to operate. The bill sets out further provisions relating to the disposition, transfer, or sale of property and other assets attributable to state funding of a charter school that has ceased to operate, provides for related closing procedures, and sets out provisions relating to TEA disposition and use of any reclaimed state funding.

**Senate Bill 1476**

**Effective:** 6-14-19

**Senate Author:** Bettencourt

**House Sponsor:** King, Ken

Senate Bill 1476 amends the Education Code to establish that a superintendent or director of certain educational entities is not required to notify or file an applicable report with the State Board for Educator Certification if the superintendent or director completes an investigation into an educator’s alleged incident of abuse or sexual misconduct with a student or minor before the educator’s resignation or termination of employment and determines the educator did not engage in the misconduct.

**Senate Bill 1557**

**Effective:** 5-28-19

**Senate Author:** Lucio

**House Sponsor:** Bernal

Senate Bill 1557 amends the Education Code to revise the definition of “military-connected student” for purposes of transition assistance provided to applicable public school students. The bill sets out criteria under which a public school district campus that provides specified resources and services to those students may qualify for a Texas Education Agency designation as a Purple Star Campus.

**Senate Bill 1679****Effective:** 9-1-19**Senate Author:** West**House Sponsor:** Turner, John et al.

Senate Bill 1679 amends the Education Code to establish that a child who, at the age of three, is eligible for and enrolls in a free prekindergarten class offered to certain children remains eligible for enrollment in such a class for the following school year.

**Senate Bill 1707****Effective:** 6-2-19**Senate Author:** Lucio**House Sponsor:** Allen

Senate Bill 1707 amends the Education Code to authorize the board of trustees of any public school district or the governing board of the Texas School for the Deaf to enter into a memorandum of understanding with a local law enforcement agency for the provision of school resource officers. The bill requires the jurisdiction of a school resource officer to be determined in the same way as for district peace officers and security personnel.

Senate Bill 1707 requires a district board to determine the law enforcement duties of applicable officers and personnel, to coordinate with campus behavior coordinators and other district employees in doing so, and to include those duties in certain campus and district documents. The bill prohibits a district from assigning or requiring as part of those duties routine student discipline, school administrative tasks, or contact with students unrelated to law enforcement duties.

**Senate Bill 1746****Effective:** 6-2-19**Senate Author:** Miles et al.**House Sponsor:** White et al.

Senate Bill 1746 amends the Education Code to classify a student who is under 26 years of age and has been incarcerated or has a parent or guardian who has been incarcerated in a penal institution within the student's lifetime as a student at risk of dropping out of school for purposes of eligibility for certain accelerated instruction or dropout recovery programs.

**Senate Bill 1828****Effective:** 6-10-19**Senate Author:** Menéndez et al.**House Sponsor:** Raymond

Senate Bill 1828 amends the Education Code to require the governor to designate a week as Holocaust Remembrance Week in public schools and to require the week to include certain age-appropriate instruction.

**Senate Bill 2018****Effective:** 6-10-19**Senate Author:** West**House Sponsor:** Anchia

Senate Bill 2018 amends the law to abolish the dissolution committee established to close the county board of education and board of county school trustees in Dallas County and to transfer all duties, obligations, assets, and funds of the board of education, board of trustees, or committee, as applicable, to the commissioners court of the county. The bill sets out provisions relating to the responsibilities of the commissioners court with regard to the payment of outstanding obligations of the board of education, board of trustees, or committee; the assessment and collection of property taxes adopted by those entities; and the distribution of any remaining funds to the appropriate public school districts.

**Senate Bill 2073****Effective:** 6-10-19**Senate Author:** Taylor et al.**House Sponsor:** King, Ken

Senate Bill 2073 amends the Education Code to authorize a public school district that anticipates providing less than 180 days of instruction for students during a school year to



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reduce proportionately the number of days of service required under an educator's employment contract. Such a reduction does not reduce the educator's salary.

### **Senate Bill 2075**

**Effective:** 6-4-19

**Senate Author:** Paxton et al.

**House Sponsor:** Miller

Senate Bill 2075 amends the Education Code to require a public school district to notify the parent or guardian of each student determined to have dyslexia or a related disorder, or determined to be at risk for dyslexia or other reading difficulties, of the program maintained by the Texas State Library and Archives Commission providing students with reading disabilities the ability to borrow audiobooks free of charge.

Senate Bill 2075 requires the Texas Education Agency (TEA) to develop certain compliance procedures relating to reading diagnosis requirements and relating to required screening and treatment for dyslexia and related disorders. Implementation of a provision of this bill by TEA is mandatory only if a specific appropriation is made for that purpose.

### **Senate Bill 2117**

**Effective:** 6-10-19

**Senate Author:** Bettencourt

**House Sponsor:** Bohac

Senate Bill 2117 amends the Education Code to make an independent school district under a qualifying contract with an open-enrollment charter school to jointly operate a campus or campus program eligible to receive a certain foundation school program funding entitlement for each student or for the portion of each student's school day under the direction of the charter school.

### **Senate Bill 2135**

**Effective:** 9-1-19

**Senate Author:** Powell

**House Sponsor:** Cortez

Senate Bill 2135 amends the Code of Criminal Procedure, Education Code, and Family Code to specify that a certain notice provided to the applicable district superintendent by a law enforcement agency that arrests or refers to the juvenile board's designee, as applicable, a person believed to be enrolled as a student in a public primary or secondary school for certain offenses must contain sufficient detail for the superintendent to determine whether it is necessary to conduct a threat assessment or prepare a safety plan related to the student.

Senate Bill 2135 requires the law enforcement agency to provide to the superintendent or superintendent's designee, in addition to the notice of arrest or referral, information relating to the student that is requested for the purpose of conducting such an assessment or preparing such a plan. The exchange of such information may be governed by an applicable memorandum of understanding between the school board and the law enforcement agency. The information may not be considered in establishing a reasonable belief that the student has engaged in conduct constituting a felony offense that requires the student's placement in a disciplinary alternative education program.

Senate Bill 2135 authorizes the chief executive officer of a public or private primary or secondary school, or that officer's designee, to inspect or copy certain law enforcement records concerning a child enrolled in the school for purposes of a threat assessment or safety plan.

### **Senate Bill 2283**

**Effective:** 9-1-19

**Senate Author:** Campbell

**House Sponsor:** Dutton

Senate Bill 2283 amends the Education Code to expand the criminal history that makes a person ineligible to serve as a member of the board of trustees of an independent school district to include conviction of any felony offense.

**Senate Bill 2293****Effective:** 9-1-19**Senate Author:** Fallon**House Sponsor:** Dutton

Senate Bill 2293 amends the Education Code to require the commissioner of education to adopt a common admission application form for use by an applicant for admission to an open-enrollment charter school, to publicize the availability of the form, and to adopt guidelines for such a charter school to create and manage a waiting list, if applicable. The bill requires such a charter school's governing body to require the use of the form for admission to the school.

Senate Bill 2293 requires the governing body of a charter holder annually to report certain enrollment and admissions information to the Texas Education Agency (TEA) and requires the commissioner to post certain information derived from those reports on the TEA website.

Senate Bill 2293 revises the conditions under which an open-enrollment charter school that is operated by a charitable organization exempted from federal income tax under the federal Internal Revenue Code of 1986 is considered to be a political subdivision, local government, or local governmental entity for purposes of applicable state law. The bill amends the Government Code to classify an open-enrollment charter school as a political subdivision for purposes of provisions governing collective bargaining and strikes by public officers and employees.

**Senate Bill 2432****Effective:** 9-1-19**Senate Author:** Taylor**House Sponsor:** Sanford

Senate Bill 2432 amends the Education Code to require a public school student to be removed from class and placed in a disciplinary alternative education program if the student engages in conduct that contains certain elements of the offense of harassment against a school district employee.

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## 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.

### House Bill 392

**Effective:** 9-1-19

**House Author:** Blanco

**Senate Sponsor:** Zaffirini

House Bill 392 amends the Insurance Code to revise the provisions authorizing the establishment of a group long-term care insurance program by the Employees Retirement System of Texas by removing the specification that the program is a group program. The bill also repeals provisions that prohibit premiums and program costs from being deducted from a program participant's monthly compensation or annuity.

### House Bill 1612

**Effective:** 5-23-19

**House Author:** Murphy

**Senate Sponsor:** Huffman

House Bill 1612 amends the Government Code to make permanent the temporary increase in the cap on the value of the total investment portfolio of the Teacher Retirement System of Texas that may be invested in hedge funds.

### House Bill 2384

**Effective:** 9-1-19

**House Author:** Leach et al.

**Senate Sponsor:** Huffman et al.

House Bill 2384 amends the Family Code, Government Code, and Insurance Code to provide for a judicial pay increase and to revise provisions relating to judicial compensation and participation in the Judicial Retirement System of Texas Plan One (JRS-1) and Plan Two (JRS-2). Among other provisions, the bill increases the minimum annual state base salary for a district judge and creates a tiered pay structure based on longevity for district judges; justices and judges of the courts of appeal, the Texas Supreme Court, and the Court of Criminal Appeals; statutory county court judges; statutory probate court judges; and certain prosecutors. The bill lowers the years of service required for longevity pay and increases the amount of longevity pay. The bill also changes the basis for computing the salary provided to a presiding judge and ties the salary for certain family court associate judges to the state base salary for a district judge.

House Bill 2384 revises the computation of service retirement benefits under JRS-1 and JRS-2. The bill increases the amount of a member contribution to JRS-2 to 9.5 percent of state compensation for service rendered after September 1, 2019, and changes the member contribution amount for a member who elects to make contributions to JRS-1 after 20 years of service to 9.5 percent of the member's state compensation. The bill eliminates JRS-1 disability retirement benefits and revises provisions relating to disability retirement benefits under JRS-2. The bill also revises provisions relating to service retirement benefits for elected class service under the Employees Retirement System of Texas.

Implementation of a provision of this bill by the comptroller of public accounts is mandatory only if a specific appropriation is made for that purpose.

### House Bill 2629

**Effective:** 9-1-19

**House Author:** Flynn et al.

**Senate Sponsor:** Huffman

House Bill 2629 amends the Government Code to require the board of trustees of the Teacher Retirement System of Texas (TRS) to ensure that rules establishing deadlines for the filing of an appeal of a final administrative decision of TRS afford a member or retiree at least the same amount of time to file an appeal as TRS has to issue a decision.

**House Bill 2763**

**Effective:** 6-14-19

**House Author:** Flynn et al.

**Senate Sponsor:** Taylor

House Bill 2763 amends Vernon's Texas Civil Statutes to revise provisions relating to Galveston's police pension fund and the fund's board of trustees. The bill includes provisions setting the statutory range for a member contribution for service rendered after August 31, 2019, and setting municipal contributions at 18 percent of payroll based on authorized positions, as determined by the municipality. Among other provisions, including a provision requiring that assumptions and methods used to prepare an actuarial valuation of the fund's assets and liabilities be consistent with generally accepted actuarial standards, the bill prohibits certain actions increasing the amortization period of unfunded actuarial liabilities beyond 25 years and sets out procedures for the calculation of the municipality's payment to the fund for certain negative financial impacts caused by a unilateral action taken by the municipality.

**House Bill 2820**

**Effective:** 9-1-19

**House Author:** Flynn

**Senate Sponsor:** Hughes

House Bill 2820 amends the Business & Commerce Code and Vernon's Texas Civil Statutes to revise provisions regarding the registration and certification of certain investment products made available to public school employees.

**House Bill 3247**

**Effective:** 9-1-19

**House Author:** Martinez et al.

**Senate Sponsor:** Alvarado

House Bill 3247 amends the Government Code to revise provisions regarding the administration of the Texas Emergency Services Retirement System (TESRS). Among other provisions, the bill includes as a participating department a not-for-profit entity that performs emergency services and includes as an eligible TESRS member any person who performs emergency or support services as a volunteer or paid emergency employee for a participating department. The bill authorizes the TESRS board of trustees to adopt rules regarding the revocation of an election to participate in the system in a manner that maintains an actuarially sound system.

**House Bill 3522**

**Effective:** See below

**House Author:** Murphy

**Senate Sponsor:** Creighton

House Bill 3522 amends the Government Code to authorize a beneficiary to whom a member or retiree death benefit is payable by the Employees Retirement System of Texas to by assignment provide that all or part of the benefit be paid directly to a funeral director or funeral establishment for applicable services. These provisions take effect January 1, 2020, and related procedural provisions take effect September 1, 2019.

**Senate Bill 12**

**Effective:** 6-10-19

**Senate Author:** Huffman et al.

**House Sponsor:** Bonnen, Greg et al.

Senate Bill 12 amends the Government Code to increase the state, member, and employer contributions to the Teacher Retirement System of Texas for public and higher education retirement benefits. Among other provisions, the bill provides for a one-time supplemental payment of an applicable retirement or death benefit, contingent on an appropriation made for that purpose.

**Senate Bill 322**  
**Effective:** 6-10-19

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

Senate Bill 322 amends the Government Code to expand reporting requirements for all public pension systems by requiring additional information in a system's respective annual financial report and by providing for an investment practices and performance report that is based on a system evaluation conducted by an independent firm. Implementation of an applicable provision of this bill by the State Pension Review Board is mandatory only if an appropriation is made specifically for that purpose.

**Senate Bill 1337**  
**Effective:** 1-1-20

**Senate Author:** Huffman  
**House Sponsor:** Flynn

Senate Bill 1337 amends the Government Code to update, revise, and clarify provisions relating to credit in, benefits from, and administration of the Texas Municipal Retirement System (TMRS), including provisions regarding an audit or investigation of TMRS activities, functions, or operations and provisions authorizing the use of external investment managers to invest and manage assets held in trust by TMRS. Among other provisions, the bill authorizes the board of trustees of TMRS to provide for a board-initiated phase-in period of a municipal contribution rate increase or amortization period increase, sets the maximum amortization period at 30 years, provides for the recalculation of and eligibility for an updated service credit, and revises provisions regarding a standard occupational disability retirement annuity.

**Senate Bill 1570**  
**Effective:** 6-10-19

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

Senate Bill 1570 amends the Government Code to make a member of the employee class of the Employees Retirement System of Texas who serves as a corrections officer at the Texas Department of Criminal Justice or the Texas Juvenile Justice Department or who is otherwise eligible for membership in a public retirement system because of such service ineligible for a service retirement annuity under the applicable retirement system if the member is convicted of any felony involving an incarcerated member of a criminal street gang for conduct that arises directly from such service.

**Senate Bill 1682**  
**Effective:** 6-4-19

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

Senate Bill 1682 amends the Insurance Code to establish a contingency reserve account under the Texas public school employees group insurance program to provide for adverse fluctuations in claims or administrative expenses.

**Senate Bill 2224**  
**Effective:** 9-1-19

**Senate Author:** Huffman  
**House Sponsor:** Murphy

Senate Bill 2224 amends the Government Code to require the governing body of a public retirement system to adopt a written funding policy that details the governing body's plan for achieving a ratio of the system's actuarial value of assets divided by the system's actuarial accrued liability that is equal to or greater than 100 percent.

**Senate Bill 2270**  
**Effective:** 6-10-19

**Senate Author:** Miles  
**House Sponsor:** Sheffield

Current law requires the president of a medical and dental unit to determine whether a nurse employed by the unit for patient care or clinical activities is a full-time employee for purposes of

## Public Retirement Systems

leave, longevity, and group benefits under the Texas Employees Group Benefits Act or the State University Employees Uniform Insurance Benefits Act. Senate Bill 2270 amends the Education Code to require such a determination for any person employed by the unit for patient care or clinical activities.

## Public Safety

This chapter covers legislation relating to peace officers and other law enforcement personnel, law enforcement agencies, handgun and firearm possession, firefighters, and the duties and functions of the Department of Public Safety and the Texas Commission on Law Enforcement. 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 121

**Effective:** 9-1-19

**House Author:** Swanson et al.

**Senate Sponsor:** Creighton et al.

House Bill 121 amends the Penal Code to establish as a defense to prosecution for trespass by a handgun license holder with a concealed or openly carried handgun that the license holder was personally given notice that entry on the property was forbidden and promptly departed from the property.

### House Bill 292

**Effective:** 9-1-19

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

**Senate Sponsor:** Huffman

House Bill 292 amends the Occupations Code to require the Texas Commission on Law Enforcement (TCOLE) to require a peace officer or reserve law enforcement officer to complete as part of the minimum curriculum requirements for law enforcement training programs and schools the basic education and training program on the trafficking of persons developed by TCOLE not later than the second anniversary of the date the officer is licensed, unless the officer completes the program as part of the officer's basic training course.

### House Bill 302

**Effective:** 9-1-19

**House Author:** Paul et al.

**Senate Sponsor:** Hughes

House Bill 302 amends the Penal Code and Property Code to prohibit the owner or landlord of an applicable condominium or rental property, a tenant or guest of such an owner or landlord, or a guest of a tenant from being prohibited from lawfully possessing, carrying, transporting, or storing a firearm, any part of a firearm, or firearm ammunition in the applicable property, in a vehicle located in the property's parking area, or certain other locations unless prohibited by state or federal law. The bill establishes related defenses to prosecution for the offenses of criminal trespass, trespass by a handgun license holder with a concealed handgun, and trespass by a handgun license holder with an openly carried handgun.

### House Bill 381

**Effective:** 9-1-19

**House Author:** Holland et al.

**Senate Sponsor:** Paxton et al.

House Bill 381 amends the Government Code to make a trainee for a position as a state law enforcement or peace officer, federal officer or special agent, corrections or detention officer, or county or municipal jailer who is killed in the line of duty eligible to have the person's name on the Texas Peace Officers' Memorial Monument.

### House Bill 872

**Effective:** 9-1-19

**House Author:** Hefner et al.

**Senate Sponsor:** Flores et al.

House Bill 872 amends provisions of the Government Code governing the payment of state financial assistance to the survivors of certain law enforcement officers and other public



employees killed in the line of duty to ensure that the board of trustees of the Employees Retirement System of Texas makes the final determination regarding whether a death occurred in the line of duty and whether as such the surviving spouse of the decedent is eligible for that financial assistance.

House Bill 872 makes the monthly annuity payment and funeral expenses available to the survivors of certain law enforcement officers and employees of the Texas Department of Criminal Justice killed in the line of duty who had not worked in that capacity long enough to qualify for an annuity under an employees' retirement plan available to an eligible surviving spouse of a paid jailer or of a qualifying county jailer or guard, regardless of the date of death.

**House Bill 971**

**Effective:** 9-1-19

**House Author:** Clardy et al.

**Senate Sponsor:** Zaffirini

House Bill 971 amends the Occupations Code to require the Texas Commission on Law Enforcement to adopt rules to allow a peace officer or reserve law enforcement officer who has served in the military to receive credit toward meeting any training hours required for an intermediate, advanced, or master proficiency certificate based on that military service.

**House Bill 1064**

**Effective:** 9-1-19

**House Author:** Ashby et al.

**Senate Sponsor:** Birdwell et al.

House Bill 1064 amends the Government Code to designate May 4 as Texas Firefighters Day in honor of the bravery, determination, and service of Texas firefighters, many of whom are volunteers.

**House Bill 1078**

**Effective:** 9-1-19

**House Author:** Oliverson

**Senate Sponsor:** Creighton

House Bill 1078 amends the Government Code and Transportation Code to waive the fees for the issuance of a driver's license or handgun license for certain applicants who hold a current CPR certification. The bill requires the Department of Public Safety to establish a record of the amount of fees for the issuance of a driver's license that would otherwise be deposited to the credit of the Texas mobility fund if not for the fee waiver provided under the bill's provisions and to remit general revenue in an amount equal to that amount of those fees to the comptroller of public accounts for deposit to the credit of the fund.

**House Bill 1099**

**Effective:** Vetoed

**House Author:** Guillen

**Senate Sponsor:** Hinojosa et al.

House Bill 1099 amends the Occupations Code and Code of Criminal Procedure to authorize the State Board of Veterinary Medical Examiners (TBVME) to employ and commission as a peace officer to enforce the Veterinary Licensing Act a peace officer certified by the Texas Commission on Law Enforcement. The bill requires the TBVME to designate an appropriately trained and experienced peace officer as the chief investigator to supervise and direct the other peace officers it commissions.

Governor's Reason for Veto: "House Bill 1099 would allow the Texas Board of Veterinary Medical Examiners to hire peace officers to investigate violations of the Veterinary Licensing Act. Legislation was passed last session to help the Board develop an effective way to inspect and monitor the potential diversion of controlled substances at veterinarians' offices, and to consistently implement its enforcement procedures. The Board should use its existing tools instead of creating more state commissioned peace officers and seeking out new tasks related to supervising those officers."

**House Bill 1177**  
**Effective:** 9-1-19

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

House Bill 1177 amends the Penal Code to provide for the unlicensed carrying of a handgun by certain persons for a certain period following the declaration of a state of disaster, provided the person is not prohibited by state or federal law from possessing a firearm.

**House Bill 1415**  
**Effective:** 9-1-19

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

House Bill 1415 amends the Occupations Code to remove civil process issues from the curriculum of the initial training and continuing education programs for constables and to require each constable instead to complete at least 20 hours of continuing education instruction on civil process during each 48-month continuing education training period. The bill requires the Texas Commission on Law Enforcement (TCOLE) to establish minimum curriculum requirements for that civil process course and authorizes TCOLE to waive the course completion requirement under certain conditions.

**House Bill 1552**  
**Effective:** 9-1-19

**House Author:** Paul et al.  
**Senate Sponsor:** Schwertner

House Bill 1552 amends the Government Code, Occupations Code, and Penal Code to require the Texas Commission on Law Enforcement to develop and administer a basic training program in the use of firearms by county jailers and to issue a certificate of firearms proficiency to each county jailer that successfully completes the program. A county jailer with such a certificate must maintain and demonstrate continued weapons proficiency at least annually. Contingent on maintaining that proficiency, the county jailer is authorized to carry a firearm during the course of performing duties and while traveling to or from the jailer's place of assignment.

House Bill 1552 revises provisions pertaining to the weapons proficiency of and the carrying of a handgun by certain law enforcement officers and brings those provisions into alignment with federal law applicable to a qualified retired law enforcement officer who is entitled to carry a concealed firearm.

**House Bill 1590**  
**Effective:** 6-4-19

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

House Bill 1590 amends the Government Code and Occupations Code to establish the sexual assault survivors' task force within the criminal justice division in the governor's office to enable the state to better assist child and adult survivors and to better prevent, investigate, and prosecute incidents of sexual assault and other sex offenses. The task force expires September 1, 2023.

House Bill 1590 requires the Texas Commission on Law Enforcement to consult with the task force regarding minimum curriculum requirements for training in the investigation and documentation of cases that involve sexual assault or other sex offenses and sets out additional stakeholders with which the attorney general is required to consult in implementing the Sexual Assault Prevention and Crisis Services Act.

The governor is required to implement a provision of House Bill 1590 only if a specific appropriation is made for that purpose.

## Public Safety

### **House Bill 1769** **Effective:** 9-1-19

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

House Bill 1769 amends the Government Code to require the Department of Public Safety (DPS) to create a statewide alert system for missing adults aged 18 to 64 years old. The bill requires DPS to conduct a study on the effectiveness of the alert system and to submit a report on the study's results and any further recommendations to the governor, lieutenant governor, and speaker of the house of representatives.

### **House Bill 1789** **Effective:** 6-2-19

**House Author:** Tinderholt  
**Senate Sponsor:** Fallon

House Bill 1789 amends the Local Government Code to remove the specification that the municipality or county with which a municipality, joint airport, or county may enter into an agreement to form a mutual aid law enforcement task force to cooperate in criminal investigations and law enforcement be a neighboring municipality or a contiguous county.

### **House Bill 1791** **Effective:** 9-1-19

**House Author:** Krause et al.  
**Senate Sponsor:** Fallon

House Bill 1791 amends the Government Code to clarify that a state agency or a political subdivision of the state may not take any action that states or implies that a handgun license holder who is carrying a handgun is prohibited from entering or remaining on a premises or other place owned or leased by the entity unless license holders are prohibited from carrying a handgun on the premises or other place by law. The bill revises the contents required to be included in the written notice provided by a Texas resident or license holder as part of a complaint filed with the attorney general regarding a violation of that prohibition.

### **House Bill 2092** **Effective:** 9-1-19

**House Author:** Guillen  
**Senate Sponsor:** Zaffirini

House Bill 2092 amends the Transportation Code to require the Department of Public Safety to adopt procedures for the issuance of a personal identification certificate to a person who surrenders their driver's license at the time of applying for the certificate.

### **House Bill 2137** **Effective:** 9-1-19

**House Author:** Burns et al.  
**Senate Sponsor:** Flores et al.

House Bill 2317 amends the Government Code to require the Department of Public Safety to waive any fee required for a handgun license for an applicant who is a qualifying honorably retired peace officer. Among other provisions, the bill exempts such an applicant who submits the appropriate fingerprints and applicable accompanying documentation and who meets all other requirements for the license from the requirement to complete the classroom instruction portion of the handgun proficiency course and exempts such an applicant who holds a certificate of weapons proficiency from the range instruction portion of the course.

### **House Bill 2446** **Effective:** 6-14-19

**House Author:** Swanson et al.  
**Senate Sponsor:** Fallon

House Bill 2446 amends the Government Code and Tax Code to set out provisions relating to the certification and training for fire safety inspectors and the availability of certain information regarding inspectors, firefighters, and emergency medical services personnel. The bill establishes that an individual is not required to be certified by the Texas Commission on Fire Protection to conduct fire safety inspections in certain counties and entitles a volunteer fire department,

a fire department operated by an emergency services district, and a municipality to obtain criminal history record information from the Department of Public Safety on employees who seek to conduct fire safety inspections without becoming certified. The bill identifies the entities authorized to provide training relating to fire safety inspections.

House Bill 2446 provides for the confidentiality of certain personal information regarding a firefighter, a volunteer firefighter, or emergency medical services personnel and such a person's work schedule or time sheet.

**House Bill 3106**

**Effective:** 9-1-19

**House Author:** Goldman et al.

**Senate Sponsor:** Huffman et al.

House Bill 3106, Molly Jane's Law, amends the Government Code to require each state law enforcement agency to request access from the FBI to enter information into the national database of the Violent Criminal Apprehension Program. A law enforcement agency that investigates a sexual assault or other sex offense must enter certain information regarding the investigation into that database.

**House Bill 3231**

**Effective:** 9-1-19

**House Author:** Clardy et al.

**Senate Sponsor:** Fallon et al.

House Bill 3231 amends current state firearms prevention statutes within the Local Government Code to more closely align limitations on municipal and county regulatory authority, expand the scope of those limitations, and authorize the attorney general to recover reasonable expenses incurred in obtaining an injunction against a municipality or county for adopting a regulation prohibited under those limitations.

**House Bill 3316**

**Effective:** 9-1-19

**House Author:** White

**Senate Sponsor:** Schwertner

House Bill 3316 amends the Government Code and Local Government Code to revise and update provisions relating to the Texas Crime Stoppers Council. The bill authorizes the council, a crime stoppers organization, or a person accepting information on behalf of either entity to accept tips relating to criminal activity or relating to certain conduct or threatened conduct. The bill provides for the distribution, confidentiality, and permissible uses of tips and related information and records. The bill specifically authorizes the applicable entities to accept and a crime stoppers organization to forward to appropriate authorities a tip regarding conduct or threatened conduct that would disrupt the efficient and effective operations of a public school district or open-enrollment charter school and authorizes a district or charter school to receive forwarded tips, subject to a certain exception.

House Bill 3316 revises provisions relating to the offense of intentionally or knowingly disclosing to an unauthorized person certain information reported to the council or a crime stoppers organization and establishes certain limitations. The bill revises provisions granting immunity from civil liability to the submitter of a tip for damages resulting from that submission and granting such immunity to a person who in the course and scope of the person's duties or functions receives, forwards, or acts on a tip for damages resulting from the person's act or omission involving the tip.

House Bill 3316 revises the composition of the council and includes encouraging, advising, and assisting in the creation of campus-based crime stoppers organizations among the council's duties.

**House Bill 3503**

**Effective:** 6-15-19

**House Author:** Anderson

**Senate Sponsor:** Schwertner

House Bill 3503 amends the Occupations Code to require the Texas Commission on Law Enforcement to develop and administer a basic training program in the use of firearms by county jailers and issue a certificate of firearm proficiency to each county jailer that has successfully completed the program. A county jailer with such a certificate must maintain and demonstrate continued weapons proficiency at least annually. Contingent on maintaining that proficiency, the county jailer is authorized to carry a firearm during the course of performing duties as a county jailer and while traveling to or from the jailer's place of assignment.

**House Bill 3540**

**Effective:** 9-1-19

**House Author:** Burns et al.

**Senate Sponsor:** Hughes

House Bill 3540 amends the Code of Criminal Procedure to set out the circumstances under which a peace officer may release a person with an intellectual or developmental disability who resides at certain group homes or intermediate care facilities at the person's residence in lieu of arrest and to establish certain liability protections for the officer and the agency or political subdivision that employs the officer for making such a release.

**House Bill 3635**

**Effective:** 9-1-19

**House Author:** Turner, John et al.

**Senate Sponsor:** Hughes

Current law provides for a \$500,000 lump sum financial assistance payment to the eligible survivors of certain law enforcement officers, firefighters, and other public employees killed in the line of duty. House Bill 3635 amends the Government Code to provide for an annual adjustment of that amount to match inflation.

**House Bill 3706**

**Effective:** 9-1-19

**House Author:** Dean

**Senate Sponsor:** Hughes

House Bill 3706 amends the Government Code to make the streamlined handgun license application process and application fee waivers and reductions made available for active and retired peace officers available also to active and retired railroad peace officers and special rangers of the Texas and Southwestern Cattle Raisers Association.

**House Bill 3800**

**Effective:** 9-1-19

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

**Senate Sponsor:** Huffman

House Bill 3800 amends the Code of Criminal Procedure to require an applicable law enforcement entity that investigates, and a prosecuting attorney representing the state that prosecutes, the alleged commission of a trafficking of persons offense or a prostitution offense which may involve human trafficking to submit to the attorney general a report regarding the offense. The bill requires the attorney general to enter into a contract with a university that provides for the university's assistance in the collection and analysis of the information in the reports.

**House Bill 3863**

**Effective:** 6-14-19

**House Author:** Wilson

**Senate Sponsor:** Hughes

House Bill 3863 amends the Code of Criminal Procedure to establish that Special Agents of the Office of Inspector General of the U.S. Department of Agriculture are deemed not to be peace officers but are granted the powers of arrest, search, and seizure under state laws as to felony offenses only. The bill also establishes that an officer or agent designated by the U.S.

secretary of homeland security for duty in connection with the protection of property owned or occupied by the federal government and persons on the property is not a peace officer but has those same powers with respect to any offense under state law.

**House Bill 4157**  
**Effective:** 9-1-19

**House Author:** Anchia  
**Senate Sponsor:** West

House Bill 4157 amends the Code of Criminal Procedure to lower from 500,000 to 200,000 the minimum population threshold of a municipality whose police department is considered a designated law enforcement office or agency for purposes of statutory provisions governing the installation and use of certain tracking equipment and access to stored communications.

**House Bill 4195**  
**Effective:** 9-1-19

**House Author:** Burns  
**Senate Sponsor:** Fallon

House Bill 4195 amends the Government Code and Occupations Code to remove the requirement that the photograph on a handgun license or on the pocket card issued for each registrant under the Private Security Act be in color.

**House Bill 4236**  
**Effective:** 9-1-19

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

House Bill 4236 amends the Occupations Code to establish the limited circumstances under which a law enforcement agency may make certain recordings created with a body worn camera available for viewing by a person depicted in the recording or, if the person is deceased, by the person's authorized representative. The bill prohibits a person viewing such a recording from duplicating or capturing video or audio from the recording.

**House Bill 4428**  
**Effective:** 9-1-19

**House Author:** Tinderholt  
**Senate Sponsor:** Fallon

House Bill 4428 amends the Government Code to set an original or renewed handgun license issued to an applicant who is not a U.S. citizen to expire on the date of issuance or the expiration of the license holder's lawful presence in the United States, if that date is earlier than the date on which the license would otherwise expire, or, if there is no such definite expiration date, on the first anniversary of the date of issuance or renewal. The bill authorizes a handgun license holder whose license is set to expire on the expiration of the license holder's lawful presence in the United States and who is granted an extension for the person's lawful presence to apply for a duplicate license with an updated expiration date.

**Senate Bill 71**  
**Effective:** 9-1-19

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

Senate Bill 71 amends the Government Code to require the attorney general to establish the statewide telehealth center for sexual assault forensic medical examination in order to expand access to sexual assault nurse examiners for underserved populations.

**Senate Bill 72**  
**Effective:** 9-1-19

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

Senate Bill 72 amends the Government Code to require the office of the attorney general to establish the human trafficking prevention coordinating council to develop and implement a five-year strategic plan for preventing human trafficking in Texas. The bill, among other provisions, sets out the required contents of the strategic plan, including a plan to coordinate the programs, services, and expenditure of state funds for the prevention human trafficking in Texas.

**Senate Bill 340**

**Effective:** 6-10-19

**Senate Author:** Huffman

**House Sponsor:** King, Phil et al.

Senate Bill 340 amends the Government Code to require the criminal justice division in the governor's office to establish and administer a grant program to assist law enforcement agencies with the purchase of opioid antagonists. Implementation of a provision of the bill by the division is mandatory only if a specific appropriation is made for that purpose.

**Senate Bill 535**

**Effective:** 9-1-19

**Senate Author:** Campbell et al.

**House Sponsor:** Flynn et al.

Senate Bill 535 amends the Penal Code to remove the premises of a church, synagogue, or other established place of religious worship from the premises on which the intentional, knowing, or reckless carrying of a handgun by a license holder constitutes an offense.

**Senate Bill 586**

**Effective:** 9-1-19

**Senate Author:** Watson et al.

**House Sponsor:** Neave

Senate Bill 586 amends the Occupations Code to require the Texas Commission on Law Enforcement (TCOLE) to establish minimum requirements for the training, testing, and certification of special officers for responding to allegations of family violence or sexual assault. The bill authorizes TCOLE to certify a peace officer as a special officer for responding to such allegations and requires training on recognition of child abuse and neglect, family violence, and sexual assault cases and use of best practices and trauma-informed response techniques for such cases to be included among the required courses and programs as part of law enforcement officer training schools. Training on investigation of such cases and the use of such best practices and techniques must also be included in the training provided to peace officers holding only a basic proficiency certificate.

**Senate Bill 741**

**Effective:** 9-1-19

**Senate Author:** Hughes

**House Sponsor:** Landgraf

Senate Bill 741 amends the Property Code to prohibit a property owners' association from including or enforcing a provision in a dedicatory instrument that prohibits or restricts any person who is otherwise authorized from lawfully possessing, transporting, or storing a firearm, any part of a firearm, or firearm ammunition, as well as the otherwise lawful discharge of a firearm.

**Senate Bill 971**

**Effective:** 9-1-19

**Senate Author:** Huffman

**House Sponsor:** Herrero et al.

Senate Bill 971 amends the Occupations Code to provide for the training of peace officers and county jailers in recognizing and recording circumstances indicating strangulation of a victim.

**Senate Bill 976**

**Effective:** 9-1-19

**Senate Author:** Hughes et al.

**House Sponsor:** Martinez

Senate Bill 976 amends the Transportation Code to require a vehicle registration application to provide space for an applicant to voluntarily indicate that the applicant has a health condition or disability that may impede effective communication with a peace officer. The bill requires the Texas Department of Motor Vehicles to provide to the Department of Public Safety (DPS) the vehicle registration information of a person who makes such an indication and requires DPS to include that information in the Texas Law Enforcement Telecommunications System for the

purpose of alerting a peace officer who makes a traffic stop that the vehicle operator may have such a health condition or disability.

**Senate Bill 1397**

**Effective:** 8-26-19

**Senate Author:** Flores

**House Sponsor:** Sanford

Senate Bill 1397 amends the Occupations Code to exempt an honorably retired commissioned officer of the Department of Public Safety who is a special Texas Ranger, of the Parks and Wildlife Department who is a special game warden, or of the Texas Alcoholic Beverage Commission who is a special inspector or representative from continuing education requirements for peace officers and county jailers. The bill extends additional training exemptions and certain other rights and privileges to such an officer, including all the same rights and privileges as any other peace officer in Texas.

**Senate Bill 1582**

**Effective:** 9-1-19

**Senate Author:** Lucio

**House Sponsor:** Wray et al.

Senate Bill 1582 amends the Government Code and Labor Code to make applicable to qualifying peace officers provisions relating to a determination of whether disability or death resulted from a disease or illness contracted in the course and scope of employment for the purposes of benefits provided under certain employee benefit plans. The bill entitles a peace officer who operates an ambulance or who responds to emergency medical calls to preventative immunization for any disease to which the officer may be exposed in performing official duties and for which immunization is possible.

**Senate Bill 1804**

**Effective:** Vetoed

**Senate Author:** Kolkhorst

**House Sponsor:** Nevárez et al.

Senate Bill 1804 amends the Code of Criminal Procedure and Government Code to require certain conditions of bond information to be entered into the statewide law enforcement information system and to set out certain related victim notification requirements. The bill provides for the establishment of a grant program to reimburse counties for all or part of the costs for the global positioning monitoring of defendants and victims in family violence cases.

Senate Bill 1804 amends the Special District Local Laws Code and Tax Code to authorize the Midland County Hospital District of Midland County, Texas, to adopt, change the rate of, or abolish a sales and use tax at a district election.

Senate Bill 1804 postpones the effective date of certain Texas Radiation Control Act provisions relating to a disposal surcharge and state fee.

Governor's Reason for Veto: "Senate Bill 1804 was a laudable effort to address domestic violence, until someone slipped in an ill-considered giveaway to a radioactive waste disposal facility. Unfortunately, the bill author's good idea about domestic violence has been dragged down by a bad idea about radioactive waste."

**Senate Bill 1827**

**Effective:** 9-1-19

**Senate Author:** Menéndez

**House Sponsor:** Lambert

Senate Bill 1827 amends the Occupations Code to authorize a law enforcement agency to acquire and possess epinephrine auto-injectors and to authorize a peace officer to possess and administer an epinephrine auto-injector only if the peace officer has successfully completed training in the use of the device in a course approved by the Texas Commission on Law Enforcement.



**Senate Bill 2100**

**Effective:** 5-14-19

**Senate Author:** Birdwell et al.

**House Sponsor:** Smithee et al.

Senate Bill 2100 amends the Government Code to provide for the transfer of an eligible retired law enforcement animal to a person capable of humanely caring for the animal.

**Senate Bill 2143**

**Effective:** 9-1-19

**Senate Author:** Flores

**House Sponsor:** Nevárez

Senate Bill 2143 amends the Code of Criminal Procedure to authorize the tribal council of the Kickapoo Traditional Tribe of Texas to employ and commission peace officers for the purpose of enforcing state law within the boundaries of the tribe's reservation.

**Senate Joint Resolution 32**

**For Election:** 11-5-19

**Senate Author:** Birdwell et al.

**House Sponsor:** Tinderholt

Senate Joint Resolution 32 proposes an amendment to the Texas Constitution to authorize a state agency or a county, a municipality, or other political subdivision to transfer a law enforcement animal to the animal's handler or another qualified caretaker on the animal's retirement or at another time if the transfer is in the animal's best interest.

## 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.

### House Bill 279

**Effective:** 6-10-19

**House Author:** Craddick

**Senate Sponsor:** Seliger

House Bill 279 amends the Special District Local Laws Code and Tax Code to authorize the Midland County Hospital District of Midland County to adopt, change the rate of, or abolish a sales and use tax at an election held in the district, subject to certain limitations. The tax may be in increments of one-eighth of one percent, with a minimum rate of one-eighth of one percent and a maximum rate of two percent, and the revenue derived from the tax may be used for any purpose of the district authorized by law.

### House Bill 294

**Effective:** 9-1-19

**House Author:** King, Ken

**Senate Sponsor:** Seliger

House Bill 294 amends the Special District Local Laws Code to change from a petition to an application the type of document that a person seeking to have the person's name printed on the ballot as a candidate for director of the Muleshoe Area Hospital District must file with the secretary of the district's board of directors.

### House Bill 304

**Effective:** 9-1-19

**House Author:** Paul et al.

**Senate Sponsor:** Nelson

House Bill 304 amends the Local Government Code and Special District Local Laws Code to revise provisions relating to the governance and operation of municipal management districts. Among other provisions, the bill revises petition requirements for the creation, improvement, or dissolution of a district and for bond elections, removes district residency as a qualification for serving as a district director, and provides for district property owner input in recommendations for service on a succeeding board of directors.

### House Bill 468

**Effective:** 5-25-19

**House Author:** Springer

**Senate Sponsor:** Seliger

House Bill 468 amends the Special District Local Laws Code to expand the powers and duties of the Collingsworth County Hospital District board of directors with regard to equipment, property, and facilities necessary for hospital care and an adequate hospital system.

### House Bill 722

**Effective:** 9-1-19

**House Author:** Larson

**Senate Sponsor:** Perry

House Bill 722 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 a designated brackish groundwater production zone. The bill requires such a district to adopt such rules if the district receives a petition from a person with a legally

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defined interest in groundwater in the district. The rules apply only to a permit for a project that is a municipal project designed to treat brackish groundwater to drinking water standards for the purpose of providing a public source of drinking water or for a project that is an electric generation project to treat brackish groundwater to water quality standards sufficient for the project needs. The bill prohibits a district from adopting rules limiting access to the production of groundwater within a designated brackish groundwater production zone to only those projects.

House Bill 722 sets out requirements for rules adopted under the bill's provisions, required contents for an application for a brackish groundwater production zone operating permit, and an application and permitting process that involves the Texas Water Development Board (TWDB). Implementation of a provision of this bill by the TWDB is mandatory only if a specific appropriation is made for that purpose.

### **House Bill 886**

**Effective:** 5-25-19

**House Author:** Springer

**Senate Sponsor:** Fallon

House Bill 886 amends the Special District Local Laws Code to decrease the number of directors of the Muenster Hospital District from nine to seven, to combine the board officer positions of vice president and secretary, to remove the president's role as the district's chief executive officer, and to rename the positions of district administrator and assistant administrator as chief executive officer and assistant to the chief executive officer.

### **House Bill 956**

**Effective:** 9-1-19

**House Author:** Miller et al.

**Senate Sponsor:** Miles

House Bill 956 amends the Local Government Code to provide for the dissolution of a county assistance district on a finding by a majority of the district's governing body or the commissioners court of the county in which the district was created, as applicable, that the performance of the district's functions cannot be accomplished to the benefit of the district's residents and landowners and on a unanimous vote by the commissioners court that dissolution is in the best interests of the district, the county in which the district is located, and the district's residents and landowners, provided the district meets certain criteria with regard to outstanding debt or contractual obligations.

### **House Bill 1019**

**Effective:** 9-1-19

**House Author:** Muñoz, Jr.

**Senate Sponsor:** Hinojosa

House Bill 1019 amends the Special District Local Laws Code to authorize the Hidalgo County Irrigation District Nos. 5, 6, and 16 and the Hidalgo County Municipal Utility District No. 1 to exercise the power of eminent domain as provided by law applicable to the respective district after the district submits a letter of eminent domain authority to the comptroller of public accounts, which must be submitted by a specified deadline.

### **House Bill 1053**

**Effective:** Vetoed

**House Author:** Guillen

**Senate Sponsor:** Lucio

House Bill 1053 amends the law and the Special District Local Laws Code to revise provisions relating to the administration, powers, and duties of the Willacy County Navigation District. Among other provisions, the bill authorizes the district to sell, exchange, or lease real property or any interest in owned real property and to donate, exchange, convey, sell, or lease land, improvements, easements, or any other interests in real property to promote certain projects for less than fair market value and without complying with applicable notice and bidding requirements. The bill expands the powers and duties of the Port of Harlingen Authority, including authorizing the authority to impose a property tax.

Governor's Reason for Veto: "House Bill 1053 has two fatal flaws:

"First, it would exempt the Willacy County Navigation District from competitive bidding requirements applicable to all other navigation districts, allowing it to donate, exchange, convey, sell, or lease a real property interest for less than reasonable market value and without providing public notice. This exception to the general laws of our State would unnecessarily undermine the tenets of transparency.

"Second, it would authorize the Port of Harlingen Authority to impose an ad valorem tax. The end-of-session addition of this power was not properly vetted through the legislative process and did not receive a public hearing. While likely not the intent of this bill's author or sponsor, this would set a bad example for how special districts can evade statutory and legislative oversight in the future."

**House Bill 1066**  
**Effective:** 9-1-19

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

House Bill 1066 amends the Water Code to require a groundwater conservation district, on or before the expiration of certain terms regarding periods for which water may be transferred out of the district under a permit, to extend the term in a prescribed manner to a term that is not shorter than the term of an operating permit for the production of water to be transferred that is in effect at the time of the extension and for each additional term for which that operating permit for production is renewed without a permit amendment or remains in effect during a permit amendment process.

**House Bill 1120**  
**Effective:** Vetoed

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

House Bill 1120 amends the Local Government Code to authorize a county assistance district created by Fort Bend County to perform certain functions both inside and outside the district.

Governor's Reason for Veto: "Special districts exist to perform functions within their districts, but House Bill 1120 would extend this power outside the boundaries without adequate safeguards to protect against the potential for abuse."

**House Bill 1174**  
**Effective:** Vetoed

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

House Bill 1174 amends the Local Government Code to authorize a county assistance district created by Fort Bend County to provide a grant or loan to a political subdivision to assist in funding the performance of one or more functions a district is authorized to perform.

Governor's Reason for Veto: "House Bill 1174 would allow county assistance districts to give their financial resources to other political subdivisions, but would do so without protecting against abuse."

**House Bill 1263**  
**Effective:** 9-1-19

**House Author:** Thompson, Ed  
**Senate Sponsor:** Taylor

House Bill 1263 amends the law to authorize the Brazoria Drainage District Number Four to order a property owner to clear or otherwise maintain a canal, drain, ditch, or levee located on the owner's private property.

**House Bill 1379**  
**Effective:** 6-10-19

**House Author:** Oliverson  
**Senate Sponsor:** Bettencourt

House Bill 1379 amends the Special District Local Laws Code to provide for the creation of the Harris County Municipal Utility District No. 565.

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**House Bill 1488**  
**Effective:** 9-1-19

**House Author:** Harless  
**Senate Sponsor:** Bettencourt

House Bill 1488 amends the Special District Local Laws Code to raise the cap on the outstanding principal amount of obligations supported by property taxes that may be issued by the Charterwood Municipal Utility District of Harris County to finance recreational facilities.

**House Bill 1537**  
**Effective:** 9-1-19

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

House Bill 1537 amends the law to change the date of the directors' election of the Elm Creek Watershed Authority from the second Tuesday in January of each year to the uniform election date in November of each odd-numbered year. The bill extends the term of a director from two years to four years.

**House Bill 1570**  
**Effective:** 9-1-19

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

House Bill 1570 amends the law to decrease from seven to five the number of directors of the Rayburn Country Municipal Utility District and to change the date of the directors' election. The bill repeals a petition requirement for the placement of a director candidate's name on the ballot of such an election.

**House Bill 1574**  
**Effective:** 6-10-19

**House Author:** Paddie  
**Senate Sponsor:** Hughes

House Bill 1574 amends the Special District Local Laws Code to include a water supply corporation as an entity that may be added as a member of the Riverbend Water Resources District. The bill requires the governing body of a district member required to appoint a district director to conduct a review of the director appointed by the governing body before the director's term expires. The bill authorizes the governing body, after conducting the review and on expiration of the director's term, to reappoint the director or appoint a new director.

**House Bill 1674**  
**Effective:** 6-10-19

**House Author:** Calanni  
**Senate Sponsor:** Kolkhorst

House Bill 1674 amends the Special District Local Laws Code to grant the Harris County Municipal Utility District No. 377 the power to undertake certain road projects.

**House Bill 1676**  
**Effective:** 6-10-19

**House Author:** Calanni  
**Senate Sponsor:** Kolkhorst

House Bill 1676 amends the Special District Local Laws Code to grant the Harris County Municipal Utility District No. 378 the power to undertake certain road projects.

**House Bill 1678**  
**Effective:** 6-10-19

**House Author:** Calanni  
**Senate Sponsor:** Kolkhorst

House Bill 1678 amends the Special District Local Laws Code to grant the Harris County Municipal Utility District No. 380 the power to undertake certain road projects.

**House Bill 1697**  
**Effective:** 6-10-19

**House Author:** Bell, Cecil  
**Senate Sponsor:** Creighton

House Bill 1697 amends the Special District Local Laws Code to provide for the creation of the Wood Trace Municipal Utility District No. 4 of Montgomery County, Texas.

**House Bill 1806**  
**Effective:** Vetoed

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

House Bill 1806 amends the law to authorize a retail public utility that is an initial regular permit holder and the service area of which is contained wholly or partly inside the boundaries of the Edwards Aquifer Authority to use water withdrawn from the Edwards Aquifer to provide retail water service in a county adjacent to the boundaries of the authority within the utility's certificated service area. The bill authorizes a municipally owned utility owned by the City of San Antonio to sell not more than 6,000 acre feet of water withdrawn from the aquifer per year at wholesale to a retail public utility or river authority for use in any county adjacent to Bexar County but requires the municipally owned utility to obtain the consent of the Kendall County Commissioners Court for the sale of water for use in the county if the sale would cause the total sales of such water to exceed 1,500 acre feet of water per year.

Governor's Reason for Veto: "House Bill 1806 would allow the San Antonio Water System to sell water from the Edwards Aquifer to adjacent counties, many of which are outside the regulatory jurisdiction of the Edwards Aquifer Authority, without any input from other permit holders or the governing board of the Edwards Aquifer Authority. The goal of the Edwards Aquifer Act, which was passed by the 73rd Legislature, was to treat all permit holders equally. This bill goes in the opposite direction by elevating the rights of one user above all others. Vetoing this bill maintains the careful balance of water rights within the Edwards Aquifer Authority and ensures that the resources of the aquifer remain protected."

**House Bill 1820**  
**Effective:** 5-29-19

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

House Bill 1820 amends the Special District Local Laws Code to provide for the creation of the Liberty County Drainage District and for the dissolution of Liberty County Drainage District No. 4, Old River Drainage District 1-Liberty County, and Raywood Drainage District 2 and provides for the repeal of provisions relating to the Liberty County Drainage District Number Five.

**House Bill 1829**  
**Effective:** 6-10-19

**House Author:** Stephenson  
**Senate Sponsor:** Huffman

House Bill 1829 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. 225.

**House Bill 1934**  
**Effective:** 5-23-19

**House Author:** Zerwas  
**Senate Sponsor:** Kolkhorst

House Bill 1934 amends the Special District Local Laws Code to provide for the creation of the Fort Bend County Municipal Utility District No. 229.

**House Bill 1935**  
**Effective:** 5-23-19

**House Author:** Zerwas  
**Senate Sponsor:** Kolkhorst

House Bill 1935 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. 168.

**House Bill 2018**  
**Effective:** 9-1-19

**House Author:** Thierry  
**Senate Sponsor:** Huffman

House Bill 2018 amends the Local Government Code to require a municipal management district, after it annexes or excludes land, to provide a description of the district's updated metes and bounds to local municipalities.

## Special Districts

### **House Bill 2060**

**Effective:** 6-10-19

**House Author:** Stephenson

**Senate Sponsor:** Huffman

House Bill 2060 amends the Special District Local Laws Code to provide for the creation of the Fort Bend County Municipal Utility District No. 233.

### **House Bill 2077**

**Effective:** 6-10-19

**House Author:** Metcalf

**Senate Sponsor:** Creighton

House Bill 2077 amends the Special District Local Laws Code to create the City of Conroe Municipal Management District No. 3.

### **House Bill 2105**

**Effective:** 9-1-19

**House Author:** Shine et al.

**Senate Sponsor:** Buckingham

House Bill 2105 amends the Special District Local Laws Code to expand the territory of the Bell County Water Control and Improvement District No. 1 and to establish that the district is governed by a board of seven elected directors and by a nonvoting board member chosen by the Fort Hood Military Reservation who represents the interests of the reservation.

### **House Bill 2176**

**Effective:** 9-1-19

**House Author:** Leman

**Senate Sponsor:** Kolkhorst

House Bill 2176 amends the Special District Local Laws Code to authorize the Lavaca Hospital District's board of directors to lease district land and to increase from 25 years to 50 years the maximum term for a lease of the district's land, buildings, and facilities. The bill requires a lease of the district's land to a private entity to include a certain liability provision.

### **House Bill 2202**

**Effective:** 9-1-19

**House Author:** Miller

**Senate Sponsor:** Kolkhorst

House Bill 2202 amends the Water Code to authorize a commissioners court to increase from three to five the total number of directors of a levee improvement district with a population of 2,000 or more. The bill, for a district that has an elected board of directors, requires the initial elected directors to draw lots to determine the directors' staggered terms. The bill revises provisions relating to a petition for a district election for the determination of whether or not directors should be elected and specifies that, if such an election favors elected directors, the current directors continue to serve until the elected directors qualify to take office.

### **House Bill 2318**

**Effective:** 6-10-19

**House Author:** Darby

**Senate Sponsor:** Perry

House Bill 2318 amends the Special District Local Laws Code to authorize the hospital system of the Reagan Hospital District of Reagan County, Texas, to include any facilities the district's board considers necessary for public safety and health, provided the facility is constructed by the district using private money and used by the district, or any governmental entity to which the district leases the facility, for public safety and health purposes.

### **House Bill 2329**

**Effective:** See below

**House Author:** Springer

**Senate Sponsor:** Fallon

House Bill 2329 dissolves the North Montague County Water Supply District on December 31, 2019. The bill takes effect September 1, 2019, except that the bill repeals the district's enabling legislation effective January 1, 2020.

**House Bill 2380**  
**Effective:** 5-29-19

**House Author:** Metcalf  
**Senate Sponsor:** Nichols

House Bill 2380 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 173.

**House Bill 2477**  
**Effective:** 6-14-19

**House Author:** Coleman  
**Senate Sponsor:** Miles

House Bill 2477 amends the Government Code to provide for the authority of certain hospital districts to elect to require automatic employee participation in a deferred compensation plan for a district employee who initially begins employment on or after January 1, 2020. The bill sets out related requirements and provides for an employee's election not to participate or to end participation in the plan and to modify contributions. The bill provides for a district's authority to transfer an employee's deferred amounts and investment income from a qualified investment product to the trust fund of the deferred compensation plan in which the employee participates or to invest those amounts and income in a qualified investment product. The bill authorizes a district to contract for necessary goods and services to be provided in connection with a deferred compensation plan and provides for periodic audits of contractors.

**House Bill 2590**  
**Effective:** 9-1-19

**House Author:** Biedermann  
**Senate Sponsor:** Creighton

House Bill 2590 amends the Local Government Code to specifically include a water district previously created by an act of the legislature as a political subdivision for purposes of provisions relating to the creation of a political subdivision to supply water or sewer services, roadways, or drainage facilities in the extraterritorial jurisdiction of a municipality.

House Bill 2590 amends the Water Code to provide the ballot language for an operation and maintenance tax election for certain water districts and revises the districts that may have a fire department. The bill sets out certain residency requirements for the temporary directors of a municipality utility district who are appointed by the Texas Commission on Environmental Quality on the granting of a petition for the district's creation. The bill authorizes a municipal utility district to enter into a contract with a retail public utility for water or sewer service under which the utility may use the district's water or sewer system to serve customers located in the district. The bill revises the procedure for the conversion of a conservation and reclamation district to a municipal utility district and the road powers a municipal utility district may acquire. The bill decreases the minimum acreage of a municipal utility district that triggers the district's authority to establish defined areas and designated property. The bill revises the procedure for such establishment and amends the Special District Local Laws Code to make conforming changes.

**House Bill 2660**  
**Effective:** 6-10-19

**House Author:** Calanni  
**Senate Sponsor:** Kolkhorst

House Bill 2660 amends the Special District Local Laws Code to provide for the creation of the Richfield Ranch Water Control and Improvement District of Harris County, Texas.

**House Bill 2671**  
**Effective:** 6-10-19

**House Author:** Calanni  
**Senate Sponsor:** Kolkhorst

House Bill 2671 amends the Special District Local Laws Code to provide for the creation of the Harris County Municipal Utility District No. 569.



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### **House Bill 2729** **Effective:** 9-1-19

**House Author:** Minjarez  
**Senate Sponsor:** Campbell

House Bill 2729 amends session law to revise and update provisions relating to the Edwards Aquifer Authority. The bill explicitly exempts the authority from statutory groundwater conservation district provisions and sets out provisions relating to the ineligibility, liability, and immunity of an authority director. The bill authorizes an applicant in a contested or uncontested hearing on an application or a party to a contested hearing to administratively appeal a decision of the authority's board of directors on an application and sets out related provisions regarding findings of fact and conclusions of law by the board, a request for a rehearing, and when a board decision on an application is final.

House Bill 2729 repeals a requirement that the authority develop a 20-year plan for providing alternative supplies of water to the region and removes certain provisions and requirements relating to the authority's critical period management plan. The bill prohibits the authority from increasing aquifer management fees by more than eight percent per year. The bill replaces the requirement that the authority impose a permit application fee with an authorization to impose such fee. The bill authorizes the authority to impose fees to recover administrative costs associated with actions other than the filing and processing of applications and registrations and prohibits the fees from unreasonably exceeding the administrative costs. The bill provides for the closing or capping of an open or uncovered well within authority territory.

House Bill 2729 entitles a person, firm, corporation, or association of persons affected by and dissatisfied with any provision or with any rule or order made by the authority to file a suit against the authority or its directors to challenge the validity of the law, rule, or order and sets out related provisions. The bill requires the authority to prepare and deliver a biennial report to the Edwards Aquifer Legislative Oversight Committee on the authority's operations, which must contain a summary of issues related to the authority's operations that affect the continuing implementation of the authority's enabling legislation or require an amendment to that legislation. The bill amends the Water Code to make a conforming change.

### **House Bill 2846** **Effective:** 6-2-19

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

House Bill 2846 amends the law to require the City of Houston, not later than January 1, 2020, to enter into a contractual agreement with the Brazos River Authority to transfer to the authority all of the city's ownership interests in the Allens Creek Reservoir project along with the responsibility to construct the project in accordance with all associated statutory requirements and deadlines. The bill establishes that construction of the reservoir is subject to the authority obtaining all necessary federal permits and requires the contractual agreement to include provisions for the transfer of an amount not to exceed \$23 million from the authority to the city.

### **House Bill 2888** **Effective:** 9-1-19

**House Author:** Springer  
**Senate Sponsor:** Perry

House Bill 2888 amends the Special District Local Laws Code to eliminate the signature requirement for a petition for a place on the ballot as a candidate for the board of directors of the Wilbarger County Hospital District.

**House Bill 2914**  
**Effective:** 9-1-19

**House Author:** Bell, Cecil  
**Senate Sponsor:** Alvarado

House Bill 2914 amends the Water Code to authorize the Texas Commission on Environmental Quality (TCEQ) to adopt an order dissolving an applicable water district without conducting a hearing if it receives a petition from the owners of the majority in value of the land in the district or from the district's board of directors. The bill, however, requires TCEQ to hold a hearing on the dissolution if a landowner files with TCEQ a written objection to the dissolution. The bill prohibits a district from being dissolved under certain conditions. The bill removes the required hearing for the conversion of a conservation and reclamation district to a municipal utility district.

**House Bill 2979**  
**Effective:** 5-31-19

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

House Bill 2979 amends the Special District Local Laws Code to provide for the creation of the Liberty Grand Municipal Utility District No. 1 in Liberty County.

**House Bill 3019**  
**Effective:** 9-1-19

**House Author:** Miller  
**Senate Sponsor:** Kolkhorst

House Bill 3019 amends the Special District Local Laws Code to provide for the creation of the Fort Bend County Municipal Utility District No. 234.

**House Bill 3020**  
**Effective:** 5-24-19

**House Author:** Zerwas  
**Senate Sponsor:** Kolkhorst

House Bill 3020 amends the Special District Local Laws Code to provide for the creation of the Fort Bend County Municipal Utility District No. 238.

**House Bill 3047**  
**Effective:** 6-10-19

**House Author:** Bell, Cecil  
**Senate Sponsor:** Nichols

House Bill 3047 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 167.

**House Bill 3093**  
**Effective:** 5-24-19

**House Author:** Zerwas  
**Senate Sponsor:** Kolkhorst

House Bill 3093 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. 195.

**House Bill 3094**  
**Effective:** 5-24-19

**House Author:** Zerwas  
**Senate Sponsor:** Kolkhorst

House Bill 3094 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. 198.

**House Bill 3095**  
**Effective:** 5-24-19

**House Author:** Zerwas  
**Senate Sponsor:** Kolkhorst

House Bill 3095 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. 214.

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**House Bill 3122**  
**Effective:** 5-24-19

**House Author:** Zerwas  
**Senate Sponsor:** Kolkhorst

House Bill 3122 amends the Special District Local Laws Code to provide for the creation of the Fort Bend County Municipal Utility District No. 235.

**House Bill 3203**  
**Effective:** 9-1-19

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

House Bill 3203 amends the Health and Safety Code to provide for the division of an emergency services district located wholly in Upshur County and to require a finding by an applicable district's board of emergency services commissioners that a proposed district division is feasible before the board may approve a petition for division.

**House Bill 3209**  
**Effective:** 6-10-19

**House Author:** Bell, Cecil  
**Senate Sponsor:** Kolkhorst

House Bill 3209 amends the Special District Local Laws Code to provide for the creation of the Waller County Municipal Utility District No. 35.

**House Bill 3211**  
**Effective:** 6-10-19

**House Author:** Bell, Cecil  
**Senate Sponsor:** Kolkhorst

House Bill 3211 amends the Special District Local Laws Code to provide for the creation of the Waller County Municipal Utility District No. 34.

**House Bill 3214**  
**Effective:** 6-10-19

**House Author:** Bell, Cecil  
**Senate Sponsor:** Kolkhorst

House Bill 3214 amends the Special District Local Laws Code to provide for the creation of the Waller County Water Control and Improvement District No. 3.

**House Bill 3374**  
**Effective:** 6-14-19

**House Author:** Metcalf  
**Senate Sponsor:** Creighton

House Bill 3374 amends the Special District Local Laws Code to set out provisions relating to the powers and duties of the Cleveland Municipal Utility District No. 1 of Montgomery County, Texas.

**House Bill 3422**  
**Effective:** 5-24-19

**House Author:** Stephenson  
**Senate Sponsor:** Kolkhorst

House Bill 3422 amends the Special District Local Laws Code to provide for the creation of the Fort Bend County Municipal Utility District No. 231.

**House Bill 3436**  
**Effective:** 9-1-19

**House Author:** Sanford  
**Senate Sponsor:** Fallon

House Bill 3436 amends the Special District Local Laws Code to create the Celina Municipal Management District No. 3.

**House Bill 3442**  
**Effective:** 5-29-19

**House Author:** Oliverson  
**Senate Sponsor:** Kolkhorst

House Bill 3442 amends the Special District Local Laws Code to provide for the creation of the Harris County Municipal Utility District No. 566.

**House Bill 3463****Effective:** 6-10-19**House Author:** Frullo**Senate Sponsor:** Perry

House Bill 3463 amends the Special District Local Laws Code to authorize the board of hospital managers of the Lubbock County Hospital District of Lubbock County, Texas, to employ for up to five years and retain the associated professional income of physicians as the board considers necessary to provide certain hospital-based services at a hospital owned or operated by the district. The bill requires the district's medical executive committee to adopt, maintain, and enforce policies to ensure that a physician so employed exercises independent medical judgment in providing care to patients and requires the implementation of a conflict management process to resolve any conflict between a policy adopted by the committee and a district policy.

**House Bill 3656****Effective:** 9-1-19**House Author:** Murr**Senate Sponsor:** Flores

House Bill 3656 amends the law to authorize an owner of historically irrigated land in the Edwards Aquifer Authority, subject to authority approval, to sever all or a portion of the remaining water rights for the historically irrigated land which has become developed land in the same proportion as the proportion of developed land and undeveloped land or for which the owner of the historically irrigated land has demonstrated that all or a portion of the land is land no longer practicable to farm. The bill authorizes water rights used for irrigation tied to a portion of land that cannot be developed because of its topography or its location in a floodplain to be included in the proportion of land considered developed land. The bill authorizes water rights for use in irrigation severed under the bill's provisions to change in purpose or place of use. The bill authorizes the authority to adopt rules to provide for a holder of an initial regular permit for use in irrigation to lease all or part of the water rights for use in irrigation granted in the initial permit to another person for irrigating land located in the authority and authorizes the rules to allow the holder of an initial regular permit to use the water rights temporarily for irrigation at a location other than the land described in the initial regular permit.

**House Bill 3663****Effective:** 9-1-19**House Author:** Frank**Senate Sponsor:** Perry

House Bill 3663 amends the law to authorize the North Central Texas Municipal Water Authority to develop or otherwise acquire underground sources of water.

**House Bill 3782****Effective:** 9-1-19**House Author:** Harless et al.**Senate Sponsor:** Alvarado

House Bill 3782 amends the law to authorize the Harris County Flood Control District, for purposes of carrying out district purposes, to remove real or personal property placed on land owned by the district or land subject to an easement held by the district, regardless of when the real or personal property was put in place and without the consent of the property's owner.

**House Bill 4075****Effective:** 9-1-19**House Author:** Perez**Senate Sponsor:** Nelson

House Bill 4075 amends the Local Government Code to postpone the date on which a fire control, prevention, and emergency medical services district is dissolved to the first uniform election date that occurs after the applicable time for dissolution of the district.

## Special Districts

**House Bill 4166**  
**Effective:** 9-1-19

**House Author:** VanDeaver  
**Senate Sponsor:** Hughes

House Bill 4166 requires the Red River Authority of Texas to study the feasibility of increasing navigation on the Red River between Texarkana and Denison by completing the navigation system of locks and dams or other means and provides for a report on the study's findings.

**House Bill 4172**  
**Effective:** 4-1-21

**House Author:** Leach  
**Senate Sponsor:** Kolkhorst

House Bill 4172, 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 two navigation districts, two port authorities, six municipal utility districts, two river authorities, two groundwater conservation districts, and six water control and improvement districts.

**House Bill 4505**  
**Effective:** 6-10-19

**House Author:** Metcalf  
**Senate Sponsor:** Nichols

House Bill 4505 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 178.

**House Bill 4520**  
**Effective:** 6-10-19

**House Author:** Bell, Cecil  
**Senate Sponsor:** Kolkhorst

House Bill 4520 amends the Special District Local Laws Code to provide for the creation of the Harris-Waller Counties Municipal Utility District No. 4.

**House Bill 4569**  
**Effective:** 6-10-19

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

House Bill 4569 amends the Special District Local Laws Code to change the manner in which members of the board of directors of the Ector County Hospital District are elected and to change the year in which elections are held. The bill establishes director absenteeism from regularly scheduled board meetings without an approved excuse as a ground for removal from the board and provides for the removal of such an absentee director.

**House Bill 4628**  
**Effective:** 6-10-19

**House Author:** Metcalf  
**Senate Sponsor:** Nichols

House Bill 4628 amends the Special District Local Laws Code to provide for the division of the Montgomery County Municipal Utility District No. 100.

**House Bill 4629**  
**Effective:** 6-10-19

**House Author:** Metcalf  
**Senate Sponsor:** Nichols

House Bill 4629 amends the Special District Local Laws Code to provide for the division of the Montgomery County Municipal Utility District No. 101.

**House Bill 4631**  
**Effective:** 9-1-19

**House Author:** Smith  
**Senate Sponsor:** Fallon

House Bill 4631 amends the Special District Local Laws Code to provide for the creation of the Grayson County Municipal Utility District No. 2.

**House Bill 4635**  
**Effective:** 6-14-19

**House Author:** Zerwas  
**Senate Sponsor:** Kolkhorst

House Bill 4635 amends the Special District Local Laws Code to create the Orchard Management District No. 1 in Fort Bend County.

**House Bill 4636**  
**Effective:** 6-10-19

**House Author:** Zerwas  
**Senate Sponsor:** Kolkhorst

House Bill 4636 amends the Special District Local Laws Code to provide for the creation of the Orchard Municipal Utility District No. 1 in Fort Bend County.

**House Bill 4637**  
**Effective:** 9-1-19

**House Author:** Bonnen, Greg  
**Senate Sponsor:** Taylor

House Bill 4637 amends the Special District Local Laws Code to create the City of Kemah Municipal Management District No. 1.

**House Bill 4638**  
**Effective:** 9-1-19

**House Author:** Parker  
**Senate Sponsor:** Fallon

House Bill 4638 amends the Special District Local Laws Code to provide for the creation of the Bear Creek Ranch Municipal Utility District No. 1 of Parker County.

**House Bill 4639**  
**Effective:** 6-10-19

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

House Bill 4639 amends the Special District Local Laws Code to provide for the creation of the Fort Bend County Municipal Utility District No. 237.

**House Bill 4640**  
**Effective:** 9-1-19

**House Author:** Metcalf  
**Senate Sponsor:** Nichols

House Bill 4640 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 176 of Montgomery County.

**House Bill 4641**  
**Effective:** 9-1-19

**House Author:** Metcalf  
**Senate Sponsor:** Nichols

House Bill 4641 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 177 of Montgomery County.

**House Bill 4642**  
**Effective:** 9-1-19

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

House Bill 4642 amends the Special District Local Laws Code to provide for the division of the Rolling V Ranch Water Control and Improvement District No. 1 of Wise County into multiple districts, to authorize the district to contract with a qualified party to provide law enforcement services in the district for a fee, and to provide for the imposition of district contract taxes.

**House Bill 4643**  
**Effective:** 6-10-19

**House Author:** Bell, Cecil  
**Senate Sponsor:** Creighton

House Bill 4643 amends the Special District Local Laws Code to provide for the creation of the Wood Trace Water Control and Improvement District of Montgomery County, Texas.

## Special Districts

### **House Bill 4644**

**Effective:** 6-14-19

**House Author:** Bell, Cecil

**Senate Sponsor:** Creighton

House Bill 4644 amends the Special District Local Laws Code to create the Wood Trace Management District of Montgomery County, Texas.

### **House Bill 4645**

**Effective:** 9-1-19

**House Author:** Smith

**Senate Sponsor:** Fallon

House Bill 4645 amends the Special District Local Laws Code to provide for the creation of the Grayson County Municipal Utility District No. 3.

### **House Bill 4646**

**Effective:** 6-7-19

**House Author:** Harless

**Senate Sponsor:** Bettencourt

House Bill 4646 amends the Special District Local Laws Code to grant the Cy-Champ Public Utility District the power to undertake certain road projects and establish and administer defined areas.

### **House Bill 4649**

**Effective:** 5-29-19

**House Author:** Metcalf

**Senate Sponsor:** Nichols

House Bill 4649 amends the Special District Local Laws Code to establish that the Montgomery County Municipal Utility District No. 147 retains all of its outstanding debt and obligations and is not dissolved if all or any part of its territory is annexed by the City of Conroe into the city's corporate limits.

### **House Bill 4650**

**Effective:** 5-24-19

**House Author:** Oliverson

**Senate Sponsor:** Bettencourt

House Bill 4650 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. 441.

### **House Bill 4651**

**Effective:** 5-24-19

**House Author:** Oliverson

**Senate Sponsor:** Bettencourt

House Bill 4651 amends the Special District Local Laws Code to provide for the creation of the Harris County Municipal Utility District No. 571.

### **House Bill 4653**

**Effective:** 9-1-19

**House Author:** Bailes

**Senate Sponsor:** Nichols

House Bill 4653 amends the Special District Local Laws Code to create the Tarkington Management District No. 1 of Liberty County.

### **House Bill 4654**

**Effective:** 5-24-19

**House Author:** Metcalf

**Senate Sponsor:** Creighton

House Bill 4654 amends the Special District Local Laws Code to name the temporary board of directors for the East Montgomery County Municipal Utility District No. 12, to grant the district the power to undertake certain road projects, and to authorize the district, subject to certain requirements, to issue obligations and impose property, operation and maintenance, and contract taxes.

**House Bill 4655**  
**Effective:** 6-10-19

**House Author:** Thompson, Ed  
**Senate Sponsor:** Taylor

House Bill 4655 amends the Special District Local Laws Code to set out provisions relating to the powers and duties of the Brazoria County Municipal Utility District No. 43.

**House Bill 4656**  
**Effective:** 6-10-19

**House Author:** Thompson, Ed  
**Senate Sponsor:** Taylor

House Bill 4656 amends the Special District Local Laws Code to set out provisions relating to the powers and duties of the Brazoria County Municipal Utility District No. 13.

**House Bill 4657**  
**Effective:** 6-14-19

**House Author:** Bell, Cecil  
**Senate Sponsor:** Creighton

House Bill 4657 amends the Special District Local Laws Code to create the Montgomery County Management District No. 1.

**House Bill 4659**  
**Effective:** 6-10-19

**House Author:** Oliverson  
**Senate Sponsor:** Kolkhorst

House Bill 4659 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. 436.

**House Bill 4660**  
**Effective:** 6-10-19

**House Author:** Stephenson  
**Senate Sponsor:** Huffman

House Bill 4660 amends the Special District Local Laws Code to provide for the creation of the Fort Bend County Municipal Utility District No. 239.

**House Bill 4661**  
**Effective:** 9-1-19

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

House Bill 4661 amends the Special District Local Laws Code to create the Plum Creek Management District No. 1 of Liberty County.

**House Bill 4662**  
**Effective:** 6-14-19

**House Author:** Calanni  
**Senate Sponsor:** Kolkhorst

House Bill 4662 amends the Special District Local Laws Code to create the Richfield Ranch Management District of Harris County, Texas.

**House Bill 4663**  
**Effective:** 9-1-19

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

House Bill 4663 amends the Special District Local Laws Code to authorize the board of directors of the Parker County Hospital District to employ physicians as the board considers necessary for the efficient operation of the district. The bill requires the board to adopt and maintain policies to ensure that a physician so employed exercises independent medical judgment when providing care to patients at a district facility and sets out provisions relating to that employment. The bill requires the board to appoint a physician as chief medical officer for the district to serve as the district's contact with the Texas Medical Board (TMB) and requires the officer to report certain information to the TMB, including any action or event the officer believes constitutes a compromise of a physician's independent medical judgment in caring for a patient.



## Special Districts

**House Bill 4666**  
**Effective:** 9-1-19

**House Author:** Deshotel  
**Senate Sponsor:** Creighton

House Bill 4666 amends the Special District Local Laws Code to update and establish provisions governing the Port of Beaumont Navigation District of Jefferson County, Texas. The bill sets out provisions relating to the district's territory, administration, and general powers and duties.

**House Bill 4668**  
**Effective:** 6-14-19

**House Author:** Smith  
**Senate Sponsor:** Fallon

House Bill 4668 amends the Special District Local Laws Code to provide for the creation of the Howe Municipal Utility District No. 1 in Grayson County.

**House Bill 4669**  
**Effective:** 6-7-19

**House Author:** Wilson  
**Senate Sponsor:** Buckingham

House Bill 4669 amends the Special District Local Laws Code to provide for the creation of the Northeast Burnet County Water District No. 1.

**House Bill 4671**  
**Effective:** 9-1-19

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

House Bill 4671 amends the law to establish that the Ranch at Cypress Creek Municipal Utility District No. 1 is created to accomplish the purposes of a municipal utility district and a water control and improvement district, to grant the district the power to undertake certain road projects, and to authorize the district to appoint certain architectural committees.

**House Bill 4672**  
**Effective:** 6-14-19

**House Author:** Sanford  
**Senate Sponsor:** Fallon

House Bill 4672 amends the Special District Local Laws Code to set out provisions relating to the powers and duties of the Collin County Municipal Utility District No. 2.

**House Bill 4673**  
**Effective:** 6-14-19

**House Author:** Bailes  
**Senate Sponsor:** Creighton

House Bill 4673 amends the Special District Local Laws Code to provide for the creation of the Chambers County Municipal Utility District No. 3.

**House Bill 4674**  
**Effective:** 6-14-19

**House Author:** Bailes  
**Senate Sponsor:** Creighton

House Bill 4674 amends the Special District Local Laws Code to provide for the creation of the Chambers County Municipal Utility District No. 2.

**House Bill 4675**  
**Effective:** 6-10-19

**House Author:** Zerwas  
**Senate Sponsor:** Kolkhorst

House Bill 4675 amends the Special District Local Laws Code to provide for the creation of the Fort Bend County Municipal Utility District No. 222.

**House Bill 4676**  
**Effective:** 6-14-19

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

House Bill 4676 amends the Special District Local Laws Code to create the Fort Bend County Management District No. 3.

**House Bill 4677**  
**Effective:** 6-14-19

**House Author:** Bell, Cecil  
**Senate Sponsor:** Creighton

House Bill 4677 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 161.

**House Bill 4678**  
**Effective:** 6-14-19

**House Author:** Bell, Cecil  
**Senate Sponsor:** Creighton

House Bill 4678 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 162.

**House Bill 4679**  
**Effective:** 6-10-19

**House Author:** Bell, Cecil  
**Senate Sponsor:** Creighton

House Bill 4679 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 163.

**House Bill 4680**  
**Effective:** 6-7-19

**House Author:** Stephenson  
**Senate Sponsor:** Kolkhorst

House Bill 4680 amends the Special District Local Laws Code to create the Gateway Park Municipal Management District in Wharton County.

**House Bill 4682**  
**Effective:** 6-10-19

**House Author:** Bell, Cecil  
**Senate Sponsor:** Creighton

House Bill 4682 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 166.

**House Bill 4683**  
**Effective:** 6-10-19

**House Author:** Stucky  
**Senate Sponsor:** Nelson

House Bill 4683 amends the Special District Local Laws Code to create the Hunter Ranch Improvement District No. 1 of Denton County, Texas.

**House Bill 4684**  
**Effective:** 6-10-19

**House Author:** Oliverson  
**Senate Sponsor:** Kolkhorst

House Bill 4684 amends the Special District Local Laws Code to provide for the creation of the Harris County Municipal Utility District No. 570.

**House Bill 4686**  
**Effective:** 6-14-19

**House Author:** Oliverson  
**Senate Sponsor:** Kolkhorst

House Bill 4686 amends the Special District Local Laws Code to revise the road powers of the Harris County Municipal Utility District No. 478 and to provide for the division of the district.

## Special Districts

### **House Bill 4687**

**Effective:** 6-14-19

**House Author:** Bell, Cecil

**Senate Sponsor:** Creighton

House Bill 4687 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 174.

### **House Bill 4688**

**Effective:** 6-14-19

**House Author:** Bell, Cecil

**Senate Sponsor:** Creighton

House Bill 4688 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 175.

### **House Bill 4689**

**Effective:** 6-14-19

**House Author:** Talarico

**Senate Sponsor:** Schwertner

House Bill 4689 amends the Special District Local Laws Code to provide for the creation of the Round Rock Municipal Utility District No. 1.

### **House Bill 4690**

**Effective:** 6-2-19

**House Author:** Thompson, Ed

**Senate Sponsor:** Taylor

House Bill 4690 amends the law to set out and revise provisions relating to the Gulf Coast Water Authority. Among other provisions, the bill expands the authority's territory to include Brazoria County and Fort Bend County and provides for the authority's power to apply for and receive loans, secure obligations under a loan or other contract for borrowed money with a pledge of district revenues or the proceeds of future borrowings, and accept contributions. The bill exempts certain contracts and agreements made by the authority from otherwise applicable competitive bidding and contract procurement or delivery requirements, authorizes the authority's board of directors by resolution to authorize the creation of a nonprofit corporation to assist and act for the authority in implementing or providing an authorized project or service, and grants the authority certain powers relating to the production and purification of water for agricultural, municipal, or industrial purposes. The bill revises provisions relating to the board, including authorizing the removal of a director for inefficiency, neglect of duty, or misconduct of office. The bill sets out provisions relating to director conflicts of interest, board meetings held by telephone conference call, the role of the authority's general manager, notice for the sale or disposal of certain authority personal property, and water project contracts and agreements. The bill revises provisions relating to the authority's bond authority and authorizes the board to issue bond anticipation notes or enter into a loan to pay the costs to meet an applicable emergency need.

### **House Bill 4691**

**Effective:** 6-10-19

**House Author:** Goodwin

**Senate Sponsor:** Watson

House Bill 4691 amends the Special District Local Laws Code to provide for the creation of the Travis County Municipal Utility District No. 25.

### **House Bill 4692**

**Effective:** 6-10-19

**House Author:** Oliverson

**Senate Sponsor:** Bettencourt

House Bill 4692 amends the Special District Local Laws Code to provide for the creation of the Harris County Municipal Utility District No. 572.

**House Bill 4693**  
**Effective:** 6-14-19

**House Author:** Stucky  
**Senate Sponsor:** Nelson

House Bill 4693 amends the Special District Local Laws Code to create the Cole Ranch Improvement District No. 1 of Denton County, Texas.

**House Bill 4694**  
**Effective:** 6-7-19

**House Author:** Cole  
**Senate Sponsor:** Watson

House Bill 4694 amends the Special District Local Laws Code to create the SH130 Municipal Management District No. 1 in Travis County.

**House Bill 4695**  
**Effective:** 6-7-19

**House Author:** Deshotel  
**Senate Sponsor:** Creighton

House Bill 4695 amends the law to provide for benefits for the members of the board of port commissioners of the Port of Port Arthur Navigation District of Jefferson County and for district employees. The bill replaces the requirement that the Commissioners Court of Jefferson County levy certain district taxes with a requirement that the board impose such taxes.

**House Bill 4696**  
**Effective:** 6-10-19

**House Author:** Zerwas  
**Senate Sponsor:** Kolkhorst

House Bill 4696 amends the Special District Local Laws Code to provide for the creation of the Fort Bend County Municipal Utility District No. 240.

**House Bill 4697**  
**Effective:** 6-14-19

**House Author:** Wilson  
**Senate Sponsor:** Schwertner

House Bill 4697 amends the Special District Local Laws Code to set out provisions relating to the powers and duties of the Williamson County Municipal Utility District No. 29.

**House Bill 4698**  
**Effective:** 6-14-19

**House Author:** Wilson  
**Senate Sponsor:** Schwertner

House Bill 4698 amends the Special District Local Laws Code to set out provisions relating to the powers and duties of the Williamson County Municipal Utility District No. 28.

**House Bill 4699**  
**Effective:** 6-14-19

**House Author:** Wilson  
**Senate Sponsor:** Schwertner

House Bill 4699 amends the Special District Local Laws Code to grant the Williamson County Municipal Utility District No. 21 the power to undertake certain road projects and repeals provisions relating to the district's powers and duties.

**House Bill 4702**  
**Effective:** 6-14-19

**House Author:** Metcalf  
**Senate Sponsor:** Nichols

House Bill 4702 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 179.

**House Bill 4703**  
**Effective:** Vetoed

**House Author:** Coleman  
**Senate Sponsor:** Whitmire

House Bill 4703 amends the Special District Local Laws Code to create the Harris County Improvement District No. 28.

## Special Districts

Governor's Reason for Veto: "House Bill 4703 would create Harris County Improvement District No. 28 within the City of Houston. This municipal management district would be authorized to impose not only new assessments, but also to impose more ad valorem taxes on properties in its territory to fund certain infrastructure and services. These properties, however, are wholly within the service area of the city and its water utility. That means this district would be using its new ad valorem taxation to fund infrastructure and services that the city is already imposing its own taxes to provide. The City of Houston has a history of using special purpose districts to subject citizens to double taxation, and this district would be another example. The creation of such a district should not be used as a tool to circumvent property tax reforms, including the meaningful reform passed this session in Senate Bill 2."

**House Bill 4704**  
**Effective:** 9-1-19

**House Author:** Smith  
**Senate Sponsor:** Fallon

House Bill 4704 amends the Special District Local Laws Code to provide for the creation of the Double M Municipal Utility District of Grayson County.

**House Bill 4705**  
**Effective:** 9-1-19

**House Author:** Murr  
**Senate Sponsor:** Perry

House Bill 4705 amends the Special District Local Laws Code to change the territory of the Sutton County Underground Water Conservation District.

**House Bill 4706**  
**Effective:** 6-14-19

**House Author:** Holland  
**Senate Sponsor:** Fallon

House Bill 4706 amends the Special District Local Laws Code to create the North Celina Municipal Management District No. 3.

**House Bill 4709**  
**Effective:** 9-1-19

**House Author:** Smith  
**Senate Sponsor:** Fallon

House Bill 4709 amends the Special District Local Laws Code to provide for the creation of the Grayson County Municipal Utility District No. 1.

**House Bill 4710**  
**Effective:** 6-14-19

**House Author:** Bell, Cecil  
**Senate Sponsor:** Nichols

House Bill 4710 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 180.

**House Bill 4712**  
**Effective:** 6-14-19

**House Author:** Miller  
**Senate Sponsor:** Creighton

House Bill 4712 amends the Special District Local Laws Code to remove an authorization for the Fort Bend County Levee Improvement District No. 7 to use certain delivery methods for a reuse project. The bill authorizes the district to instead use certain delivery methods for the design and construction of erosion control facilities located in or adjacent to the Brazos River and any related facility or improvement.

**House Bill 4714**  
**Effective:** 9-1-19

**House Author:** Bell, Cecil  
**Senate Sponsor:** Creighton

House Bill 4714 amends the law to revise provisions relating to the Westwood Magnolia Parkway Improvement District regarding director qualifications, public security, the addition or exclusion of territory, and interlocal agreements. The bill adds specified territory to the district, subject to local voter approval.

**House Bill 4718**  
**Effective:** 6-10-19

**House Author:** Thompson, Ed  
**Senate Sponsor:** Taylor

House Bill 4718 amends the Special District Local Laws Code to provide for the creation of the Brazoria County Municipal Utility District No. 77.

**House Bill 4719**  
**Effective:** 9-1-19

**House Author:** Stucky  
**Senate Sponsor:** Fallon

House Bill 4719 amends the Special District Local Laws Code to provide for the creation of the La La Ranch Municipal Utility District of Denton County.

**House Bill 4720**  
**Effective:** 9-1-19

**House Author:** Stucky  
**Senate Sponsor:** Fallon

House Bill 4720 amends the Special District Local Laws Code to provide for the creation of the Burns Branch Municipal Utility District No. 1 of Denton County.

**House Bill 4721**  
**Effective:** 6-14-19

**House Author:** Zerwas  
**Senate Sponsor:** Kolkhorst

House Bill 4721 amends session law and the Special District Local Laws Code to rename the Fulshear Parkway Improvement District as the Texas Heritage Parkway Improvement District and to change the district's territory. The bill provides for the nomination, appointment, and terms of the district's initial voting directors and for the district's authority to define areas or designate property to pay for improvements, facilities, or services that primarily benefit that area or property.

**House Bill 4723**  
**Effective:** 9-1-19

**House Author:** Burns  
**Senate Sponsor:** Birdwell

House Bill 4723 amends the Special District Local Laws Code to provide for the creation of the Belmont Municipal Utility District of Johnson County.

**House Bill 4724**  
**Effective:** 9-1-19

**House Author:** Burns  
**Senate Sponsor:** Birdwell

House Bill 4724 amends the Special District Local Laws Code to provide for the creation of the Dove Valley Ranch Municipal Utility District of Johnson County.

**House Bill 4725**  
**Effective:** 6-14-19

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

House Bill 4725 amends the Special District Local Laws Code to set out provisions relating to the powers and duties of the Morningstar Ranch Municipal Utility District No. 2 of Parker County.

**House Bill 4726**  
**Effective:** 6-10-19

**House Author:** Dominguez  
**Senate Sponsor:** Lucio

House Bill 4726 amends the Special District Local Laws Code to create the Cameron County Flood Control District.

**House Bill 4728**  
**Effective:** 6-14-19

**House Author:** Stephenson  
**Senate Sponsor:** Huffman

House Bill 4728 amends the Special District Local Laws Code to provide for the creation of the Fort Bend County Municipal Utility District No. 241.

## Special Districts

### **House Bill 4729**

**Effective:** 6-14-19

**House Author:** Stephenson

**Senate Sponsor:** Kolkhorst

House Bill 4729 amends the Special District Local Laws Code to provide for the creation of the Fort Bend County Municipal Utility District No. 242.

### **House Bill 4730**

**Effective:** 1-1-20

**House Author:** Moody

**Senate Sponsor:** Rodríguez

House Bill 4730 amends the Special District Local Laws Code to create the City of El Paso Municipal Management District No. 1.

### **House Bill 4731**

**Effective:** 6-14-19

**House Author:** Bell, Cecil

**Senate Sponsor:** Creighton

House Bill 4731 amends the Special District Local Laws Code to rename the Harris County Improvement District No. 17 as the Harris-Montgomery Counties Management District. The bill grants the district public improvement district powers provided to a municipality or county by the Public Improvement District Assessment Act and excepts the district from Water Code provisions authorizing selection of extraterritorial jurisdiction for certain districts and provisions limiting the outstanding principal amount of district obligations for recreational facilities.

### **House Bill 4733**

**Effective:** 6-7-19

**House Author:** González, Jessica

**Senate Sponsor:** Johnson

House Bill 4733 amends the Special District Local Laws Code to create the Oak Farms Municipal Management District in the City of Dallas.

### **House Bill 4734**

**Effective:** 6-14-19

**House Author:** Oliverson

**Senate Sponsor:** Bettencourt

House Bill 4734 amends the Special District Local Laws Code to provide for the creation of the Green Tree Park Municipal Utility District in Harris County.

### **House Bill 4741**

**Effective:** 9-1-19

**House Author:** Smith

**Senate Sponsor:** Fallon

House Bill 4741 amends the Special District Local Laws Code to provide for the creation of the Grayson County Municipal Utility District No. 5.

### **House Bill 4742**

**Effective:** 6-14-19

**House Author:** Bowers

**Senate Sponsor:** West

House Bill 4742 amends the Special District Local Laws Code to create the SoGood Cedars Municipal Management District in the City of Dallas.

### **House Bill 4744**

**Effective:** 9-1-19

**House Author:** Burns

**Senate Sponsor:** Birdwell

House Bill 4744 amends the Special District Local Laws Code to create the Wright Farm Municipal Management District of Johnson County.

**House Bill 4747**  
**Effective:** 6-14-19

**House Author:** Stephenson  
**Senate Sponsor:** Kolkhorst

House Bill 4747 amends the Special District Local Laws Code to name the members of the temporary board of directors of the Boling Municipal Water District and to require the temporary board to hold an election to elect permanent directors.

**House Bill 4749**  
**Effective:** 9-1-19

**House Author:** Schaefer  
**Senate Sponsor:** Hughes

House Bill 4749 amends the Special District Local Laws Code to provide for the creation of the Rose City Municipal Utility District in Smith County.

**House Bill 4752**  
**Effective:** 9-1-19

**House Author:** Dutton  
**Senate Sponsor:** Whitmire

House Bill 4752 amends the Special District Local Laws Code to provide for an election to confirm the addition of certain territory to the Barrett Management District.

**House Bill 4765**  
**Effective:** 6-7-19

**House Author:** Huberty  
**Senate Sponsor:** Bettencourt

House Bill 4765 amends the Special District Local Laws Code to provide for the creation of the Harris County Improvement District No. 27.

**Senate Bill 235**  
**Effective:** 6-10-19

**Senate Author:** Nelson  
**House Sponsor:** Stucky

Senate Bill 235 amends the Local Government Code to authorize the governing body of the City of Corinth to propose the creation of a fire control, prevention, and emergency medical services district at an election called and held for that purpose.

**Senate Bill 239**  
**Effective:** 9-1-19

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

Senate Bill 239 amends the Water Code to revise provisions establishing the process for the designation of the meeting place of certain water district boards. Among other provisions, the bill provides for a board's authority to designate a meeting place outside the district that is located not further than 10 miles from the district boundary unless it receives a petition from district residents requesting the Texas Commission on Environmental Quality (TCEQ) to designate a meeting location. The bill requires TCEQ to designate a meeting place after receiving a petition and to provide information on its website on its process for designation and a petition form. The bill requires the comptroller of public accounts to include in the special purpose district public information database a link to that TCEQ website with a description of the petition process. The bill requires an applicable district providing potable water or sewer service to include on customer bills a statement directing the customer to the comptroller's database or the district's website for information about the district, the district's board, and board meetings.

Senate Bill 239 amends the Government Code to establish requirements for certain water districts to provide to a requesting resident and to maintain and post an audio recording of a public hearing on the adoption of a property tax rate.



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### **Senate Bill 319**

**Effective:** 5-14-19

**Senate Author:** Perry

**House Sponsor:** Frullo

Senate Bill 319 amends the Special District Local Laws Code and Code of Criminal Procedure to authorize the board of hospital managers of the Lubbock County Hospital District of Lubbock County, Texas, to employ and commission peace officers for the district.

### **Senate Bill 390**

**Effective:** Vetoed

**Senate Author:** Miles

**House Sponsor:** Dutton

Senate Bill 390 amends the Special District Local Laws Code to provide for the creation of the Northeast Houston Redevelopment District.

Governor's Reason for Veto: "Senate Bill 390 would create, within Houston city limits, a municipal management district that would be governed by a self-perpetuating board appointed by the city and would impose assessments on property to fund services that the city already has a responsibility to provide to area residents. This goes too far. Creating districts like these within city limits undermines core principles of protecting taxpayers and promoting transparency, which led to historic achievements this session in Senate Bill 2. It is tantamount to double taxation on the district's property owners, forcing them to pay an ad valorem tax to the city and another assessment to the district. The creation of a municipal management district, or any special purpose district, should not be used to circumvent property-tax reforms."

### **Senate Bill 520**

**Effective:** 9-1-19

**Senate Author:** Campbell et al.

**House Sponsor:** Kuempel

Senate Bill 520 amends session law and the Injection Well Act, Water Code, to entitle a political subdivision or municipally owned utility causing artificial recharge of a portion of the Edwards Aquifer that contains groundwater with a certain total dissolved solids concentration to withdraw the measured amount of water actually injected or artificially recharged. The bill, for water that is to be injected by a municipally owned utility owned by the City of New Braunfels, authorizes the Edwards Aquifer Authority to contract for injection or artificial recharge of the aquifer for subsequent retrieval, subject to certain conditions, and authorizes the Texas Commission on Environmental Quality by rule to authorize such injections of water.

### **Senate Bill 579**

**Effective:** 1-1-20

**Senate Author:** Hughes

**House Sponsor:** VanDeaver

Senate Bill 579 amends the Special District Local Laws Code to exempt from property taxation a leasehold or other possessory interest granted to a person by the TexAmericas Center or by a nonprofit corporation holding title for the TexAmericas Center.

### **Senate Bill 592**

**Effective:** 6-10-19

**Senate Author:** Watson

**House Sponsor:** Israel

Senate Bill 592 amends the Special District Local Laws Code to provide for the creation of the Brickston Municipal Utility District in Travis County.

### **Senate Bill 669**

**Effective:** 5-20-19

**Senate Author:** Buckingham

**House Sponsor:** Goodwin

Senate Bill 669 amends the Special District Local Laws Code to postpone the deadline for the Southwestern Travis County Groundwater Conservation District's confirmation and initial directors' election and to postpone the earliest date for a subsequent such election, if necessary.

**Senate Bill 755**  
**Effective:** 5-22-19

**Senate Author:** Hinojosa  
**House Sponsor:** Herrero

Senate Bill 755 amends the Water Code to revise provisions relating to the administration, powers, and duties of certain navigation districts and to provide for the employment of an executive director for those districts.

**Senate Bill 871**  
**Effective:** 5-22-19

**Senate Author:** Zaffirini  
**House Sponsor:** Cyrier

Senate Bill 871 amends the Special District Local Laws Code to provide for the creation of the Caldwell County Municipal Utility District No. 2.

**Senate Bill 872**  
**Effective:** 5-7-19

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

Senate Bill 872 amends the Special District Local Laws Code to replace the specification that the Gateway Groundwater Conservation District is governed by a board of directors in the manner provided by specified Water Code provisions with a specification that the district is governed by a board of not more than two directors for each county in the district.

**Senate Bill 911**  
**Effective:** 9-1-19

**Senate Author:** Hinojosa  
**House Sponsor:** Nevárez

Senate Bill 911 amends the Water Code to set deadlines by which certain documents relating to the results of a confirmation election for certain water districts must be filed with the applicable entities. The bill authorizes the executive director of the Texas Commission on Environmental Quality (TCEQ), after reviewing a district's audit report, to request additional information from the district and requires the district to provide that information by a certain deadline. The bill authorizes the executive director to review and investigate a district's financial records and to conduct an on-site audit of a district's financial information. The bill specifies that TCEQ supervision over the powers and duties of all districts and authorities created under certain constitutional provisions includes the authority to issue a permit under the Solid Waste Disposal Act.

**Senate Bill 1038**  
**Effective:** 9-1-19

**Senate Author:** Taylor  
**House Sponsor:** Thompson, Ed

Senate Bill 1038 amends the Special District Local Laws Code to provide for the creation of the Brazoria-Fort Bend Counties Municipal Utility District No. 3.

**Senate Bill 1083**  
**Effective:** 9-1-19

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

Senate Bill 1083 amends the Health and Safety Code to require a municipality that removes territory from an emergency services district that the municipality has annexed to compensate the district according to a formula provided by the bill that takes into account the district's retail sales and use tax revenue if that formula yields a greater amount than the formula prescribed by statute. The bill amends the Special District Local Laws Code to make conforming changes.

**Senate Bill 1142**  
**Effective:** 5-7-19

**Senate Author:** Watson  
**House Sponsor:** Howard

Senate Bill 1142 amends the Health and Safety Code to authorize the board of hospital managers of the Travis County Healthcare District to appoint, contract for, or employ physicians

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for up to four years as the board considers necessary for the efficient operation of the district. The bill requires the district's medical executive board to adopt, maintain, and enforce policies to ensure that a physician so employed exercises independent medical judgment in providing care to patients. The bill requires the implementation of a conflict management process to resolve conflicts between a policy adopted by the medical executive board and a district policy.

### **Senate Bill 1236**

**Effective:** 9-1-19

**Senate Author:** Hall

**House Sponsor:** Flynn

Senate Bill 1236 amends the Special District Local Laws Code to authorize the board of directors of the Hunt Memorial Hospital District to appoint, contract for, or employ physicians as the board considers necessary to provide medical services at a health care facility owned or operated by the district and to retain the professional income generated by a physician so employed. The bill requires the board to adopt, maintain, and enforce policies to ensure that a physician so employed exercises independent medical judgment when providing care to patients and sets out provisions relating to the policies and that employment. The bill requires the board to appoint a chief medical officer for the district and requires the officer to report certain information to the Texas Medical Board, including any action or event that the officer believes constitutes a compromise of a physician's independent medical judgment in caring for a patient.

### **Senate Bill 1422**

**Effective:** 6-10-19

**Senate Author:** Zaffirini

**House Sponsor:** Cyrier

Senate Bill 1422 amends the Special District Local Laws Code to provide for the creation of the Maxwell Special Utility District in Caldwell and Hays Counties and the dissolution of the Maxwell Water Supply Corporation.

### **Senate Bill 1835**

**Effective:** 6-10-19

**Senate Author:** Alvarado

**House Sponsor:** Hernandez

Senate Bill 1835 amends the Special District Local Laws Code to provide for the creation of the Channelview Improvement District in Harris County.

### **Senate Bill 1950**

**Effective:** 5-28-19

**Senate Author:** Seliger

**House Sponsor:** King, Ken

Senate Bill 1950 amends the Special District Local Laws Code to expand and revise the powers and duties of the Donley County Hospital District. Among other provisions, the bill provides for the maintenance of district records, the district board's recruitment of medical personnel, and the provision of educational programs or courses. The bill provides for the board's authority to borrow money and to issue and sell general obligation bonds for the acquisition and operation of a mobile emergency medical or air ambulance service.

### **Senate Bill 2212**

**Effective:** 9-1-19

**Senate Author:** Taylor

**House Sponsor:** Paul et al.

Senate Bill 2212 amends the law to authorize the Jefferson County Drainage District No. 7, the Orange County Drainage District of Orange County, Texas, and the Velasco Drainage District to enter into a project partnership agreement with the U.S. Army Corps of Engineers or an agreement with a state agency for a project proposed to be located in a respective district and listed in the Sabine Pass to Galveston Bay, Texas Coastal Storm Risk Management and Ecosystem Restoration report published by the U.S. Army Corps of Engineers in May 2017.

**Senate Bill 2445**  
**Effective:** 6-10-19

**Senate Author:** West  
**House Sponsor:** Meyer

Senate Bill 2445 amends the Special District Local Laws Code to create the New Park Municipal Management District in the City of Dallas.

**Senate Bill 2449**  
**Effective:** 5-28-19

**Senate Author:** Taylor  
**House Sponsor:** Paul

Senate Bill 2449 amends the Special District Local Laws Code to provide for the creation of the Harris County Municipal Utility District No. 568.

**Senate Bill 2456**  
**Effective:** Vetoed

**Senate Author:** Powell  
**House Sponsor:** Zedler

Senate Bill 2456 amends the Special District Local Laws Code to set out provisions relating to the powers, duties, and territory of the Karis Municipal Management District of Tarrant County.

Governor's Reason for Veto: "Municipal management districts typically serve as a financing mechanism for commercial, residential, or entertainment development, but sometimes they are misused to supplant services that a city should provide, resulting in double taxation for district residents. Senate Bill 2456 illustrates the problem. It would give the Karis Municipal Management District, located within the City of Crowley, new powers to perform a litany of services paid for by assessments on property within the district. The services range from police and fire protection to the construction and permitting of public concession facilities. These are services that residents should expect the city to provide, using taxes the city imposes. Yet Senate Bill 2456 would allow the district to impose additional assessments for these services. Property owners should not be forced to pay both residential property taxes to the city and residential assessments to the district. Giving this district such expansive authority would reduce transparency and circumvent the taxpayer protections in Senate Bill 2."

**Senate Bill 2469**  
**Effective:** 5-28-19

**Senate Author:** Taylor  
**House Sponsor:** Thompson, Ed

Senate Bill 2469 amends the Special District Local Laws Code to provide for the creation of the Brazoria County Municipal Utility District No. 76.

**Senate Bill 2481**  
**Effective:** 5-28-19

**Senate Author:** Nichols  
**House Sponsor:** Bell, Cecil

Senate Bill 2481 amends the Special District Local Laws Code to set out provisions relating to the powers and duties of the Montgomery County Municipal Utility District No. 164.

**Senate Bill 2502**  
**Effective:** 6-4-19

**Senate Author:** Flores  
**House Sponsor:** Nevárez

Senate Bill 2502 amends the Special District Local Laws Code to create the West Pecos Management District.

**Senate Bill 2504**  
**Effective:** 5-22-19

**Senate Author:** Creighton  
**House Sponsor:** Bell, Cecil

Senate Bill 2504 amends the Special District Local Laws Code to provide for the creation of the Magnolia Woods Municipal Utility District No. 1 in Montgomery County.

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### **Senate Bill 2517**

**Effective:** 5-28-19

**Senate Author:** Nichols

**House Sponsor:** Bailes

Senate Bill 2517 converts the May Public Utility District to the Harris-Liberty Counties Municipal Utility District No. 1 and amends the Special District Local Laws Code to set out provisions relating to the converted district.

### **Senate Bill 2521**

**Effective:** 5-20-19

**Senate Author:** Bettencourt

**House Sponsor:** Oliverson

Senate Bill 2521 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. 248.

### **Senate Bill 2524**

**Effective:** 5-20-19

**Senate Author:** Bettencourt

**House Sponsor:** Calanni

Senate Bill 2524 amends the Special District Local Laws Code to grant the Harris County Municipal Utility District No. 375 the power to undertake certain road projects.

### **Senate Bill 2525**

**Effective:** 5-20-19

**Senate Author:** Bettencourt

**House Sponsor:** Calanni

Senate Bill 2525 amends the Special District Local Laws Code to grant the Harris County Municipal Utility District No. 376 the power to undertake certain road projects.

### **Senate Bill 2526**

**Effective:** 5-20-19

**Senate Author:** Bettencourt

**House Sponsor:** Calanni

Senate Bill 2526 amends the Special District Local Laws Code to grant the Harris County Municipal Utility District No. 379 the power to undertake certain road projects.

### **Senate Bill 2527**

**Effective:** 5-28-19

**Senate Author:** Nichols

**House Sponsor:** Bailes

Senate Bill 2527 converts the Liberty Public Utility District to the Liberty County Municipal Utility District No. 7 and amends the Special District Local Laws Code to set out provisions relating to the converted district.

### **Senate Bill 2530**

**Effective:** 9-1-19

**Senate Author:** Fallon

**House Sponsor:** Smith

Senate Bill 2530 amends the Special District Local Laws Code to provide for the creation of the Van Alstyne Municipal Utility District No. 2 of Collin County.

### **Senate Bill 2535**

**Effective:** 6-10-19

**Senate Author:** Fallon

**House Sponsor:** Sanford

Senate Bill 2535 amends the Special District Local Laws Code to set out provisions relating to the powers and duties of the Lakehaven Municipal Utility District.

### **Senate Bill 2552**

**Effective:** See below

**Senate Author:** Hinojosa

**House Sponsor:** Canales

Senate Bill 2552 repeals Special District Local Laws Code provisions that provide for the governance of the Agua Special Utility District by a board of seven directors that are elected to represent specified municipalities and elected at large to represent the part of the district not included in those municipalities. The bill amends the Special District Local Laws Code to

effectively replace those provisions with provisions providing for the governance of the district by a board of seven directors, each of whom occupies a numbered position on the board and represents a unique subdistrict containing one-seventh of the total number of district residents. These provisions of the bill take effect December 31, 2019.

Senate Bill 2552 requires a director to file the applicable personal financial statement required of state officers with the Texas Ethics Commission and creates a Class B misdemeanor offense for a director who fails to file the statement. The bill establishes that a director, in connection with a vote or decision by the board, is considered to have a substantial interest in a business entity if a person related to the director within the third degree by consanguinity or affinity has a substantial interest in the business entity. The bill establishes grounds for removal of a director from the board and prohibited conduct for directors and district employees. The bill requires the board to employ a person with prior experience and training as general manager and sets out provisions relating to the general manager, including provisions specifying duties of the general manager. The bill sets out conditions under which a person is ineligible to serve as a director or general manager of the district. The bill requires the district to establish and post on the district's website a database of district check register reports and sets a deadline by which the district is required to publish its annual audit on its website. Except as otherwise provided, the bill takes effect September 1, 2019.

**Senate Bill 2553**

**Effective:** 6-14-19

**Senate Author:** Watson

**House Sponsor:** Howard

Senate Bill 2553 amends the Special District Local Laws Code to create the Save Historic Munny District in the City of Austin.

**Senate Bill 2558**

**Effective:** 9-1-19

**Senate Author:** Zaffirini

**House Sponsor:** Bell, Cecil

Senate Bill 2558 amends the Special District Local Laws Code to provide for the creation of the Lone Oak Farm Municipal Utility District in Guadalupe County.

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## State Government

This chapter covers legislation regarding state government generally, including legislation relating to state entities, 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 of state agencies is in the **Sunset Review** chapter.

### House Bill 402

**Effective:** 9-1-19

**House Author:** Thompson, Senfronia

**Senate Sponsor:** Zaffirini

House Bill 402, the Uniform Electronic Legal Material Act, amends the Government Code to establish guidelines for electronic publication by the secretary of state or the Texas Legislative Council, as applicable, of state agency rules, the Texas Constitution, and the general or special laws passed by the Texas Legislature. The bill requires an electronic record of such legal material to be designated as official if the material is only published electronically and authorizes such designation if the material is also published in another form. The bill sets out provisions relating to the authentication of an official electronic record, the preservation and security of legal material in an official electronic record, and public access to such material.

### House Bill 982

**Effective:** 9-1-19

**House Author:** Parker

**Senate Sponsor:** West

House Bill 982 amends Government Code provisions relating to the “pay for success” contracts. The bill provides for the gifting, granting, or donation of money for deposit to the credit of the success contract payments trust fund and specifies that an executed success contract is not enforceable until all applicable conditions are satisfied.

### House Bill 2042

**Effective:** 9-1-19

**House Author:** Stucky

**Senate Sponsor:** Birdwell

House Bill 2042 amends the Government Code to authorize the comptroller of public accounts to conduct postpayment audits without contracting with the state agency under audit. The bill removes the requirement that the uniform accounting and financial procedures prescribed by the comptroller and used by a state agency for financial reporting comply with certain generally accepted accounting principles.

### House Bill 2110

**Effective:** 6-10-19

**House Author:** Shaheen et al.

**Senate Sponsor:** Paxton

House Bill 2110 amends the Government Code to include mobile and web applications among the forms by which each state agency may gather required customer service input. The bill, among other provisions, requires the Legislative Budget Board and the Governor’s Office to jointly develop a standardized method of measuring customer satisfaction and performance for state agencies.

### House Bill 2271

**Effective:** 9-1-19

**House Author:** Lang et al.

**Senate Sponsor:** Kolkhorst

House Bill 2271 amends the Government Code to authorize the attorney general to use money in the choose life account to advertise that fees paid for the issuance of a “Choose Life” license plate may be used to fund choose life account grants, provided that the money spent on advertising does not exceed a certain amount.



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### **House Bill 2364**

**Effective:** 9-1-19

**House Author:** Darby et al.

**Senate Sponsor:** Perry

House Bill 2364 amends the Information Resources Management Act, Government Code, to authorize the provision of electronic messaging service and outsourced managed services to state agencies, higher education entities, and local governments through statewide technology centers.

### **House Bill 2458**

**Effective:** 5-24-19

**House Author:** Capriglione et al.

**Senate Sponsor:** Fallon

House Bill 2458 amends the Finance Code and Government Code to revise provisions regarding the administration and operation of the Texas Bullion Depository. The bill, among other provisions, eliminates the depository agent license.

### **House Bill 2641**

**Effective:** 5-17-19

**House Author:** Darby et al.

**Senate Sponsor:** Seliger

House Bill 2641 requires the Health and Human Services Commission to execute an appropriate instrument to release and nullify the right of reverter to which certain specified real property in Howard County is subject, conditioned on the certain transfer and exchange of that property from the West Texas Centers for Mental Health and Mental Retardation to Cap Rock Holdings, LLC, a Texas limited liability company.

### **House Bill 2913**

**Effective:** See below

**House Author:** Zerwas

**Senate Sponsor:** Kolkhorst

House Bill 2913 requires the Department of Public Safety to transfer to Child Advocates of Fort Bend specified real property in Fort Bend County and requires Child Advocates of Fort Bend to use the property only for a purpose that benefits the state's public interest. These provisions of the bill take effect June 14, 2019.

House Bill 2913 amends the Government Code to grant the Texas Historical Commission jurisdiction over the Star of the Republic Museum and its contents and to make the commission responsible for the museum's preservation, maintenance, and operation. The bill provides for the transfer of powers, duties, funds, and records relating to the museum from Blinn College District to the commission. These provisions of the bill take effect September 1, 2019.

### **House Bill 2944**

**Effective:** 6-14-19

**House Author:** Gervin-Hawkins

**Senate Sponsor:** Flores et al.

House Bill 2944 requires the General Land Office to offer for sale or transfer on behalf of the state the real property known as the G. J. Sutton Building Complex in San Antonio, subject to certain conditions.

### **House Bill 2971**

**Effective:** 6-10-19

**House Author:** Holland et al.

**Senate Sponsor:** Buckingham

House Bill 2971 amends the Natural Resources Code to authorize the General Land Office (GLO) to use cash, gifts, grants, donations, or in-kind contributions the GLO receives through the administration of the save Texas history program to preserve, conserve, and promote GLO records, provide educational programming and resources on Texas history, and acquire additional records to complement GLO records. The bill replaces certain requirements relating to the revision, compilation, and printing of abstracts with authorizations.

**House Bill 2977**  
**Effective:** 6-10-19

**House Author:** Howard  
**Senate Sponsor:** Watson

House Bill 2977 amends the Government Code to authorize the City of Austin, if an applicable agreement with the Texas Facilities Commission provides for a transfer, sale, or exchange of real property or an interest in real property to be credited against future property or interests to be transferred, sold, or exchanged between the parties, to use any amount credited in the city's favor in a transfer, sale, or exchange of real property or an interest in real property with any state agency other than a public institution of higher education.

**House Bill 2978**  
**Effective:** 6-14-19

**House Author:** Howard  
**Senate Sponsor:** Watson

House Bill 2978 requires the General Land Office on behalf of the state to grant to the City of Austin a permanent easement in a specified property owned by the state, subject to certain conditions.

**House Bill 3084**  
**Effective:** 6-10-19

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

House Bill 3084 amends the Government Code to designate July 20 as Space Exploration Day.

**House Bill 3636**  
**Effective:** 6-14-19

**House Author:** Morrison  
**Senate Sponsor:** Kolkhorst

House Bill 3636 requires the Texas Board of Criminal Justice to transfer specified real property to DeWitt County, subject to certain conditions.

**House Bill 3834**  
**Effective:** 6-14-19

**House Author:** Capriglione  
**Senate Sponsor:** Paxton

House Bill 3834 amends the Information Resources Management Act, Government Code, to require certain state and local government employees and state contractors to complete a cybersecurity training program from among the five that must be annually certified by the Department of Information Resources.

**House Bill 4170**  
**Effective:** 9-1-19

**House Author:** Leach  
**Senate Sponsor:** Kolkhorst

House Bill 4170, a continuation of the legislature's ongoing statutory revision program, makes certain nonsubstantive additions to, revisions of, and corrections in enacted codes; provides for the nonsubstantive codification or disposition of various laws omitted from enacted codes; and conforms codifications enacted by the 85th Legislature to other Acts of that legislature.

**House Bill 4181**  
**Effective:** 6-14-19

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

House Bill 4181 amends the Government Code to revise provisions relating to the operation of the legislature. The bill, among other provisions, revises specifications regarding the organization and convening of the legislature, revises requirements and duties for certain committees, provides for the confidentiality and voluntary disclosure of certain communications relating to the legislature, and specifies the purpose and duties of the Texas Legislative Council and Legislative Reference Library.

**House Bill 4541**  
**Effective:** 9-1-19

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

House Bill 4541 amends the Government Code to authorize the Texas Facilities Commission to sell or dispose of real property of the state that is not located in the Capitol Complex and conditions that sale or disposition on authority granted by the legislature if the legislature is in session or on formal notification to the governor and the Legislative Budget Board if the legislature is not in session. The bill, among other provisions, requires the proceeds from the sale, lease, or other disposition of such real property to be deposited to the Texas capital trust fund and dedicated to the acquisition, construction, repair, and improvement of state facilities.

**Senate Bill 22**  
**Effective:** 9-1-19

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

Senate Bill 22 amends the Government Code to prohibit the state, a state agency, or a political subdivision of the state from entering into a taxpayer resource transaction, defined by the bill to include advocacy or lobbying on behalf of the interests of an applicable abortion provider, with an abortion provider or an affiliate of an abortion provider, other than a certain hospital, licensed physician, or accredited residency program. A facility is not considered to be an abortion provider on the basis of performing an abortion at the facility during a medical emergency. The bill, among other provisions, authorizes the attorney general to bring an action in the name of the state to enjoin a violation of this prohibition.

**Senate Bill 64**  
**Effective:** 9-1-19

**Senate Author:** Nelson  
**House Sponsor:** Phelan

Senate Bill 64 amends the Government Code and Occupations Code to authorize the governor to command the Texas National Guard to assist the Texas State Guard with defending the state's cyber operations. The bill, among other provisions, requires the state cybersecurity coordinator, in collaboration with the cybersecurity council and public and private entities in Texas, to develop best practices for cybersecurity and to establish a cyberstar certificate program to recognize public and private entities that implement these best practices. The bill requires the Employees Retirement System of Texas and the Teacher Retirement System of Texas to comply with Department of Information Resources (DIR) cybersecurity and information security standards.

Senate Bill 64 amends the Utilities Code to require the Public Utility Commission of Texas (PUC) to establish a program to monitor cybersecurity efforts among utilities in Texas and requires an independent organization certified by the PUC to conduct internal cybersecurity risk assessment, vulnerability testing, and employee training.

Senate Bill 64 amends the Education Code to require the Texas Higher Education Coordinating Board, in collaboration with DIR, to develop strategies to incentivize cybersecurity degree programs.

**Senate Bill 241**  
**Effective:** 9-1-19

**Senate Author:** Nelson  
**House Sponsor:** Longoria

Senate Bill 241 amends the Education Code, Government Code, Health and Safety Code, Human Resources Code, Labor Code, Natural Resources Code, Transportation Code, Utilities Code, and Water Code to streamline reporting requirements for various state agencies and other governmental entities.

**Senate Bill 281**  
**Effective:** 9-1-19**Senate Author:** Zaffirini  
**House Sponsor:** González, Mary

Senate Bill 281 amends the Government Code to direct the legislature and the Texas Legislative Council to avoid using in any new statute or resolution “hearing impaired,” “auditory impairment,” and “speech impaired” in reference to a deaf or hard of hearing person, and to replace, when enacting or revising a statute or resolution, those phrases with “deaf” or “hard of hearing,” as appropriate.

**Senate Bill 401**  
**Effective:** 6-4-19**Senate Author:** Hancock et al.  
**House Sponsor:** Cyrier

Senate Bill 401 amends the Government Code to create the temporary Joint Oversight Committee on Government Facilities to biannually provide a written report to the legislature that identifies the amount of money expended for deferred maintenance, planned deferred maintenance projects, and the status of ongoing and completed deferred maintenance projects.

**Senate Bill 557**  
**Effective:** 6-2-19**Senate Author:** Kolkhorst et al.  
**House Sponsor:** Moody

Senate Bill 557 amends the Government Code to revise the authority of the comptroller of public accounts to use the EFT (electronic funds transfer) system to require its use for paying the salary and travel expense reimbursements of any state employee and for annuity payments for members of the Texas Emergency Services Retirement System, among others. The bill removes the specific authorization for the use of the EFT system to pay membership dues for a state employee organization. The bill authorizes the comptroller to use the EFT system to deposit the amount of an employee’s payroll deduction made as authorized by law.

**Senate Bill 646**  
**Effective:** 9-1-19**Senate Author:** Birdwell et al.  
**House Sponsor:** Thompson, Senfronia

Senate Bill 646 amends the Government Code to require that a semi-independent state agency obtain authorization from the governor before allocating money to purchase, or construct a building on, real property and to provide that this requirement does not limit legislative authority. The bill requires a state agency that receives the governor’s authorization to collaborate with the Texas Facilities Commission (TFC) with respect to the purchase or project and notify the TFC and the General Land Office on completion of the purchase or project.

**Senate Bill 819**  
**Effective:** 9-1-19**Senate Author:** Nelson  
**House Sponsor:** Phelan

Senate Bill 819 amends the Government Code to require the Department of Information Resources (DIR) to establish a digital transformation guide to assist state agencies with modernizing agency operations and services with respect to electronic data and converting agency information into electronic data. The bill, among other provisions, requires DIR to establish the Texas Open Data Portal as a central repository of publicly accessible electronic data for Texas. The bill requires each state agency to prioritize using the data portal and to consider cloud computing service options and compatibility with cloud computing services in the development of new information technology software applications.

## State Government

### **Senate Bill 907**

**Effective:** 9-1-19

**Senate Author:** Hughes

**House Sponsor:** Paddie

Senate Bill 907 amends the Government Code to require and provide for the preservation, maintenance, and improvement of the Republic of Texas Granite Boundary Marker and the state grounds adjacent to the marker by the Texas Historical Commission. Implementation of a provision of this bill is mandatory only if a specific appropriation is made for that purpose.

### **Senate Bill 1213**

**Effective:** 5-20-19

**Senate Author:** Nichols

**House Sponsor:** Phelan

Senate Bill 1213 requires the Public Safety Commission to exchange specified real property in Orange County for other real property under certain conditions.

### **Senate Bill 1349**

**Effective:** 5-22-19

**Senate Author:** Watson

**House Sponsor:** Hinojosa

Senate Bill 1349 authorizes the Texas Facilities Commission to convey on the state's behalf certain real property in Travis County, subject to certain conditions.

### **Senate Bill 1794**

**Effective:** 9-1-19

**Senate Author:** Zaffirini

**House Sponsor:** Leach

Under current law, most state agencies pay the State Office of Administrative Hearings (SOAH) for rendered services by means of an annual lump-sum amount or a fixed quarterly amount under an interagency contract. Senate Bill 1794 amends the Government Code to subject the office of the comptroller of public accounts, the Texas Commission on Environmental Quality, and the Public Utility Commission of Texas to the requirements for entering into an interagency contract with SOAH.

### **Senate Bill 1978**

**Effective:** 9-1-19

**Senate Author:** Hughes et al.

**House Sponsor:** Krause et al.

Senate Bill 1978 amends the Government Code to prohibit the legislature or a legislative agency, a state judicial agency or the State Bar of Texas, a state or local governmental entity, or an officer, employee, or agent of such bodies from taking any adverse action, including withholding, reducing, excluding, terminating, or otherwise denying certain financial benefits or agreements, against any person based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization. The bill allows a person to assert an actual or threatened violation in a judicial or administrative proceeding and provides for injunctive relief, declaratory relief, and court costs and reasonable attorney's fees. Sovereign or governmental immunity is waived and abolished to the extent of liability for such relief.

### **Senate Bill 2309**

**Effective:** 9-1-19

**Senate Author:** Kolkhorst

**House Sponsor:** Leman

Senate Bill 2309 amends the Government Code to provide for the transfer of jurisdiction over and management of the Star of the Republic Museum from the Blinn College District to the Texas Historical Commission.

## 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 2018-2019 biennium. The chapter also covers legislation relating to the review schedule for certain agencies subject to sunset review.

**House Bill 1311**  
**Effective:** 9-1-19

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

House Bill 1311 amends the Texas Geoscience Practice Act, Occupations Code, to continue the Texas Board of Professional Geoscientists until September 1, 2025. The bill, among other provisions, revises certain licensing requirements, increases the maximum administrative penalty for a geoscientist's violation of the act, and requires the governor to designate a member of the board as its presiding officer.

**House Bill 1326**  
**Effective:** 9-1-19

**House Author:** Flynn et al.  
**Senate Sponsor:** Hall

House Bill 1326 amends the Government Code to continue the Texas Military Department until September 1, 2031.

**House Bill 1422**  
**Effective:** See below

**House Author:** Paddie  
**Senate Sponsor:** Buckingham

House Bill 1422 amends the Government Code, Parks and Wildlife Code, and Tax Code to continue the Texas Historical Commission until September 1, 2031. The bill, among other provisions, provides for the commission's administration of the Texas Heritage Trails Program, reallocates the amounts of the sporting goods tax credited to the Parks and Wildlife Department (TPWD) and the commission, and provides for the deaccessioning and sale of a state agency's qualifying archaeological, architectural, archival, decorative, or fine arts collection. The bill transfers certain historical sites from TPWD to the commission, effective August 26, 2019. Implementation of a provision of this bill by the commission is mandatory only if a specific appropriation is made for that purpose. Except as otherwise provided, the bill takes effect September 1, 2019.

**House Bill 1442**  
**Effective:** 9-1-19

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

House Bill 1442 amends the Finance Code and Occupations Code to continue the Office of Consumer Credit Commissioner (OCCC) until September 1, 2031. Among other provisions, including across-the-board sunset provisions and provisions applicable to the licensing, investigative, and enforcement authority of OCCC, the bill subjects metal recycling entities to certain restitution provisions, subjects the sale of crafted precious metal to OCCC investigative and enforcement authority, and makes participation by a pawnbroker in the pawnshop employee license program optional.

**House Bill 1504**  
**Effective:** 9-1-19

**House Author:** Paddie  
**Senate Sponsor:** Nichols

House Bill 1504 amends the Occupations Code to continue the Texas Medical Board (TMB) until September 1, 2031, and to provide for certain across-the-board sunset provisions, including provisions regarding training for members of the TMB, the Texas State Board of Acupuncture Examiners, the Texas Board of Medical Radiologic Technology, and the Texas Board of Respiratory Care and provisions establishing criminal history record checks for an acupuncturist license and

a surgical assistant license. Among other provisions, the bill establishes a radiologist assistant certificate and sets out provisions relating to the update of a physician's TMB profile, TMB licensure and enforcement processes, and an expedited licensing process for certain out-of-state applicants for a license to practice medicine.

**House Bill 1520**

**Effective:** 9-1-19

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

**Senate Sponsor:** Watson

House Bill 1520 amends the Public Accountancy Act, Occupations Code, to continue the Texas State Board of Public Accountancy until September 1, 2031. The bill, among other provisions, prohibits the board from contracting with outside legal counsel for board legal services unless the contract is approved by the attorney general, revises the procedures for the board to conduct a background check of an applicant for board certification, revises board procedures for acting on complaints to the board, and authorizes the attorney general at the request of the board to petition a district court for an injunction to prohibit a person who is violating the act from continuing the violation.

**House Bill 1523**

**Effective:** 9-1-19

**House Author:** Nevárez

**Senate Sponsor:** Buckingham

House Bill 1523 amends The Texas Engineering Practice Act and the Professional Land Surveying Practices Act, Occupations Code, and the Civil Practice and Remedies Code, Government Code, Health and Safety Code, Insurance Code, Natural Resources Code, Transportation Code, and Water Code to abolish the Texas Board of Professional Land Surveying but to continue the regulation of land surveyors by transferring the abolished board's functions to the renamed Texas Board of Professional Engineers and Land Surveyors. The bill, among other revisions and updates, including across-the-board sunset provisions and an updated provision subjecting the consolidated board to review under the Texas Sunset Act, requires the consolidated board to appoint an advisory committee to provide advice and recommendations on any matter relevant to the administration of state law applicable to the regulation of professional engineers and land surveyors and repeals a provision that prohibits the issuance of a state land surveyor license to a person residing outside of Texas.

**House Bill 1535**

**Effective:** 9-1-19

**House Author:** Flynn et al.

**Senate Sponsor:** Nichols

House Bill 1535 amends The Securities Act, Vernon's Texas Civil Statutes, to continue the State Securities Board (SSB) until September 1, 2031. Among other provisions, including across-the-board sunset provisions and provisions authorizing payment of a refund to a client or purchaser of securities or services, the bill provides for SSB assistance to a county or district attorney in a criminal case involving an alleged violation of The Securities Act and for a review by the attorney general of a sample of such cases.

**House Bill 1540**

**Effective:** See below

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

**Senate Sponsor:** Hall

House Bill 1540 amends the Health and Safety Code and Occupations Code to continue the Texas Funeral Service Commission (TFSC) until September 1, 2031, to discontinue TFSC regulation of non-perpetual care cemeteries, and to provide for certain across-the-board sunset provisions. Among other provisions, including provisions governing the pickup and transfer of a dead human body, the bill reduces the frequency of required inspections of a licensed crematory or funeral establishment, revises and updates provisions relating to an application by an out-of-state holder of a funeral director's license or an embalmer's license and to a duplicate license, repeals certain

provisions relating to provisional licenses, authorizes the TFSC to determine the criteria by which a funeral establishment is exempt from the requirement to have a preparation room for embalming services, and changes certain TFSC reporting requirements regarding its activities. The bill's provisions take effect September 1, 2019, but the provision changing the TFSC reporting requirements takes effect September 1, 2020.

**House Bill 1545**

**Effective:** See below

**House Author:** Paddie

**Senate Sponsor:** Birdwell

House Bill 1545 amends the Alcoholic Beverage Code, Code of Criminal Procedure, Election Code, Government Code, Health and Safety Code, Occupations Code, Tax Code, and Transportation Code to continue the Texas Alcoholic Beverage Commission (TABC) until September 1, 2031. Among other provisions, including across-the-board sunset provisions, the bill eliminates, consolidates, and creates certain licenses and permits and revises the license and permit application approval, denial, and protest processes. The bill provides for the adoption of fees by TABC rule and provides for ongoing TABC review of the fees. Except as otherwise provided, the bill takes effect September 1, 2021.

**House Bill 1962**

**Effective:** 9-1-19

**House Author:** Lambert et al.

**Senate Sponsor:** Hall

House Bill 1962 amends the Government Code and Local Government Code to continue the Texas State Library and Archives Commission (TSLAC) until September 1, 2031. The bill, among other provisions, provides for the Legislative Reference Library (LRL) to be the depository for any record created or received by the office of a member of the legislature or the lieutenant governor and for a member of the legislature to apply to the Legislative Library Board to place such records in a depository other than LRL. The bill authorizes TSLAC to create an advisory committee to make recommendations on programs, rules, and policies affecting the delivery of information services in Texas and requires TSLAC to develop and implement a comprehensive state archives strategic plan. The bill removes requirements for TSLAC to approve local government records retention schedules and establishes certain duties of local governments with respect to the preservation and management of local government records.

House Bill 1962 requires the General Land Office to grant to the City of Austin a permanent easement for certain property for public use as a sidewalk, trail, and recreation easement promoting public health and general welfare and providing recreation, beautification, and civic improvement.

**House Bill 3304**

**Effective:** 9-1-19

**House Author:** Raymond et al.

**Senate Sponsor:** Buckingham

House Bill 3304 amends the Health and Safety Code to subject the Texas Health Services Authority (THSA) to review under the Texas Sunset Act. The bill repeals certain provisions relating to the electronic exchange of health information, to the powers and duties of the THSA with respect to the exchange, and to the continuation of the THSA-developed privacy and security standards for the electronic sharing of protected health information by the Health and Human Services Commission (HHSC) until amended by HHSC rule.

**Senate Bill 237**

**Effective:** 9-1-19

**Senate Author:** Nelson

**House Sponsor:** Goldman

Senate Bill 237 amends the Texas Sunset Act, Government Code, to require the Sunset Advisory Commission to determine whether the governing body of an agency being reviewed



that licenses an occupation or profession has made an evaluation regarding the type of personal information of license holders the agency should make available online.

**Senate Bill 601**

**Effective:** 9-1-19

**Senate Author:** Hall et al.

**House Sponsor:** Flynn

Senate Bill 601 amends the Government Code to continue the Texas Veterans Commission (TVC) until September 1, 2031. The bill, among other provisions, requires TVC to annually create, set priorities for, and evaluate meaningful outcome measures for all its programs and to strategically adjust claims assistance services staffing, including staffing special claims teams. The bill revises eligibility requirements for appointment as a veterans county service officer and includes a veteran's employment preference in appointment decisions. The bill sets out eligibility requirements for appointment as a program director to administer the mental health program for veterans.

**Senate Bill 604**

**Effective:** 9-1-19

**Senate Author:** Buckingham et al.

**House Sponsor:** Paddie

Senate Bill 604 amends the Transportation Code, Occupations Code, Government Code, Insurance Code, and Revised Statutes to continue the Texas Department of Motor Vehicles (TxDMV) until September 1, 2031. The bill, among other provisions, eliminates the representative's license, provides for the use and maintenance of an automated registration and titling system, and establishes the Motor Vehicle Crime Prevention Authority. The bill requires TxDMV to organize a study and subsequent report on the impact of the alternatively fueled vehicles industry, options for collecting fees from owners of alternatively fueled vehicles to replace the loss of revenue from motor fuel taxes, and the feasibility and desirability of establishing a fee for such vehicles.

**Senate Bill 606**

**Effective:** 9-1-19

**Senate Author:** Watson et al.

**House Sponsor:** Nevárez

Senate Bill 606 amends the Special District Local Laws Code to revise and update the governing provisions of the Lower Colorado River Authority, following Sunset Advisory Commission recommendations.

**Senate Bill 607**

**Effective:** 9-1-19

**Senate Author:** Watson et al.

**House Sponsor:** Flynn

Senate Bill 607 amends the Natural Resources Code to subject the Veterans' Land Board to review under the Texas Sunset Act during the 2031 agency review cycle.

**Senate Bill 608**

**Effective:** 9-1-19

**Senate Author:** Watson et al.

**House Sponsor:** Paddie

Senate Bill 608 amends the Natural Resources Code to continue the School Land Board until September 1, 2031. In addition to including across-the-board sunset provisions, the bill increases from three to five the number of board members, revises member criteria, and requires the board and the State Board of Education to hold an annual joint public meeting to discuss the allocation of the assets of the permanent school fund and the investment of money in the fund.

Senate Bill 608 replaces the cap on the market value of the investments in real estate under statutory provisions governing the use of the real estate special fund account with a certain cap on the market value of the investments made under those provisions for specified purposes. The bill requires the School Land Board's biennial report to the legislature that assesses the

direct and indirect economic impact of the investment of funds designated for deposit in the real estate special fund account to include the amounts of all compensation paid by the board to investment managers, consultants, or advisors appointed or organizations contracted with for the investment of such funds or assistance in investing such funds. The bill removes a certain board reporting requirement regarding an assessment of the return and economic impact of investments reported to the legislature.

**Senate Bill 612**  
**Effective:** 9-1-19

**Senate Author:** Hall et al.  
**House Sponsor:** Nevárez

Senate Bill 612 amends the Labor Code to continue the risk management board governing the State Office of Risk Management (SORM) until September 1, 2031. The bill includes across-the-board sunset provisions and requires SORM to review, at least biennially, the guidelines adopted by the risk management board for the comprehensive risk management program for state agencies. SORM must update the guidelines at least every five years.

**Senate Bill 614**  
**Effective:** 9-1-19

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

Senate Bill 614 amends the Finance Code and Health and Safety Code to continue the Finance Commission of Texas, office of banking commissioner, office of savings and mortgage lending commissioner, and Department of Savings and Mortgage Lending until September 1, 2031, and to provide for certain across-the-board sunset recommendations. Among other provisions, the bill authorizes the finance commission to establish by rule the terms of permits to sell prepaid funeral benefits and the terms of certificates of authority to operate perpetual care cemeteries, eliminates registration requirements for cemetery brokers and private child support enforcement agencies, and changes the process for appealing an order of the banking commissioner.

**Senate Bill 615**  
**Effective:** 9-1-19

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

Senate Bill 615 amends the Insurance Code to update the period during which the Texas Windstorm Insurance Association (TWIA) is subject to review under the Texas Sunset Act and to make revisions relating to the operations and functions of TWIA and the programs administered by TWIA. Among other provisions, the bill authorizes TWIA to propose rules for adoption by the commissioner of insurance, requires the establishment of a process for automatic renewal of a policy, provides for public access to a TWIA rate adequacy analysis, authorizes the provision of supplemental payments, and requires TWIA, beginning in 2021, to accept payment of premium by credit card and to provide the option to pay premium in installments. The bill transfers authority relating to the issuance of certificates of compliance for completed improvements from TWIA to the Texas Department of Insurance and revises provisions relating to replacement cost coverage, certificates of compliance, and the transfer of reinsured policies. The bill repeals a requirement for the general manager of TWIA to submit a report every two months evaluating the extent to which TWIA met certain objectives during the reporting period.

**Senate Bill 616**  
**Effective:** See Below

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

Senate Bill 616 amends the Government Code, Occupations Code, Transportation Code, Health and Safety Code, and Code of Criminal Procedure to continue the Department of Public Safety (DPS) until September 1, 2031. Among other provisions, including certain across-the-board sunset provisions, the bill does the following:

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- provides for the conditional transfer of the driver's license program from DPS to the Texas Department of Motor Vehicles if a certain third-party analysis of the management and operating structure of the driver's license program is not completed;
- extends the term of a non-commercial driver's license from six years to eight years and the term of a commercial driver's license from five years to eight years and changes the fees associated with driver's license and motorcycle license renewal;
- transfers the motorcycle and ATV safety training program from DPS to the Texas Department of Licensing and Regulation (TDLR) and provides for the disposal of motorcycles and other equipment related to the training program;
- requires DPS to submit an annual report to the legislature on border crime and certain other criminal activity;
- reclassifies the Texas Private Security Board as the Texas Private Security Advisory Committee and establishes certain licensing requirements for individuals who provide private security services;
- deregulates certain licenses and registrations for individuals and entities that do not directly provide private security services and eliminates certain regulations on peyote distributors and chemical and laboratory apparatus sales and transfers; and
- sets out provisions standardizing the administration of DPS regulatory programs by providing DPS a full range of enforcement sanctions and authorizing flexible license renewal requirements.

The bill takes effect on September 1, 2019, except that provisions providing for the conditional transfer of the driver's license program and the provisions requiring disposal of motorcycles and certain other equipment take effect June 10, 2019, and the provisions providing for the transfer of the motorcycle and ATV safety training program to TDLR take effect September 1, 2020.

### **Senate Bill 619**

**Effective:** 6-10-19

**Senate Author:** Birdwell et al.

**House Sponsor:** Paddie

Senate Bill 619 amends the Education Code, Government Code, Health and Safety Code, Human Resources Code, Insurance Code, Labor Code, Occupations Code, Special Districts Local Laws Code, Utilities Code, and certain session laws to make various revisions related to the Texas Sunset Act, including changing certain sunset dates. The bill, among other provisions, clarifies that the legislature may subject certain governmental entities other than state agencies to review under the Texas Sunset Act, revises the duties of Sunset Advisory Commission members, makes certain commission communications confidential, and prohibits the commission from discussing in a public hearing the application to an agency of review criteria relating to the agency's cybersecurity practices.

### **Senate Bill 624**

**Effective:** 9-1-19

**Senate Author:** Nichols et al.

**House Sponsor:** Thompson, Senfronia

Senate Bill 624 amends the Occupations Code and Property Code to continue the Texas Real Estate Commission (TREC), the Texas Appraiser Licensing and Certification Board, The Real Estate License Act, the Residential Service Company Act, the Texas Timeshare Act, the Texas Appraiser Licensing and Certification Act, the Texas Appraisal Management Company Registration and Regulation Act, and provisions governing real estate inspectors until September 1, 2025. The bill, among other provisions, provides for the denial of a registration renewal and for additional information to be included in certain required TREC reports.

**Senate Bill 625**  
**Effective:** 9-1-19

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

Senate Bill 625 amends the law to revise and update the governing provisions of the Nueces River Authority, following Sunset Advisory Commission recommendations. Among other provisions and in addition to across-the-board sunset provisions, the bill replaces the requirement that the authority's board of directors elect one of its members as board president with a requirement that the governor designate a board member as board president to serve in that capacity at the pleasure of the governor. The bill requires the authority to adopt and promptly publish on the authority's website a written, regularly updated five-year strategic plan.

**Senate Bill 626**  
**Effective:** 9-1-19

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

Senate Bill 626 amends the law to revise and update the governing provisions of the Guadalupe-Blanco River Authority, following Sunset Advisory Commission recommendations. Among other provisions and in addition to across-the-board sunset provisions, the bill requires the authority to adopt an asset management plan and repeals a provision that prohibits an authority director, officer, agent, or employee from being interested in a contract for the purchase of any property or construction of any work by or for the authority and that provides for a related felony.

**Senate Bill 627**  
**Effective:** 9-1-19

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

Senate Bill 627 amends the law to revise and update the governing provisions of the Red River Authority of Texas, following Sunset Advisory Commission recommendations. The bill establishes that the authority is governed by and subject to certain Water Code provisions relating to water districts and navigation districts.

Among other provisions and in addition to including across-the-board sunset provisions, Senate Bill 627 replaces the requirement that the authority's directors elect a director as board president with a requirement that the governor designate a director as board president to serve in that capacity at the governor's pleasure, provides for an increase in director fees of office, and prohibits a director from being employed as the authority's general manager. The bill requires the authority to adopt an asset management plan and requires the board to establish a process to ensure that, before the authority makes a significant change to a rate or charge for the sale and use of water, affected persons are provided notice of the proposed change and an opportunity to provide to the board comments regarding the proposed change. The bill requires the authority to notify affected persons of their right to appeal changes to rates. The bill requires the state auditor to conduct an audit of the authority to evaluate whether the authority has addressed the operational challenges identified in the Sunset Advisory Commission report on the authority presented to the 86th Legislature. The bill repeals a provision that prohibits an authority director, engineer, or employee from being interested in a contract for the purchase of materials or construction of work by the authority and provides for a related misdemeanor.

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## 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 the appraisal appeal process.

### House Bill 380

**Effective:** 9-1-19

**House Author:** Geren et al.

**Senate Sponsor:** Hancock

House Bill 380 amends the Tax Code to entitle a property owner to appeal an order of an appraisal review board (ARB) determining that the ARB lacks jurisdiction to finally determine a taxpayer protest by the property owner or a motion filed by the property owner for a correction of the appraisal roll because the property owner failed to comply with an applicable statutory requirement pertaining to the protest or motion. A property owner who establishes that the ARB had jurisdiction to issue a final determination or motion is entitled to a final determination by the district court of the protest or motion. The bill establishes the jurisdiction of district courts with respect to certain property tax cases and provides for the remanding of an action to an ARB.

### House Bill 492

**Effective:** See below

**House Author:** Shine et al.

**Senate Sponsor:** Taylor et al.

House Bill 492 repeals a provision of the Tax Code providing for the reappraisal of property damaged in a disaster area and amends the Tax Code and Government Code to provide instead for a temporary exemption from property taxation of a portion of the appraised value of certain qualified property damaged by a disaster. The bill takes effect January 1, 2020, but only if the amendment proposed by House Joint Resolution 34 is approved by the voters.

### House Bill 639

**Effective:** 1-1-21

**House Author:** Springer

**Senate Sponsor:** Nichols

House Bill 639 amends the Tax Code to condition the eligibility of land used as an ecological laboratory by a public or private college or university for appraisal for property tax purposes as qualified open-space land on that land having been used principally in that manner by a college or university for five of the preceding seven years. The bill provides for the delayed applicability of that change for land that first qualified for such appraisal on the basis of its use as an ecological laboratory in the 2014-2020 tax years.

### House Bill 791

**Effective:** 5-24-19

**House Author:** Huberty et al.

**Senate Sponsor:** Flores

House Bill 791 amends the Tax Code to define “volunteer fire department” for purposes of certain motor fuel tax exemptions.

### House Bill 861

**Effective:** 9-1-19

**House Author:** Anchia et al.

**Senate Sponsor:** Campbell

House Bill 861 amends the Tax Code to condition a property owner’s liability for penalties and interest on the tax included in a supplemental property tax bill resulting from a final determination of a property tax appeal occurring after the property owner has paid a portion of the tax finally determined to be due on the additional tax not being paid by the delinquency date for the additional tax. The bill also conditions a property owner’s liability for interest on the tax included in a supplemental property tax bill resulting from the property owner failing to pay any portion of the taxes imposed on the property because a court found that payment

would constitute an unreasonable restraint on the owner's right of access to the courts on the additional tax not being paid by the delinquency date for the additional tax.

**House Bill 994**

**Effective:** Vetoed

**House Author:** Guillen et al.

**Senate Sponsor:** Flores et al.

House Bill 994 amends the Tax Code to add temporary provisions set to expire September 1, 2025, giving a property owner in Atascosa County the option to appeal certain appraisal review board (ARB) determinations to a justice court under certain conditions. On the expiration of those provisions, the bill requires the Office of Court Administration of the Texas Judicial System (OCA) to conduct a study on the effectiveness of those provisions in increasing court efficiency and improving property owners' ability to exercise their right to appeal an ARB determination and requires OCA to issue a report on the study to the appropriate standing legislative committees.

Governor's Reason for Veto: "The Tax Code permits homeowners to protest the appraised value of their property to an Appraisal Review Board and, if they are not satisfied with the Board's ruling, to appeal that ruling to district court or binding arbitration. House Bill 994 would have created an exception to this process for just one county, allowing homeowners in Atascosa County whose homes are valued at \$500,000 or less to appeal to a justice of the peace, rather than to a district court or arbitration. The Legislature has not identified a reason to treat the residents of one county so differently, and to depart from uniform procedures for property tax appraisal and protest."

**House Bill 1060**

**Effective:** 9-1-19

**House Author:** Bell, Cecil et al.

**Senate Sponsor:** Kolkhorst

House Bill 1060 amends the Tax Code to require an appraisal review board (ARB) to deliver notice of a scheduled taxpayer protest hearing by certified mail or by email if, in the written notice of protest filed with the ARB, the property owner requests delivery by certified mail or requests delivery by email and provides a valid email address. A property owner does not need to enter into an agreement with a chief appraiser to receive communication under the Property Tax Code in electronic format to be entitled to email delivery of a protest hearing notice.

**House Bill 1254**

**Effective:** 1-1-20

**House Author:** Murphy

**Senate Sponsor:** Hancock

House Bill 1254 repeals a provision of the Tax Code establishing that an individual is not entitled on or after January 1, 2008, to have land designated for agricultural use for property tax appraisal purposes if the land secures a home equity loan. The bill amends the Tax Code to make a conforming change.

**House Bill 1313**

**Effective:** 1-1-20

**House Author:** King, Phil

**Senate Sponsor:** Birdwell et al.

House Bill 1313 amends the Tax Code to do the following with respect to property taxation:

- entitle the surviving spouse of an individual who qualifies for the residence homestead property tax exemption for individuals who are disabled to retain the limitation applicable to the residence homestead under certain circumstances;
- prohibit an appraisal district or the appraisal review board for an appraisal district from requiring a property owner to pay a fee in connection with a taxpayer protest filed by the owner; and
- change the evidentiary standard from substantial evidence to clear and convincing evidence for increasing the appraised value of a property in the next year following the tax year in which the property's appraised value is lowered as a result of exercising certain taxpayer remedies.

**House Bill 1409**  
**Effective:** 9-1-19

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

House Bill 1409 amends provisions of the Tax Code relating to the qualification of land for appraisal for property tax purposes as timber land or restricted-use timber land to establish certain restrictions on the considerations a chief appraiser of an appraisal district may make regarding the purpose for which certain portions of a parcel of land are used. The bill establishes that the eligibility for appraisal of land as timber land or restricted-use timber 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 provided that the portion of the land on which oil and gas operations are not being conducted otherwise continues to qualify for appraisal as such.

**House Bill 1525**  
**Effective:** 10-1-19

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

House Bill 1525 amends the Tax Code to establish a framework for the administration and collection of sales and use taxes applicable to sales involving marketplace providers and marketplace sellers.

**House Bill 1526**  
**Effective:** 1-1-20

**House Author:** Bell, Cecil  
**Senate Sponsor:** Paxton

House Bill 1526 amends the Tax Code to clarify that a nursery stock weather protection unit is exempt from property taxation as an implement of husbandry.

**House Bill 1607**  
**Effective:** 1-1-20

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

House Bill 1607 amends the Tax Code to authorize a taxable entity computing its taxable margin for purposes of the franchise tax on the basis of total revenue using the formula that provides for the deduction of costs of goods sold to also deduct aerospace costs, as defined by the bill, on a phased-in basis according to a specified schedule.

**House Bill 1633**  
**Effective:** 6-2-19

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

House Bill 1633 amends the Tax Code to authorize the Wilson County Commissioners Court to impose a county hotel occupancy tax at a rate capped at seven percent or, if the hotel is in a municipality that imposes a municipal hotel occupancy tax or in the extraterritorial jurisdiction thereof, at two percent.

**House Bill 1634**  
**Effective:** 6-14-19

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

House Bill 1634 amends the Tax Code to authorize the City of Webster to use revenue from the municipal hotel occupancy tax for the construction, improvement, enlarging, equipping, renovating, repairing, operation, and maintenance of a coliseum or multiuse facility and related infrastructure or a venue that is related to the promotion of tourism.

House Bill 1634 authorizes Guadalupe County to impose a county hotel occupancy tax, except with respect to a hotel located in the City of New Braunfels on which that city imposes a municipal occupancy tax.



**House Bill 1652**  
**Effective:** 6-14-19

**House Author:** Huberty  
**Senate Sponsor:** Bettencourt

House Bill 1652 amends the Tax Code to require the public resale of real property purchased by a taxing unit at a tax sale to be conducted by means of a public auction using online bidding and sale if directed by the applicable county commissioners court.

**House Bill 1743**  
**Effective:** 9-1-19

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

House Bill 1743 amends the Tax Code to decrease from five to three the number of years preceding a change of use of land appraised for property tax purposes as open-space land or timber land on which the amount of additional tax imposed on the land for the change of use is based. The bill also decreases from seven percent to five percent the annual interest rate added to that additional tax.

**House Bill 1802**  
**Effective:** 5-17-19

**House Author:** Bohac  
**Senate Sponsor:** Hancock

House Bill 1802 amends the Tax Code to extend the deadline by which a property owner seeking to appeal an appraisal review board order through binding arbitration must file a completed request for binding arbitration and the requisite arbitration deposit to the 60th day after the date of receipt of notice of the order. The bill prohibits the comptroller of public accounts from rejecting such an application unless the comptroller delivers written notice to the applicant of the defect in the application that would be the cause of the rejection and the applicant fails to cure the defect by a certain deadline. The bill authorizes an applicant to cure such a defect at any time before the expiration of that deadline, without regard to the deadline for filing the request for binding arbitration.

**House Bill 1815**  
**Effective:** 1-1-20

**House Author:** Sanford  
**Senate Sponsor:** Fallon

House Bill 1815 amends the Tax Code to change the deadline for a person claiming an interstate allocation of property tax values to file the annual requisite application from April 1 to May 1.

**House Bill 1885**  
**Effective:** 1-1-20

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

House Bill 1885 amends the Tax Code to authorize the governing body of a taxing unit to waive penalties and interest on a delinquent property tax under certain conditions if the failure to pay the tax was a result of an error by the property's mortgagee.

**House Bill 1965**  
**Effective:** 9-1-19

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

House Bill 1965 amends provisions of the Tax Code exempting qualifying amusement services from the sales and use tax to set out the circumstances under which an amusement service provided by an entity that contracts to provide touring theatrical productions remains exclusively provided by a qualifying nonprofit corporation or association, by an educational, religious, or law enforcement association, or by a charitable organization for the purposes of determining whether the service qualifies for the exemption.

**House Bill 2111**  
**Effective:** Vetoed

**House Author:** Pacheco et al.  
**Senate Sponsor:** Flores

Current law allows for the value of property within a tax increment reinvestment zone created after January 1, 1999, to be deducted for a specified period as part of the comptroller of public accounts' study of school district property values. House Bill 2111 amends the Government Code to provide for the deduction of the value of the property within certain tax increment reinvestment zones created by the City of San Antonio until the date on which the zone is to be terminated as provided by the Tax Increment Financing Act.

Governor's Reason for Veto: "Texas stopped allowing school districts to voluntarily erode their tax bases many years ago because of the impact on the school finance system. House Bill 2111 would undo this effort by allowing Southside I.S.D. in San Antonio to contribute its maintenance and operation tax revenue to a tax increment reinvestment zone for an indefinite period of time. The bill also would force taxpayers in Southside I.S.D. to pay higher taxes, undermining the significant reforms accomplished this session."

**House Bill 2153**  
**Effective:** 10-1-19

**House Author:** Burrows  
**Senate Sponsor:** Nelson

House Bill 2153 amends the Tax Code and Government Code to provide for the use of a single local use tax rate as an alternative to combined local use tax rates for computing the amount of local use tax remote sellers with no physical location in Texas are required to collect and remit to the comptroller of public accounts. The single local use tax rate is set at 1.75 percent until January 1, 2020, after which the rate effective in a calendar year is equal to the estimated average rate of local sales and use taxes imposed in Texas during the preceding state fiscal year. The bill authorizes a purchaser to apply annually for a refund of any amount by which the amount of tax computed using the single rate and paid by the purchaser exceeds the amount the purchaser would have paid if that tax had been computed using the combined rate of all applicable local use taxes.

**House Bill 2159**  
**Effective:** 6-14-19

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

House Bill 2159 amends the Tax Code to provide for the correction of an error in a property tax appraisal roll that resulted in an incorrect appraised value for a property owner's residence homestead that exceeds the correct appraised value by more than 25 percent.

**House Bill 2179**  
**Effective:** 6-10-19

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

House Bill 2179 amends the Tax Code to remove the clear and convincing evidentiary standard for removal of a member of an appraisal review board (ARB) on the grounds of evidence of repeated bias or misconduct. The bill excludes a communication between a property tax consultant or a property owner or an agent of the property owner and the local administrative district judge regarding information relating to the removal of an ARB member from the communications with respect to the appointment of ARB members for an appraisal district in a county with a population of 120,000 or more that constitute an offense.

**House Bill 2199**  
**Effective:** 9-1-19

**House Author:** King, Tracy O.  
**Senate Sponsor:** Flores et al.

House Bill 2199 amends the Tax Code to authorize the Cities of Carrizo Springs and San Benito to use revenue derived from the municipal hotel occupancy tax for constructing, enlarging, equipping, improving, maintaining, repairing, and operating a recreational facility or an arena

used for rodeos, livestock shows, and agricultural expositions to substantially enhance hotel activity and encourage tourism.

**House Bill 2256**  
**Effective:** 9-1-19

**House Author:** Sanford  
**Senate Sponsor:** Perry

House Bill 2256 amends the Tax Code to provide for the use of a sampling of market cost transactions to determine the amounts of the gas production tax overpaid by a person who paid the tax under a producer's report or a first purchaser's report and remitted tax in error. The bill authorizes the comptroller of public accounts to authorize a taxpayer to conduct a managed audit to determine the taxpayer's liability for that tax and entitles the taxpayer, with certain exceptions, to a refund of any tax overpayment disclosed by the audit.

**House Bill 2272**  
**Effective:** 6-10-19

**House Author:** Guillen  
**Senate Sponsor:** Zaffirini

House Bill 2272 amends the Tax Code to exempt Jim Hogg County from the cap on the county hotel occupancy tax rate for a county that does not have a municipality.

**House Bill 2338**  
**Effective:** 9-1-19

**House Author:** Noble  
**Senate Sponsor:** Hughes

House Bill 2338 amends provisions of the Tax Code governing the imposition of taxes on the sale, use, or rental of a motor vehicle to remove the following as requisite conditions for a motor vehicle to qualify for an exemption from those taxes on the basis of being used for religious purposes: the vehicle is a trailer or is designed to carry more than six passengers; the vehicle is sold to, rented to, or used by a church or religious society; and the vehicle is not registered as a passenger vehicle.

**House Bill 2358**  
**Effective:** 10-1-19

**House Author:** Guillen  
**Senate Sponsor:** Paxton

House Bill 2358 amends the Tax Code to set out the circumstances under which a retailer may directly or indirectly advertise, hold out, or state to a customer or to the public that the retailer will pay the sales tax due for the customer. The bill makes a retailer who does so liable to the state for the amount of tax imposed on the item plus any accrued penalties or interests on the amount.

**House Bill 2441**  
**Effective:** 1-1-20

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

House Bill 2441 amends the Tax Code to authorize an eligible person who is disabled and 65 years of age or older to receive in the same year both a residence homestead property tax exemption for a person who is disabled and a residence homestead exemption for a person who is 65 years of age or older provided that the person receives the exemptions with respect to taxes levied by different taxing units.

**House Bill 2650**  
**Effective:** 5-29-19

**House Author:** Goodwin et al.  
**Senate Sponsor:** Bettencourt

House Bill 2650 amends the Tax Code to include an auctioneer's commission and fees among the costs of a sale by auction of real property seized under a tax warrant or ordered sold pursuant to foreclosure of a tax lien. The bill also includes such commission and fees among the costs that when totaled constitute the least amount for which property seized due to property tax delinquency may be sold, if that total is less than the property's market value.

**House Bill 2684****Effective:** 9-1-19**House Author:** Metcalf et al.**Senate Sponsor:** Nichols

House Bill 2684 amends the Tax Code to exempt from the sales tax items sold by a qualifying nonprofit organization at a county fair to a person attending or participating in the fair.

**House Bill 2859****Effective:** See below**House Author:** Capriglione**Senate Sponsor:** Fallon

House Bill 2859 amends the Tax Code to entitle a person to an exemption from property taxation for the precious metal that the person owns and holds in a precious metal depository located in Texas, regardless of whether the precious metal is held or used by the person for the production of income. The bill prohibits the governing body of a taxing unit from providing for the taxation of precious metal exempted from taxation under the bill's provisions. The bill takes effect January 1, 2020, contingent on voter approval of the constitutional amendment proposed by House Joint Resolution 95.

**House Bill 3086****Effective:** 5-31-19**House Author:** Cole**Senate Sponsor:** Zaffirini

House Bill 3086 amends the Tax Code to clarify that the sales and use tax exemption provided under state law for property used in the production of motion picture, video, or audio recordings and broadcasts applies only with respect to a master recording.

**House Bill 3143****Effective:** 9-1-19**House Author:** Murphy et al.**Senate Sponsor:** West et al.

House Bill 3143 amends the Tax Code to postpone the expiration of the Property Redevelopment and Tax Abatement Act to 2029. The bill makes additional revisions to that act to do the following:

- increase public participation in the adoption, amendment, repeal, or reauthorization of guidelines and criteria governing tax abatement agreements;
- establish additional reporting requirements regarding the appraised value of property previously subject to an abatement agreement;
- set out additional requirements for the contents of notice of the public meeting at which the governing body of a municipality will consider the approval of a tax abatement agreement with a property owner; and
- require a tax abatement agreement in a county reinvestment zone to be approved by the governing body of the county or other taxing unit in order to be effective.

**House Bill 3348****Effective:** 5-21-19**House Author:** Guillen et al.**Senate Sponsor:** Hinojosa

House Bill 3348 amends the Tax Code to provide for the continued appraisal as agricultural land or open-space land for property tax purposes of land that is subject to a temporary quarantine established at any time during the tax year by the Texas Animal Health Commission for the purpose of regulating the handling of livestock and eradicating ticks or exposure to ticks and that otherwise continues to qualify for that applicable appraisal status.

**House Bill 3356**  
**Effective:** 6-2-19

**House Author:** Bucy  
**Senate Sponsor:** Schwertner

House Bill 3356 amends the Tax Code to authorize the City of Cedar Park to use revenue from the municipal hotel occupancy tax to promote tourism and the convention and hotel industry by constructing, improving, equipping, repairing, maintaining, operating, or expanding a coliseum or multiuse facility, provided the majority of the events at the coliseum or facility attract tourists who substantially increase economic activity at hotels in the city.

**House Bill 3384**  
**Effective:** 6-7-19

**House Author:** Shine  
**Senate Sponsor:** Bettencourt et al.

House Bill 3384 amends the Tax Code to authorize the comptroller of public accounts to conduct a limited-scope review of an appraisal district in place of the more comprehensive review required at least once every two years if the district is established in a county located wholly or partly in an area declared by the governor to be a disaster area during the tax year in which the review is required and certain other conditions are met.

**House Bill 3386**  
**Effective:** 10-1-19

**House Author:** Geren  
**Senate Sponsor:** Nelson

House Bill 3386 amends provisions of the Tax Code exempting qualifying amusement services from the sales and use tax to set out the circumstances under which an amusement service provided at certain designated facilities remains exclusively provided by a nonprofit corporation for the purpose of encouraging agriculture by the maintenance of public fairs and exhibitions of livestock and from which no individual received a private benefit for purposes of determining whether the service qualifies for the exemption.

**House Bill 3475**  
**Effective:** 9-1-19

**House Author:** Guillen  
**Senate Sponsor:** Hinojosa

House Bill 3475 amends the Tax Code to revise and update statutory provisions relating to the administration, collection, and remittance of the cigars and tobacco products tax. The bill, among other provisions, does the following with respect to that tax:

- makes a permitted distributor who makes a first sale to a permitted distributor in Texas liable for the tax and requires the distributor making the sale to pay the tax;
- expands what constitutes a first sale;
- excepts raw tobacco sold to a permitted manufacturer in Texas for the purpose of using the tobacco in manufacturing from taxation;
- classifies an e-cigarette as a tobacco product;
- provides for the permitting of a tobacco product export warehouse and prohibits a person from engaging in business as such unless the person has applied for and received that permit; and
- provides the manner in which tobacco products may be sold or distributed by and between applicable permit holders.

House Bill 3475 makes it an offense for a person acting as a tobacco product export warehouse without having a valid permit to store, distribute, or deliver tobacco products on which taxes have not been paid. The bill makes the offense of nonpayment of tax regarding knowingly consuming, using, or smoking tobacco products without the tax being paid applicable without regard to the amount of tax due on the products. The bill provides for the combination of the offenses involving the possession of tobacco products, in violation of applicable state law, on which a tax is required to be paid of more than \$50 and of \$50 or less into a single offense.

**House Bill 3954**  
**Effective:** 9-1-19

**House Author:** Burrows  
**Senate Sponsor:** Hinojosa

House Bill 3954 amends the Tax Code to change the circumstances under which gasoline or diesel fuel that is sold into a marine vessel in Texas to a person who does not hold the requisite license for a supplier, permissive supplier, distributor, importer, or exporter is subject to taxation. Gasoline or diesel fuel that is sold into a marine vessel in Texas to such a person for export to another state is no longer subject to taxation and the tax imposed on gasoline or diesel fuel that is sold into a marine vessel in Texas to such a person for export to a foreign country is waived if the exporter of record holds the applicable license as a supplier, permissive supplier, distributor, importer, or exporter. The bill clarifies certain definitions relating to the motor fuel taxes applicable to gasoline and diesel fuel within the bulk transfer system.

**House Bill 4032**  
**Effective:** 9-1-19

**House Author:** Guillen et al.  
**Senate Sponsor:** Taylor

House Bill 4032 amends the Parks and Wildlife Code and Tax Code to cap the amount of the tax imposed on the sale of a boat up to 115 feet in length or a boat motor at \$18,750. The bill establishes exemptions from the taxes on the sale and use of boats and boat motors for certain boats and motors temporarily used in Texas and provides for the issuance of a related temporary use permit.

**House Bill 4158**  
**Effective:** 6-14-19

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

House Bill 4158 amends the Tax Code to authorize a municipality with a population of less than 2,000 that is located in Blanco County or Hays County to use up to a quarter of the revenue from the municipal hotel occupancy tax for the promotion and preservation of dark skies through construction and maintenance of infrastructure and the purchase and installation of hardware that reduces light pollution and sky glow.

**House Bill 4347**  
**Effective:** 9-1-19

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

House Bill 4347 amends the Tax Code to set out and revise provisions relating to the use of certain tax revenue for municipal hotel and convention center projects and other qualified projects and to expand the municipalities authorized to use tax revenue for such purposes. Among other provisions, the bill also sets out additional provisions regarding the authority of the Cities of Kemah, Arlington, and Odessa to pledge or commit certain tax revenue for certain authorized projects.

**House Bill 4614**  
**Effective:** 9-1-19

**House Author:** Guillen  
**Senate Sponsor:** Hinojosa

House Bill 4614 amends the Tax Code to revise and set out provisions relating to the administration, collection, and remittance of the cigarette tax. Among other provisions, the bill does the following:

- clarifies the definitions of certain terms integral to the administration of the cigarette tax, including with respect to what constitutes a first sale;
- makes a permitted cigarette distributor who makes a first sale to a permitted distributor in Texas liable for the cigarette tax;
- requires a cigarette export warehouse to receive a cigarette tax permit from the comptroller and sets out certain recordkeeping requirements for a permitted export warehouse; and

- provides for the manner in which cigarettes may be sold to or sold and distributed by and between permit holders and with regard to retail sales to consumers.

**House Joint Resolution 34**

**For Election:** 11-5-19

**House Author:** Shine et al.

**Senate Sponsor:** Bettencourt et al.

House Joint Resolution 34 proposes an amendment to the Texas Constitution to authorize the legislature to provide for a temporary exemption from property taxation of a portion of the appraised value of certain property damaged by a disaster.

**House Joint Resolution 38**

**For Election:** 11-5-19

**House Author:** Leach et al.

**Senate Sponsor:** Fallon et al.

House Joint Resolution 38 proposes an amendment to the Texas Constitution to prohibit the legislature from imposing an individual income tax.

**House Joint Resolution 95**

**For Election:** 11-5-19

**House Author:** Capriglione

**Senate Sponsor:** Fallon

House Joint Resolution 95 proposes an amendment to the Texas Constitution to authorize the legislature to exempt from property taxation precious metal held in a precious metal depository located in Texas.

**Senate Bill 2**

**Effective:** See below

**Senate Author:** Bettencourt et al.

**House Sponsor:** Burrows et al.

Senate Bill 2, the Texas Property Tax Reform and Transparency Act of 2019, amends session law and the Tax Code, Government Code, Health and Safety Code, Local Government Code, Special District Local Laws Code, and Water Code to revise the manner by which the property tax rates of a taxing unit, other than a special taxing unit as defined by the bill, are set by:

- reducing the amount that the property tax revenue collected may increase year over year from eight percent to 3.5 percent;
- requiring voter approval of an adopted tax rate that exceeds that 3.5 percent cap;
- providing for the imposition of an amount of taxes equal to \$500,000 before that cap applies; and
- providing for the rollover of unused revenue growth below the cap for up to three years.

Senate Bill 2 renames the rollback tax rate the voter-approval tax rate and renames the effective tax rate as the no-new-revenue tax rate. The bill provides for a tax rate adjustment for qualifying county indigent defense compensation expenditures and eligible county hospital expenditures.

Senate Bill 2 sets out and revises certain property tax notice requirements and provides for the delivery of certain of those notices by email. The bill sets out and revises provisions relating to the public hearings to be held on a proposed tax rate and the process for adopting that rate.

Senate Bill 2 requires the chief appraiser of each appraisal district to create and maintain a database of certain property-tax-related information and requires each taxing unit to maintain a website, or have access to a generally accessible website, on which the taxing unit is required to post certain tax rate and budget information.

Senate Bill 2 authorizes the chief appraiser of an appraisal district to maintain a list of real estate brokers, sales agents, appraisers, and property tax consultants who have designated themselves as individuals who will provide free residential property owner assistance.

Senate Bill 2 requires the appraisal review board (ARB) for an appraisal district established in a county with a population of one million or more to establish special panels to conduct certain taxpayer protest hearings. The bill provides for the preparation and dissemination of an ARB survey that allows certain affected individuals to provide comments and suggestions to the comptroller of public accounts regarding an ARB and requires the comptroller to issue an annual report summarizing the information submitted during the preceding year.

Senate Bill 2 requires the comptroller to appoint a property tax administration advisory board to advise the comptroller and authorizes the advisory board to make recommendations to the comptroller regarding improving the effectiveness and efficiency of the property tax system, best practices, and complaint resolution procedures.

Senate Bill 2 provides for a more uniform and robust training program for persons who have agreed to serve as arbitrators in binding arbitrations of property tax appeals. The comptroller must approve curricula and provide an arbitration manual and other materials for use in training and educating arbitrators, make all materials freely available online, and establish and supervise a training program on property tax law for such training and education. The bill requires an arbitrator to complete any revised training required by the comptroller before being able to renew the arbitrator's agreement to serve as an arbitrator and provides for the removal of a person from the registry of arbitrators for a failure to complete required training within the prescribed time frame.

Senate Bill 2 prohibits an individual from being employed by an appraisal district if the individual is an officer or an employee of a taxing unit that participates in the district and requires an appraisal district to appraise property in accordance with any appraisal manuals required by law to be prepared and issued by the comptroller. The bill requires the comptroller to prescribe uniform property tax rate calculation forms and provides for the incorporation of those forms into an appraisal district's database of property-tax-related information.

Senate Bill 2 authorizes an ARB to schedule the hearings on all protests filed by a property owner or the designated agent of the owner to be held consecutively and requires an ARB to schedule a hearing on a protest filed by a property owner who is 65 years of age or older, disabled, a military service member, a military veteran, or the spouse of a military service member or military veteran before scheduling a hearing on a protest filed by a designated agent of a property owner. The bill prohibits an ARB from determining the appraised value of a property that is the subject of a protest to be an amount greater than the property's appraised value as shown in the submitted appraisal records, except as requested and agreed to by the property owner.

Senate Bill 2 takes effect January 1, 2020, except that:

- certain provisions relating to ARBs and taxpayer protest hearings take effect September 1, 2020;
- certain provisions relating to the appraisal and assessment process take effect January 1, 2021; and
- certain provisions relating to the notice of appraised value for a single-family residence that qualifies for a residence homestead tax exemption take effect January 1, 2022.

**Senate Bill 58**  
**Effective:** 9-1-19

**Senate Author:** Zaffirini  
**House Sponsor:** Bohac

Senate Bill 58 amends the Tax Code to exempt a motor vehicle that is subject to a lease from property taxation if the lessee does not hold the vehicle for the production of income and the vehicle is leased to the state or a political subdivision of the state or, under certain conditions,



to an organization that is exempt from federal income taxation as a 501(c)(3) charitable organization.

**Senate Bill 320**

**Effective:** 5-20-19

**Senate Author:** Flores

**House Sponsor:** King, Tracy O.

Senate Bill 320 amends the Tax Code to include the City of Pearsall among the municipalities that may use revenue derived from the municipal hotel occupancy tax for certain prescribed purposes relating to a recreational facility or an arena used for rodeos, livestock shows, and agricultural expositions to substantially enhance hotel activity and encourage tourism.

**Senate Bill 443**

**Effective:** 6-4-19

**Senate Author:** Hancock et al.

**House Sponsor:** Murphy

Senate Bill 443 amends the Tax Code to extend to the fifth anniversary of the date the owner of a property located in an area declared to be a disaster area by the governor following a disaster that is rendered uninhabitable or unusable by a casualty or by wind or water damage ceases to occupy the former qualified residential structure as the owner's principal residence must begin active construction of a replacement qualified residential structure or other physical preparation of the site on which the structure is to be located to be eligible to continue to receive a residence homestead property tax exemption on the property. The bill extends the maximum period during which the owner of such a property may receive that continued exemption to five years.

**Senate Bill 533**

**Effective:** 9-1-19

**Senate Author:** Birdwell et al.

**House Sponsor:** Paddie et al.

Senate Bill 533 amends provisions of the Tax Code providing a severance tax exemption for oil and gas produced from certain inactive wells to remove provisions relating to the designation of a well as a three-year inactive well for purposes of that exemption and to reduce from 10 years to five years the duration of the exemption for a two-year inactive well. The bill excludes from the wells designated as two-year inactive wells a well that either is part of an enhanced oil recovery project or that is drilled but not completed and does not have a record of hydrocarbon production reported to the Railroad Commission of Texas. The bill removes the prohibition against the railroad commission designating a two-year inactive well after February 28, 2010.

**Senate Bill 812**

**Effective:** 5-7-19

**Senate Author:** Lucio et al.

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

Senate Bill 812 amends the Tax Code to revise the definition of "disaster recovery program" as that definition relates to federal funding for such recovery and the limitation on the appraised value of a residence homestead for property tax purposes provided for an improvement to the homestead that is a replacement structure for a structure that was rendered uninhabitable or unusable by a casualty or by wind or water damage. The bill provides for the correction or supplementation, as appropriate, of the appraisal records to correct the appraised value of each replacement structure that has been constructed since January 1, 2018, under such a disaster recovery program administered by a political subdivision for the current tax year, if necessary, and for the refunding of any taxes paid in excess of the corrected amount due. The bill applies only to the appraisal of a residence homestead for property tax purposes for a tax year that begins on or after January 1, 2019.

**Senate Bill 925**  
**Effective:** 9-1-19

**Senate Author:** Flores  
**House Sponsor:** Bailes

Senate Bill 925 amends the Tax Code to change the method of calculating the average daily production of a natural gas well for purposes of determining if a gas well or lease qualifies for oil and gas production tax credits for low-producing wells and to base the eligibility for those tax credits on the higher of the production rates reported to the Railroad Commission of Texas or to the comptroller of public accounts.

**Senate Bill 1214**  
**Effective:** 9-1-19

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

Senate Bill 1214 amends the Tax Code to remove restrictions on the distance an aircraft that qualifies for a sales and use tax exemption on the basis of agricultural use may travel to a location to perform a qualifying agricultural service.

**Senate Bill 1262**  
**Effective:** 9-1-19

**Senate Author:** Johnson  
**House Sponsor:** Button

Senate Bill 1262 amends the Tax Code to authorize the City of Garland to use revenue derived from the municipal hotel occupancy tax to promote tourism by enhancing or upgrading existing sports facilities or fields and paying 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 city or its vicinity.

**Senate Bill 1319**  
**Effective:** Vetoed

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

Senate Bill 1319 amends the Local Government Code to authorize the City of Laredo or Webb County, as applicable and subject to voter approval, to convert a sports and community venue sales and use tax to a sales and use tax for the benefit of a Type A or B corporation for purposes of economic development.

Senate Bill 1319 amends the Tax Code to require a county that imposes a county hotel occupancy tax to report annually to the comptroller of public accounts certain information relating to the rate of and revenue from the tax.

Governor's Reason for Veto: "The author of Senate Bill 1319 had the right idea in imposing additional reporting requirements for hotel occupancy taxes. Taxpayers deserve that kind of transparency. But the bill was amended by others to add pet projects that would allow a single county and a single city to have an existing tax, previously enacted for a particular purpose, 'converted' by election into a different tax for a different purpose. This tax 'conversion' process would have misled voters, masking the reality that such an election is for a new tax by failing to inform them that they could simply allow the existing tax to expire. I applaud the author for his original concept and look forward to approving it next session, without the counterproductive amendments."

**Senate Bill 1525**  
**Effective:** 6-10-19

**Senate Author:** Watson  
**House Sponsor:** Sanford

Senate Bill 1525 amends the Limited Sales, Excise, and Use Tax Act, Tax Code, to do the following:

- repeal the sales and use tax exemption for amusement and personal services provided through coin-operated machines that are operated by the consumer and exclude such operations from those considered amusement services or personal services, respectively;
- clarify what constitutes a "sale for resale"; and

- establish a sales and use tax exemption on 65 percent of a lump-sum charge for labor and materials to repair, remodel, maintain, or restore tangible personal property that is required for environmental protection or energy conservation and purchased for a health care facility or for an oncology center.

**Senate Bill 1824**

**Effective:** 6-4-19

**Senate Author:** Perry

**House Sponsor:** Murphy

Senate Bill 1824 amends the Tax Code to require a taxable entity that is a performing rights society that licenses the public performance of nondramatic musical works on behalf of a copyright owner to exclude from its total revenue when determining taxable margin for franchise tax purposes payments made to the public performance rights holder and the copyright owner.

**Senate Bill 1856**

**Effective:** 9-1-19

**Senate Author:** Paxton

**House Sponsor:** Murphy

Senate Bill 1856 amends the Tax Code to require a tax collector or taxing unit required by the Property Tax Code to deliver a refund to a person to send the refund to the person's mailing address as listed on the appraisal roll or, on the person's request, to another requested address. The bill clarifies that the person to whom a tax collector is required to refund a tax paid for a property subject to certain residence homestead exemptions is the person who was the owner of the property on the date the tax was paid.

**Senate Bill 1876**

**Effective:** 6-10-19

**Senate Author:** Fallon et al.

**House Sponsor:** Krause

Senate Bill 1876 amends the Tax Code to clarify the meaning of "contiguous tracts of land" for purposes of provisions relating to a request for binding arbitration to appeal an appraisal review board order involving two or more contiguous tracts of land.

**Senate Bill 1943**

**Effective:** 9-1-19

**Senate Author:** Watson

**House Sponsor:** Rodriguez

Senate Bill 1943 amends the Tax Code to establish the manner in which heir property is to be treated for property tax purposes, including qualifying heir property as a residence homestead and the eligibility of heir property for a residence homestead property tax exemption. The bill requires the comptroller of public accounts to prepare and electronically publish a pamphlet that provides information to assist heir property owners in applying for such an exemption.

**Senate Bill 2060**

**Effective:** 1-1-20

**Senate Author:** Menéndez et al.

**House Sponsor:** Guillen

Senate Bill 2060 amends the Tax Code to require the chief appraiser of an appraisal district to include with the written notice of the appraised value of a residence homestead that is sent to the property owner a brief explanation of certain total or partial property tax exemptions.

**Senate Bill 2083**

**Effective:** 6-10-19

**Senate Author:** Hinojosa

**House Sponsor:** Darby

Senate Bill 2083 amends the Tax Code to provide for the prorated calculation of the amount of the property tax due on property of which the federal government, the state, or a political subdivision of the state takes possession under a possession and use agreement or in an eminent domain condemnation proceeding pending the results of further litigation.

**Senate Bill 2137**

**Effective:** 9-1-19

**Senate Author:** Hinojosa

**House Sponsor:** Canales

Senate Bill 2137 amends the Tax Code to authorize the City of Edinburg to use revenue derived from the municipal hotel occupancy tax to construct, maintain, or expand certain infrastructure related to an applicable sporting-related facility or sporting-related field that is located within 2,500 feet of, and is directly related to, the facility or field.

Senate Bill 2137 authorizes the Wilbarger County Commissioners Court to impose a county hotel occupancy tax at a rate capped at two percent.

**Senate Bill 2208**

**Effective:** 6-4-19

**Senate Author:** Nichols

**House Sponsor:** Phelan

Senate Bill 2208 amends the Tax Code to authorize Orange County to use revenue from the county hotel occupancy tax to construct and equip a pavilion that is primarily used for events attended by tourists and hotel guests and that has a substantial impact on hotel activity.

**Senate Bill 2531**

**Effective:** 1-1-20

**Senate Author:** Creighton

**House Sponsor:** Murphy

Senate Bill 2531 amends the Tax Code to authorize the chief appraiser of an appraisal district and a property owner or the designated agent of the owner to file a joint motion with the appraisal review board (ARB) notifying the ARB that the applicable parties have agreed to a disposition of a taxpayer protest and requesting the ARB to issue an agreed order.

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## Transportation

This chapter covers legislation on driver's licenses, vehicles, rules of the road, the state highway system, memorial highway designations, specialty license plates, and the administration of transportation systems. Legislation relating to specialty license plates to recognize veterans is in the **Military Forces and Veterans** chapter.

### House Bill 23

**Effective:** 6-10-19

**House Author:** Lambert

**Senate Sponsor:** Buckingham

House Bill 23 amends the Transportation Code to designate a portion of State Highway Loop 322 in Taylor County as the Officer Rodney T. Holder Memorial Highway.

### House Bill 61

**Effective:** 9-1-19

**House Author:** White

**Senate Sponsor:** Nichols

House Bill 61 amends the Transportation Code to extend the applicability of statutory provisions governing the passing of certain vehicles to certain highway maintenance or construction vehicles, utility service vehicles, and vehicles transporting municipal waste. Among other provisions, the bill authorizes an escort flag vehicle to be equipped with alternating or flashing blue and amber lights.

### House Bill 71

**Effective:** 5-24-19

**House Author:** Martinez et al.

**Senate Sponsor:** Lucio

House Bill 71 amends the Transportation Code to provide for the creation, management, and operation of a regional transit authority within Cameron County, Hidalgo County, and Willacy County.

### House Bill 87

**Effective:** 9-1-19

**House Author:** Minjarez

**Senate Sponsor:** Zaffirini

House Bill 87 amends the Transportation Code to require the Department of Public Safety to provide information concerning state laws relating to distracted driving to a person under 18 years of age applying for a driver's license and to the person's application cosigner.

### House Bill 105

**Effective:** 9-1-19

**House Author:** Minjarez

**Senate Sponsor:** Perry

House Bill 105 amends the Education Code to require the Texas Commission of Licensing and Regulation (TCLR) to require by rule that information relating to methods of safely operating a motor vehicle near an oversize or overweight vehicle, including safe following distances and safe passing methods, be included in the curriculum of each driver education course and driving safety course.

### House Bill 156

**Effective:** 9-1-19

**House Author:** Moody et al.

**Senate Sponsor:** Rodríguez et al.

House Bill 156 amends the Government Code and Transportation Code to give a court the option to order the supervision of a person granted an occupational driver's license to be conducted by a personal bond office as an alternative to the local community supervision and corrections department. The bill authorizes such a personal bond office to collect a reasonable administrative fee from the person each month.

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**House Bill 162**  
**Effective:** 9-1-19

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

House Bill 162 amends the Transportation Code to remove the provision providing for the automatic extension of the period of suspension of a driver's license if the Department of Public Safety determines that the person has operated a motor vehicle on a highway with a suspended, canceled, disqualified, or revoked license or without a license after an application for the license was denied for an additional period of the lesser of the term of the original suspension or one year.

**House Bill 310**  
**Effective:** 9-1-19

**House Author:** Flynn  
**Senate Sponsor:** Hall

House Bill 310 amends the Transportation Code to designate portions of Farm-to-Market Road 1570 and Spur 1570 in Hunt County as the John L. Horn Memorial Parkway.

**House Bill 339**  
**Effective:** 9-1-19

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

House Bill 339 amends the Transportation Code to require an entity that sets a lower speed limit on a road or highway in the state highway system for a construction or maintenance work zone to provide for the placement of a sign at the end of the zone that indicates the speed limit after the zone ends.

**House Bill 345**  
**Effective:** Vetoed

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

House Bill 345 amends the Transportation Code to require the Department of Public Safety to adopt procedures for the automatic issuance of a personal identification certificate to a person who is 60 years of age or older at the time the person's driver's license is surrendered or revoked.

Governor's Reason for Veto: "I have already signed House Bill 2092, requiring DPS to adopt procedures for issuing personal identification certificates to all individuals who surrender their driver's licenses. House Bill 345 would apply to only some of those individuals and require DPS to adopt additional procedures for the automatic issuance of personal identification certificates. Disapproving House Bill 345 will allow individuals to transition to personal identification certificates when they desire and ensure that implementation of this program will not cause administrative headaches."

**House Bill 448**  
**Effective:** Vetoed

**House Author:** Turner, Chris et al.  
**Senate Sponsor:** Zaffirini et al.

House Bill 448 amends the Transportation Code to create an offense for a person who operates a vehicle while transporting a child younger than two years of age and fails to secure the child in a rear-facing child passenger safety seat system. The bill prohibits a peace officer from stopping a motor vehicle or detaining the operator of the vehicle solely to enforce the offense and from issuing a citation for such an offense without determining that the person has previously been issued a warning or citation for or convicted of that offense. The bill establishes as an affirmative defense to prosecution that the child has a medical condition that prevents the child from being secured in a rear-facing child passenger safety seat system.

Governor's Reason for Veto: "House Bill 448 is an unnecessary invasion of parental rights and an unfortunate example of over-criminalization. Texas already compels drivers to use a car seat for a child under eight years of age. House Bill 448 would get even more prescriptive, dictating which way the car seat must be facing for a child under two years of age. It is not necessary to micromanage the parenting process to such a great extent, much less to criminalize different parenting decisions by Texans."

**House Bill 511**  
**Effective:** 9-1-19

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

House Bill 511 amends the Transportation Code to make a sheriff or a deputy sheriff of Williamson County eligible to apply for certification to enforce commercial motor vehicle safety standards. The bill authorizes the Department of Public Safety to revoke or rescind the authority of a municipality or county to engage in such enforcement under certain circumstances.

**House Bill 519**  
**Effective:** 6-14-19

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

House Bill 519 amends the Transportation Code to designate a portion of State Highway 288 in Harris County as the Barbara Jordan Memorial Parkway.

**House Bill 540**  
**Effective:** 9-1-19

**House Author:** Leach et al.  
**Senate Sponsor:** Paxton

House Bill 540 amends the Transportation Code to designate the portion of U.S. Highway 75 in Richardson as the Officer David Sherrard Memorial Highway.

**House Bill 587**  
**Effective:** 9-1-19

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

House Bill 587 amends the Transportation Code to designate a portion of State Highway 71 in Wharton County as the Game Warden Justin Hurst Memorial Highway.

**House Bill 635**  
**Effective:** 9-1-19

**House Author:** Dutton  
**Senate Sponsor:** Miles

House Bill 635 amends the Transportation Code to designate a portion of U.S. Highway 59 in Harris County as the Commissioner El Franco Lee Memorial Highway.

**House Bill 643**  
**Effective:** 9-1-19

**House Author:** Raney  
**Senate Sponsor:** Menéndez

Previous law allowed an application for a disabled parking placard to be submitted to the assessor-collector of the county in which the applicant is seeking medical treatment if the applicant is not a Texas resident. House Bill 643 amends the Transportation Code to allow such an application to be submitted instead to the assessor-collector of the county in which the person with the disability is seeking medical treatment.

**House Bill 653**  
**Effective:** 9-1-19

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

House Bill 653 amends the Transportation Code to provide for a voluntary contribution of \$1 or more to the sex offense evidence testing grant program when a person applies for a corrected or duplicate driver's license, commercial driver's license, or personal identification certificate on or after January 1, 2020.

**House Bill 693**  
**Effective:** 9-1-19

**House Author:** Harris  
**Senate Sponsor:** Schwertner

House Bill 693 amends the Transportation Code to designate the portion of U.S. Highway 84 in Freestone County as the Trooper Damon Allen Memorial Highway.



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**House Bill 695**  
**Effective:** 9-1-19

**House Author:** Clardy  
**Senate Sponsor:** Nichols

House Bill 695 amends the Transportation Code to make a police officer of the City of Jacksonville eligible to apply for certification to enforce commercial motor vehicle safety standards.

**House Bill 771**  
**Effective:** 9-1-19

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

Current law requires a municipality, county, or other political subdivision that enforces the offense for the use of a wireless communication device in a school crossing zone or while operating a school bus with a minor passenger to post a sign at the entrance to each school crossing zone. House Bill 771 amends the Transportation Code to change the entity required to post such a sign to a local authority and to exempt from the offense for the use of such a device while operating a bus with a minor passenger an operator using a wireless communication device in the performance of the operator's duties as a bus driver and in a manner similar to using a two-way radio.

**House Bill 799**  
**Effective:** 9-1-19

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

House Bill 799 amends the Transportation Code to make the owner of a vehicle strictly liable for any damage to a bridge, underpass, or similar structure that is caused by the height of the vehicle. The bill creates a Class C misdemeanor offense for a person who operates or attempts to operate a vehicle over, on, or through such a structure unless the height of the vehicle and load is less than the vertical clearance of the structure.

**House Bill 803**  
**Effective:** 9-1-19

**House Author:** Patterson et al.  
**Senate Sponsor:** Paxton

House Bill 803 amends the Transportation Code to require a toll project entity to publish a financial data report on the entity's website not later than the 180th day after the last day of the entity's fiscal year. The bill authorizes the entity to report any money deposited by the entity in a debt service reserve fund as required by a bondholder agreement. The bill limits the financial information required to be published by a toll project entity for a toll project that is the subject of a comprehensive development agreement.

**House Bill 884**  
**Effective:** 9-1-19

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

House Bill 884 amends the Transportation Code to designate a portion of Business State Highway 6-R in Brazos County as the Carolyn and John David Crow Memorial Parkway.

**House Bill 917**  
**Effective:** 9-1-19

**House Author:** Craddick  
**Senate Sponsor:** Flores et al.

House Bill 917 amends the Transportation Code to make a police officer of the City of Kermit and a sheriff or deputy sheriff of McMullen County eligible to apply for certification to enforce commercial motor vehicle standards.

**House Bill 1039**  
**Effective:** 9-1-19

**House Author:** Clardy  
**Senate Sponsor:** Nichols

House Bill 1039 amends the Transportation Code to designate a portion of U.S. Highway 59 in Garrison as the Constable Darrell Lunsford Memorial Highway.

**House Bill 1079**  
**Effective:** 6-10-19

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

House Bill 1079 requires the Texas Department of Transportation (TxDOT) to conduct a comprehensive study of the Ports-to-Plains Corridor and to issue a report on the study. The bill requires TxDOT to establish a Ports-to-Plains Advisory Committee to assist in conducting the study and provides for the committee's composition and duties.

**House Bill 1130**  
**Effective:** 9-1-19

**House Author:** Hinojosa  
**Senate Sponsor:** Alvarado

House Bill 1130 amends the Transportation Code to require the Texas Department of Motor Vehicles to issue specialty license plates that include the words "Register to Vote," the issuance fee for which may only be used by the secretary of state for Project V.O.T.E. after deposit to the credit of an account in a trust fund created by the comptroller of public accounts.

**House Bill 1249**  
**Effective:** 9-1-19

**House Author:** Kacal  
**Senate Sponsor:** Schwertner

House Bill 1249 amends the Transportation Code to designate the portion of U.S. Highway 84 in Limestone County as the Trooper Damon Allen Memorial Highway.

**House Bill 1262**  
**Effective:** 6-5-19

**House Author:** Bell, Keith et al.  
**Senate Sponsor:** Nichols

House Bill 1262 amends the Transportation Code to require the Texas Department of Motor Vehicles to develop and implement a registration system to allow an owner of certain trailers to register the trailer for an extended registration period of not more than five years. The bill makes payment of all applicable fees for the extended registration due at the time of registration and provides for the distribution of the fees by the comptroller of public accounts.

**House Bill 1542**  
**Effective:** 9-1-19

**House Author:** Martinez  
**Senate Sponsor:** Hinojosa

House Bill 1542 amends the Transportation Code to prohibit a design-build contractor selected for a contract relating to highway projects or a contract under the Regional Mobility Authority Act from making changes to companies or entities identified as part of the design-build team in a response to a request for proposals except under certain circumstances. The bill establishes that any cost savings resulting from a violation of this prohibition accrue to the Texas Department of Transportation or applicable regional mobility authority and not to the design-build contractor.

**House Bill 1543**  
**Effective:** 9-1-19

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

House Bill 1543 amends the Transportation Code to prohibit the titling of certain off-highway vehicles purchased from a retailer located outside Texas unless the applicant for the title delivers satisfactory evidence showing that the applicant has either paid the applicable use tax imposed on the vehicle or is not required to pay any such taxes.

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House Bill 1543 amends the Tax Code to establish an annual reporting requirement for licensed manufacturers of off-highway vehicles regarding each warranty issued by the manufacturer for a new off-highway vehicle that was, during the preceding calendar year, sold to a Texas resident by a retailer located outside Texas. A manufacturer is subject to a civil penalty and other administrative action by the Texas Department of Motor Vehicles for failure to file such a report and the comptroller of public accounts is authorized to take civil action to enforce the reporting requirement.

### **House Bill 1548**

**Effective:** 6-14-19

**House Author:** Springer et al.

**Senate Sponsor:** Kolkhorst et al.

House Bill 1548 amends the Business & Commerce Code, Civil Practice and Remedies Code, Government Code, Health and Safety Code, Natural Resources Code, Parks and Wildlife Code, and Transportation Code to revise provisions relating to the definition, licensing, registration, and operation of certain off-highway vehicles. The bill provides for the authorized operation of an off-highway vehicle on a highway by establishing license plate requirements and for the operation of an unregistered off-highway vehicle on all or part of certain highways with a posted speed limit of 35 miles per hour.

House Bill 1548 authorizes a county or municipality to prohibit the operation of such a vehicle if the governing body determines that the prohibition is necessary in the interest of safety, revises safety requirements for the operation of an off-highway vehicle, and creates a Class C misdemeanor offense for a person who violates requirements related to the operation of an off-highway vehicle on public off-highway vehicle land or a beach.

### **House Bill 1605**

**Effective:** 9-1-19

**House Author:** Herrero

**Senate Sponsor:** Hinojosa

House Bill 1605 amends the Transportation Code to change the designation of a portion of Farm-to-Market Road 666 in Nueces County from the Kollyn Barton Memorial Highway to the Kollyn Gene Barton Memorial Highway.

### **House Bill 1631**

**Effective:** 6-2-19

**House Author:** Stickland et al.

**Senate Sponsor:** Hall et al.

House Bill 1631 amends the Transportation Code, Government Code, Health and Safety Code, and Local Government Code to prohibit a local authority from implementing or operating a photographic traffic signal enforcement system and from issuing a civil or criminal charge or citation for an offense or violation based on a recorded image produced by such a system.

### **House Bill 1667**

**Effective:** 9-1-19

**House Author:** Goldman

**Senate Sponsor:** Hancock

House Bill 1667 amends the Occupations Code to make statutory provisions relating to salvage vehicle dealers applicable to the holder of an independent motor vehicle dealer's general distinguishing number in the same manner as those provisions apply to a salvage vehicle dealer if the holder of the general distinguishing number acts as a salvage vehicle dealer or rebuilder or stores or displays a motor vehicle as an agent or escrow agent of an insurance company.

### **House Bill 1755**

**Effective:** 9-1-19

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

**Senate Sponsor:** Hughes et al.

House Bill 1755 amends the Occupations Code and Transportation Code to set out requirements for the titling, registration, and inspection of an assembled vehicle and for the

registration and operation of a former military vehicle. Among other provisions, the bill exempts assembled vehicles and hobbyists from provisions relating to the sale and lease of motor vehicles and prohibits a salvage vehicle dealer from rebuilding an assembled vehicle.

**House Bill 1779**  
**Effective:** 9-1-19

**House Author:** Clardy  
**Senate Sponsor:** Nichols

House Bill 1779 amends the Transportation Code to designate a portion of State Highway 21 in Nacogdoches County as the Sergeant Tom Sitton Memorial Highway.

**House Bill 1810**  
**Effective:** 6-14-19

**House Author:** Murr  
**Senate Sponsor:** Perry

House Bill 1810 amends the Transportation Code to designate a portion of U.S. Highway 377 in Kimble County as the Governor Coke R. Stevenson Memorial Highway.

**House Bill 1821**  
**Effective:** 5-24-19

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

House Bill 1821 amends the Transportation Code to designate a portion of State Loop 111 in Travis County as the Richard Overton Memorial Highway.

**House Bill 1837**  
**Effective:** 9-1-19

**House Author:** Hefner  
**Senate Sponsor:** Hughes

House Bill 1837 amends the Transportation Code to designate a portion of U.S. Highway 67 in Titus County as the Titus County World War II Veterans Memorial Highway.

**House Bill 1838**  
**Effective:** 9-1-19

**House Author:** Hefner  
**Senate Sponsor:** Hughes

House Bill 1838 amends the Transportation Code to designate a portion of U.S. Highway 271 in Titus County as the Titus County Korean War Veterans Memorial Highway.

**House Bill 1856**  
**Effective:** 9-1-19

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

House Bill 1856 amends the Transportation Code to designate a portion of U.S. Highway 287 as the Honorable Teel Bivins Memorial Highway.

**House Bill 1858**  
**Effective:** 9-1-19

**House Author:** Clardy  
**Senate Sponsor:** Nichols

House Bill 1858 amends the Transportation Code to designate a portion of U.S. Highway 259 in Nacogdoches County as the Deputy Sheriff Raymond Bradley Jimmerson Memorial Highway.

**House Bill 1969**  
**Effective:** 9-1-19

**House Author:** Clardy  
**Senate Sponsor:** Nichols

House Bill 1969 amends the Transportation Code to designate a portion of State Highway 7 in Nacogdoches County as the Bataan and Corregidor Veterans Memorial Highway.

**House Bill 2048**  
**Effective:** 9-1-19

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

House Bill 2048 amends the Code of Criminal Procedure, Education Code, Government Code, Health and Safety Code, Revised Statutes, and Transportation Code to provide for the elimination of the driver responsibility program and to increase certain traffic fines and fees

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to help support uncompensated trauma care costs. The bill requires the Department of Public Safety to reinstate any driver's license that was suspended under the program if the only reason for the suspension was a failure to pay an applicable surcharge.

**House Bill 2112**  
**Effective:** Vetoed

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

House Bill 2112 amends the Transportation Code to include a flood vehicle as a salvage motor vehicle for purposes of the Certificate of Title Act. The bill, among other provisions regarding the titling of a salvage motor vehicle and a nonrepairable motor vehicle, repeals an Occupations Code provision that requires the Texas Department of Motor Vehicles to prescribe the form of the record required for a salvage vehicle dealer regarding used component parts and repeals a Transportation Code provision that sets out requirements for the appearance of a title for a salvage motor vehicle or nonrepairable motor vehicle.

Governor's Reason for Veto: "After Hurricane Harvey, I formed the Governor's Commission to Rebuild Texas, which identified ways to improve how our government responds to natural disasters. One of the Commission's recommendations was to develop a process for the Department of Motor Vehicles to coordinate with the Federal Emergency Management Agency to ensure that it has the information necessary to identify flooded vehicles. I have now signed into law House Bill 2310, which implements that recommendation.

"House Bill 2112 also seeks to address the challenge of identifying flooded vehicles, but in doing so, it would eliminate the current methodology for identification and repeal the provision of law added by House Bill 2310. The new process established in House Bill 2310 should have a chance to work."

**House Bill 2167**  
**Effective:** 9-1-19

**House Author:** Burrows  
**Senate Sponsor:** Seliger

House Bill 2167 amends the Transportation Code to designate a portion of U.S. Highway 62 in Seminole as the Dell Ross Claiborne Memorial Highway.

**House Bill 2188**  
**Effective:** 9-1-19

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

House Bill 2188 amends the Transportation Code to provide for the operation of electric bicycles by establishing speed limits, minimum age requirements, and equipment and manufacturer requirements. The bill prohibits the Department of Public Safety (DPS) or a local authority from prohibiting the operation of an electric bicycle on a highway or in an area in which the operation of a nonelectric bicycle is permitted but authorizes DPS or the local authority to prohibit the operation of a bicycle on a sidewalk and establish speed limits for bicycles on certain paths.

**House Bill 2290**  
**Effective:** 9-1-19

**House Author:** Buckley et al.  
**Senate Sponsor:** Flores

House Bill 2290 amends the Transportation Code to change the height at which a slow-moving-vehicle emblem is required to be mounted on the rear of such a vehicle from three to five feet above the road surface to a height that does not impair the visibility of the emblem.

**House Bill 2310**  
**Effective:** 9-1-19

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

House Bill 2310 amends the Transportation Code to require the Texas Department of Motor Vehicles (TxDMV) and the Texas Division of Emergency Management to coordinate with FEMA to ensure that TxDMV has information necessary to apply the requisite notation to the title or

record of title of certain flood-damaged vehicles that have been repaired using federal financial assistance administered by FEMA.

**House Bill 2331**

**Effective:** 6-10-19

**House Author:** Burrows

**Senate Sponsor:** Seliger

House Bill 2331 amends the Transportation Code to designate a portion of U.S. Highway 385 South in Seagraves as the Irvin “Butch” Hill Memorial Highway.

**House Bill 2351**

**Effective:** 9-1-19

**House Author:** VanDeaver

**Senate Sponsor:** Hughes

House Bill 2351 amends the Transportation Code to designate a portion of Farm-to-Market Road 196 in Lamar County as the Nick S. Lingo Memorial Highway.

**House Bill 2475**

**Effective:** Vetoed

**House Author:** Guillen

**Senate Sponsor:** Zaffirini et al.

House Bill 2475 amends the Transportation Code to authorize a person assessed a surcharge under the driver responsibility program to provide information establishing that the person is indigent, and thus not subject to the payment of the surcharge, to the applicable court at any time during a period the person is enrolled in an installment plan for payment of the surcharge.

Governor’s Reason for Veto: “Because I have signed House Bill 2048 into law, which repeals the Driver Responsibility Program, the changes made in House Bill 2475 are no longer necessary.”

**House Bill 2551**

**Effective:** 9-1-19

**House Author:** Bucy

**Senate Sponsor:** Watson

House Bill 2551 amends the Transportation Code to include as a possible cosigner of a driver’s license application of an applicant under 18 years of age an agent under a power of attorney for a parent who has custody of the applicant.

**House Bill 2571**

**Effective:** 6-10-19

**House Author:** Toth et al.

**Senate Sponsor:** Creighton

House Bill 2571 amends the Transportation Code to designate a portion of Interstate Highway 45 in Montgomery County as the George P. Mitchell Memorial Highway.

**House Bill 2577**

**Effective:** 6-10-19

**House Author:** Burrows

**Senate Sponsor:** Seliger

House Bill 2577 amends the Transportation Code to designate a portion of U.S. Highway 180 in Gaines County as the Bob Ford Memorial Highway.

**House Bill 2604**

**Effective:** 1-1-20

**House Author:** Sanford

**Senate Sponsor:** Paxton

House Bill 2604 amends the Transportation Code to prohibit a Department of Public Safety rule that allows an inspection station to perform a limited emissions inspection of a motor vehicle from restricting the number of such inspections the station may perform.

**House Bill 2615**

**Effective:** 9-1-19

**House Author:** Kacal et al.

**Senate Sponsor:** Birdwell

House Bill 2615 amends the Transportation Code to designate a portion of U.S. Highway 84 in McLennan County as the Waco Police Sgt. Bobby Vicha Memorial Highway.

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### **House Bill 2620**

**Effective:** 9-1-19

**House Author:** Martinez et al.

**Senate Sponsor:** Rodríguez

House Bill 2620 amends the Transportation Code to create a Class C misdemeanor offense for a person who operates or moves a permitted oversize or overweight vehicle on a public highway and who is not named on the permit or is not an employee of the permitted person. The bill sets out exceptions to the offense and revises requirements relating to the movement of oversize or overweight vehicles, including the use of an escort flagger and an escort flag vehicle. Among other provisions, the bill provides for the denial of an application for an oversize or overweight vehicle permit by the Texas Department of Motor Vehicles.

### **House Bill 2775**

**Effective:** 9-1-19

**House Author:** Krause

**Senate Sponsor:** Hancock

House Bill 2775 amends the Transportation Code to prohibit a pedestrian from moving in front of, under, between, or through the cars of a moving or stationary train occupying any part of a railroad grade crossing.

### **House Bill 2809**

**Effective:** 9-1-19

**House Author:** Middleton

**Senate Sponsor:** Creighton

House Bill 2809 amends the Transportation Code to designate a portion of State Highway 99 in Chambers County as the Deputy Sheriff Shane Detwiler Memorial Highway.

### **House Bill 2810**

**Effective:** 9-1-19

**House Author:** Kacal et al.

**Senate Sponsor:** Perry

House Bill 2810 amends the Transportation Code to except certain trailers from the requirement to be equipped with emergency brakes that operate on all wheels of the vehicle by changing the minimum weight threshold determining whether such a requirement applies.

### **House Bill 2830**

**Effective:** 9-1-19

**House Author:** Canales

**Senate Sponsor:** Hancock

House Bill 2830 amends the Transportation Code to revise the limitations on the maximum number of design-build contracts for a highway project into which the Texas Department of Transportation may enter from three contracts in each fiscal year to six contracts in each fiscal biennium. The bill removes the specification that the design included in a request for a proposal for such a project is a schematic design.

### **House Bill 2835**

**Effective:** 9-1-19

**House Author:** Canales

**Senate Sponsor:** Alvarado

House Bill 2835 amends the Transportation Code to establish as a defense to prosecution for the offense of operating a vehicle with an expired license plate that at the time of the offense the office of the county assessor-collector in which the vehicle owner resided was closed for a protracted period of time and the vehicle's registration was expired for 30 working days or less.

### **House Bill 2837**

**Effective:** 9-1-19

**House Author:** Canales

**Senate Sponsor:** Hinojosa

House Bill 2837 amends the Transportation Code to exempt certain former military vehicles and covered farm vehicles from the Texas Commercial Driver's License Act. The bill repeals the Class C misdemeanor offense for a person who, with criminal negligence, uses, purchases, possesses, manufactures, sells, offers to sell, or otherwise distributes a license plate flipper. The

bill exempts a slow-moving vehicle from certain limitations on driving on an improved shoulder, revises the trailers to which certain brake-related equipment requirements apply, and revises display requirements for a slow-moving-vehicle emblem.

**House Bill 2899**  
**Effective:** 6-2-19

**House Author:** Leach et al.  
**Senate Sponsor:** Hinojosa

House Bill 2899 amends the Transportation Code to limit the civil liability and responsibility of a contractor who enters into a contract with a governmental entity for defects in the plans, specifications, or other documents for the construction or repair of roads, highways, and related improvements. The bill prohibits the Texas Department of Transportation and certain other governmental entities engaged in transportation-related projects from requiring that engineering or architectural services be performed to a level of professional skill and care beyond the level that would be provided by an ordinarily prudent engineer or architect with the same professional license and under the same or similar circumstances.

**House Bill 3029**  
**Effective:** 9-1-19

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

House Bill 3029 amends the Transportation Code to designate Spur 16 in El Paso County as the Henry Gallegos, Sr., Memorial Highway.

**House Bill 3163**  
**Effective:** 9-1-19

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

House Bill 3163 amends the Government Code and Transportation Code to require the standards and specifications relating to parking for persons with disabilities to provide for the painting of the international symbol of access on accessible parking spaces and the words "NO PARKING" adjacent to the space and for the inclusion of a statement regarding the consequences of illegally parking in such a parking space on a sign identifying the parking space. The bill requires the Texas Department of Motor Vehicles to include with each set of disabled parking license plates and each disabled parking placard a document that provides information on applicable laws and instructions for reporting alleged violations of such laws.

**House Bill 3171**  
**Effective:** 9-1-19

**House Author:** Krause  
**Senate Sponsor:** Watson

House Bill 3171 amends the Transportation Code and Finance Code to eliminate the moped license and to remove the authorization to operate a moped under the authority of a Class A, B, C, or M driver's license or a commercial driver's license or permit. The bill revises the definition of "moped" for purposes of statutory provisions governing the rules of the road and requires the comptroller of public accounts to transfer any necessary amount to the Texas mobility fund from the general revenue fund.

**House Bill 3394**  
**Effective:** 9-1-19

**House Author:** Johnson, Jarvis  
**Senate Sponsor:** West

House Bill 3394 amends the Transportation Code to provide for the issuance of sickle cell disease awareness specialty license plates by the Texas Department of Motor Vehicles. The bill requires a portion of the fee for the issuance of the plates to be deposited to an account outside the general revenue fund for the purpose of providing services to persons with sickle cell disease.



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**House Bill 3460**  
**Effective:** 6-14-19

**House Author:** Thompson, Ed  
**Senate Sponsor:** Kolkhorst

House Bill 3460 amends the Transportation Code to require the Texas Transportation Commission to designate certain direct routes through Matagorda County for the movement of oversize and overweight vehicles.

**House Bill 3471**  
**Effective:** 6-10-19

**House Author:** Talarico  
**Senate Sponsor:** Schwertner

House Bill 3471 amends the Transportation Code to designate the portion of U.S. Highway 79 in Hutto as the Sgt. Chris Kelley Memorial Highway.

**House Bill 3671**  
**Effective:** 9-1-19

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

House Bill 3671 amends the Transportation Code to designate the State Highway 6 bridge over the Brazos River in Knox County as the Corporal David Anthony Gentry Memorial Bridge.

**House Bill 3760**  
**Effective:** 9-1-19

**House Author:** Guillen  
**Senate Sponsor:** Zaffirini

House Bill 3760 amends the Transportation Code to authorize a federal, state, or local governmental agency that is exempt from the requirement to obtain a dealer general distinguishing number to issue one temporary buyer's tag for a vehicle sold or otherwise disposed of by the agency. The bill exempts the agency from the registration fee for such a tag.

**House Bill 3780**  
**Effective:** 9-1-19

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

House Bill 3780 amends the Transportation Code to designate the portion of Farm-to-Market Road 41 in Lubbock County as the David Nelson Memorial Highway.

**House Bill 3842**  
**Effective:** 9-1-19

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

House Bill 3842 amends the Certificate of Title Act, Transportation Code, to provide for the issuance of a motor vehicle title when the dealer has gone out of business. The bill also requires a dealer to hold a general distinguishing number for a consignment location unless that location is a wholesale motor vehicle auction.

**House Bill 3850**  
**Effective:** 6-14-19

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

House Bill 3850 amends the Transportation Code to authorize the Texas Transportation Commission to issue revenue bonds for the purpose of providing money for the ship channel improvement revolving fund. The bill revises the purpose of the revolving loan program established to use money from the fund to include providing revenue or security for low-interest loans, longer repayment terms for loans, and certain flexible loan repayment terms.

**House Bill 3871**  
**Effective:** 9-1-19

**House Author:** Krause  
**Senate Sponsor:** Lucio

House Bill 3871 amends the Transportation Code to include open-enrollment charter schools in the scope of provisions requiring a county commissioners court, municipal governing body, or the Texas Transportation Commission to hold a public hearing to consider speed limits on

roads near certain schools or institutions of higher education if requested by the school's or institution's governing body. The bill requires those applicable entities to conduct an engineering and traffic investigation for a highway or road that is the subject of such a request if the school's or institution's governing body requests the investigation and provides for the authority of those entities to alter the speed limits on review of the investigation results. The bill authorizes a county commissioners court to declare a lower speed limit of not less than 20 miles per hour on certain county roads or highways within 500 feet of an elementary, secondary, or open-enrollment charter school or an institution of higher education, if approved under this process.

**House Bill 4120**  
**Effective:** 9-1-19

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

House Bill 4120 amends the Occupations Code to set \$25,000 as the minimum amount of a security deposit required for a licensed motor vehicle dealer in Texas who sells service contracts only on motor vehicles sold by the dealer and to establish a schedule of security deposit amounts based on annual gross revenue in the state from the sale of service contracts.

**House Bill 4211**  
**Effective:** 9-1-19

**House Author:** Nevárez  
**Senate Sponsor:** Nichols

House Bill 4211 amends the Transportation Code to designate State Highway Loop 480 in Maverick County as Loop JUNO.

**House Bill 4280**  
**Effective:** 9-1-19

**House Author:** Morrison et al.  
**Senate Sponsor:** Flores

House Bill 4280 amends the Transportation Code to limit the use of a grant under the transportation infrastructure fund grant program to transportation infrastructure projects located in areas of the state affected by increased oil and gas production. The bill revises the grant distribution amounts allocated among counties during a fiscal year under the program and requires a county that enters into a contract for a transportation infrastructure project funded by the program to engage in certain competitive bidding processes.

**House Bill 4727**  
**Effective:** 6-7-19

**House Author:** Bonnen, Greg  
**Senate Sponsor:** Kolkhorst

House Bill 4727 amends the Transportation Code to designate the portion of State Highway 35 in Matagorda County as the D. R. "Tom" Uher Memorial Highway.

**House Bill 4762**  
**Effective:** 6-14-19

**House Author:** Guillen  
**Senate Sponsor:** Zaffirini

House Bill 4762 amends the Transportation Code to designate a portion of Farm-to-Market Road 716 in Duval County as Pete Salinas Trail.

**Senate Bill 198**  
**Effective:** 9-1-20

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

Senate Bill 198 amends the Transportation Code to require the Texas Department of Transportation to provide electronic toll collection customers with an option to authorize automatic toll payments through bank account withdrawals. The bill provides for the use of a transponder by such a customer and for the solicitation of payment for certain unpaid tolls and authorizes a toll project entity to share customer account information with another such entity for purposes of customer service, toll collection, enforcement, or reporting requirements.

## Transportation

**Senate Bill 228**  
**Effective:** 5-31-19

**Senate Author:** Hinojosa  
**House Sponsor:** Guillen

Senate Bill 228 amends the Transportation Code to designate a portion of U.S. Highway 281 in Brooks County as the Corporal Roel Garcia Memorial Highway.

**Senate Bill 240**  
**Effective:** 9-1-19

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

Senate Bill 240 amends the Transportation Code to provide for the issuance of F-35 fighter jet specialty license plates and to require a portion of the issuance fee for the plates to be deposited to the credit of the general revenue fund.

**Senate Bill 282**  
**Effective:** 9-1-19

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

Senate Bill 282 amends the Transportation Code to require the Texas Department of Transportation (TxDOT) to establish a system to track liquidated damages associated with delayed transportation project contracts and to require that system to allow TxDOT to correlate such damages with the applicable project and with each TxDOT district in which the project was located. The bill requires TxDOT to annually determine the amount of damages retained for each district and to allocate an amount equal to such damages to be used for transportation projects in each district.

**Senate Bill 357**  
**Effective:** 9-1-19

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

Senate Bill 357 amends the Transportation Code to revise the maximum height limitations of a commercial sign and to authorize the Texas Transportation Commission to deny an application for a sign permit for a person who has permits for 100 or more signs and violates sign height requirements.

**Senate Bill 497**  
**Effective:** 9-1-19

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

Senate Bill 497 amends the Transportation Code to designate a portion of State Highway 71 in Travis County as the Trooper Carlos Ray Warren Memorial Highway.

**Senate Bill 511**  
**Effective:** Vetoed

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

Senate Bill 511 amends the Transportation Code to prohibit a person who owns or operates a business that installs tires or an employee of such a person from knowingly installing an unsafe tire on a motor vehicle to be used on a public street or highway. The bill establishes a civil penalty for a person who violates the prohibition.

Governor's Reason for Veto: "Senate Bill 511 would authorize a new civil penalty for installing used tires on vehicles. While ensuring drivers' safety is a legitimate governmental objective, there is no real and substantial relationship between that goal and the way this law would function in practice. I vetoed similar legislation last session and must do so again because more regulation is not the answer to every problem. Texas needs fewer laws that impose regulatory burdens on small businesses and consumers."

**Senate Bill 575**  
**Effective:** 6-7-19

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

Senate Bill 575 amends the Transportation Code to designate a portion of U.S. Highway 84 in Lubbock County as the Trooper Jerry Don Davis Memorial Highway.

**Senate Bill 636**  
**Effective:** 9-1-19

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

Senate Bill 636 amends the Transportation Code to make a police officer of the City of Katy eligible to apply for certification to enforce commercial motor vehicle safety standards.

**Senate Bill 688**  
**Effective:** 9-1-19

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

Senate Bill 688 amends the Transportation Code to prohibit a combination truck-tractor and semitrailer used to transport seed cotton or cotton from being operated on a highway or road if the vehicle is higher than 14 feet 6 inches.

**Senate Bill 711**  
**Effective:** 9-1-19

**Senate Author:** Hinojosa  
**House Sponsor:** Leach

Senate Bill 711 amends the Health and Safety Code and Transportation Code to authorize the Texas Commission on Environmental Quality (TCEQ) and the Department of Public Safety (DPS) to adopt rules providing for the inclusion on certain vehicle inspection report notifications regarding whether the vehicle is subject to a safety recall for which the vehicle has not been repaired or the repairs are incomplete. Implementation of a provision of the bill by TCEQ or DPS is mandatory only if a specific appropriation is made for that purpose.

**Senate Bill 969**  
**Effective:** 6-10-19

**Senate Author:** Hancock  
**House Sponsor:** Landgraf

Senate Bill 969 amends the Transportation Code to set out provisions relating to the operation of a personal delivery or mobile carrying device in a pedestrian area or on the side or shoulder of a highway. Among other provisions, the bill restricts operation of a personal delivery device to a person who is a business entity or an agent of the business entity with the capability to monitor or exercise physical control over the navigation and operation of the device. The bill establishes speed limits for such devices but authorizes a local authority to establish a lower speed limit in a pedestrian area under certain circumstances.

**Senate Bill 1066**  
**Effective:** 5-20-19

**Senate Author:** Nelson  
**House Sponsor:** Parker

Senate Bill 1066 amends the Transportation Code to revise the composition, appointment, and operations of the board of directors of certain coordinated county transportation authorities confirmed before December 31, 2003. The bill authorizes the board of directors of such an authority to enter into an agreement with a municipality to provide certain public transportation services if the board approves the agreement.

**Senate Bill 1092**  
**Effective:** 6-4-19

**Senate Author:** Nichols  
**House Sponsor:** Canales

Senate Bill 1092 amends the Transportation Code to require the Texas Department of Transportation to submit for competitive bids each contract for traffic control or safety devices to be used on a highway that is part of the state highway system.

**Senate Bill 1134**  
**Effective:** 9-1-19

**Senate Author:** Watson  
**House Sponsor:** Hinojosa

Senate Bill 1134 amends the Transportation Code to designate a portion of Farm-to-Market Road 734 in the City of Austin as the Master Sergeant Jonathan J. Dunbar Memorial Parkway.

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**Senate Bill 1221**  
**Effective:** 6-10-19

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

Senate Bill 1221 amends the Transportation Code to designate a portion of Ranch-to-Market Road 150 in Hays County as the William B. Travis Heritage Trail.

**Senate Bill 1271**  
**Effective:** 9-1-19

**Senate Author:** Watson  
**House Sponsor:** Howard

Senate Bill 1271 amends the Transportation Code to provide for the issuance of Keep Austin Weird specialty license plates.

**Senate Bill 1311**  
**Effective:** 9-1-19

**Senate Author:** Bettencourt  
**House Sponsor:** Raney

Senate Bill 1311 amends the Transportation Code to authorize a county, regional mobility authority, or toll project entity to transmit an invoice or notice of toll nonpayment electronically instead of by first class mail if the recipient agrees to the transmission.

**Senate Bill 1415**  
**Effective:** 9-1-19

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

Senate Bill 1415 amends the Occupations Code to narrow the prohibition against a manufacturer or distributor of motor vehicles owning an interest in, operating or controlling, or acting in the capacity of a franchised dealer or dealership to those activities with regard to a dealer or dealership for the same type of motor vehicle, as specified by the bill, that the manufacturer manufactures or distributes or the distributor distributes.

**Senate Bill 1512**  
**Effective:** 5-28-19

**Senate Author:** Flores  
**House Sponsor:** Martinez

Senate Bill 1512 amends the Transportation Code to establish the conditions under which the relocation of a utility facility required by improvement of the state highway system is at the expense of the state. The bill caps the amount paid by the Texas Department of Transportation for such a relocation at \$10 million in any fiscal year.

**Senate Bill 1593**  
**Effective:** 9-1-19

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

Senate Bill 1593 amends the Transportation Code to require the Texas Department of Transportation (TxDOT) to develop and make available to TxDOT employees a training course on the recognition and prevention of smuggling and trafficking of persons. The bill requires TxDOT to collaborate with the office of the attorney general to establish the training content and to notify an employee of the availability of the training on the date the employee begins employment.

**Senate Bill 1720**  
**Effective:** 9-1-19

**Senate Author:** Lucio  
**House Sponsor:** Leman

Senate Bill 1720 amends the Transportation Code to increase from \$25,000 to \$50,000 the maximum amount of a county road-related purchase that may be made through negotiation by the county commissioners court without advertising for competitive bids.

**Senate Bill 1764****Effective:** 9-1-19**Senate Author:** Zaffirini**House Sponsor:** Price

Senate Bill 1764 amends the Transportation Code to require the emergency contact and medical information forms and procedures for the holder of a driver's license or personal identification certificate to allow the holder or an authorized agent of the holder to add, amend, or delete emergency contact and medical information by submitting an electronic form on the Department of Public Safety's website.

**Senate Bill 1915****Effective:** 9-1-19**Senate Author:** Alvarado**House Sponsor:** Canales et al.

Senate Bill 1915 amends the Special District Local Laws Code and Transportation Code to revise the composition of the board of pilot commissioners for Harris County ports and to provide for the appointment process for the pilot commissioners and the board chair, procedures relating to board vacancy, and the terms of office for the pilot commissioners and chair. The bill requires rules involving the adoption and implementation of ship movement strategies to be made on a recommendation from a minimum of 80 percent of pilots authorized to operate under board jurisdiction.

**Senate Bill 1959****Effective:** 5-21-19**Senate Author:** Creighton**House Sponsor:** Deshotel

Senate Bill 1959 amends the Transportation Code to clarify that the Port Authority Advisory Committee is required to prepare a two-year maritime port mission plan defining the goals and objectives of the committee concerning the development of maritime port facilities and an intermodal transportation system. The bill removes the requirement for the committee to prepare a report every two years on Texas maritime ports and changes the name of the maritime port capital program to the maritime port mission plan.

**Senate Bill 2015****Effective:** 9-1-19**Senate Author:** Fallon et al.**House Sponsor:** Zerwas

Senate Bill 2015 amends the Transportation Code to provide for the issuance of pediatric cancer research specialty license plates.

**Senate Bill 2024****Effective:** 5-20-19**Senate Author:** Buckingham**House Sponsor:** Shine et al.

Senate Bill 2024 amends the Transportation Code to designate a portion of Interstate Highway 35 in Bell County as the Trooper Tom Nipper Memorial Highway.

**Senate Bill 2156****Effective:** 9-1-19**Senate Author:** Buckingham**House Sponsor:** Shine et al.

Senate Bill 2156 amends the Transportation Code to designate the portion of Interstate Highway 14 in Bell County as the First Cavalry Division Veterans Highway.

**Senate Bill 2168****Effective:** 6-10-19**Senate Author:** Watson**House Sponsor:** Cyrier

Senate Bill 2168 amends the Transportation Code to establish the conditions under which a county is considered to be an "economically disadvantaged county" for the purposes of relief from the local matching funds requirement for the state highway system. The bill requires the

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adjustment to the local matching funds requirement for such a county to be equivalent to the highest adjustment rate set in the last year the county was considered to be an economically disadvantaged county.

### **Senate Bill 2223**

**Effective:** 9-1-19

**Senate Author:** Creighton

**House Sponsor:** Canales et al.

Senate Bill 2223 amends the Special District Local Laws Code and Transportation Code to authorize the board of pilot commissioners for Harris County ports by rule to authorize piloting certain vessels if the board determines that the proposed rules would allow two-way routes and traffic to be maintained and conducted efficiently. The bill provides for a restriction on the adoption of rules by the board involving ship movement strategies.

### **Senate Bill 2245**

**Effective:** 5-22-19

**Senate Author:** Paxton

**House Sponsor:** Leach

Senate Bill 2245 amends the Government Code and Transportation Code to authorize a county commissioners court to enter into an interlocal contract with the board of a special district for the county to enforce the county's traffic regulations on a public road in the county that is owned, operated, and maintained by the district.

### **Senate Bill 2248**

**Effective:** 6-14-19

**Senate Author:** Rodríguez

**House Sponsor:** Ortega

Senate Bill 2248 amends the Regional Mobility Authority Act, Transportation Code, to include as a governmental entity for purposes of the act another state agency in addition to the Texas Department of Transportation and to include as a transportation project for purposes of the act an aerial cable car or aerial tramway created by the City of El Paso. The bill establishes that certain agreements between a regional mobility authority and a governmental entity may include a means for the entity to pledge or otherwise provide funds for a transportation project that benefits the governmental entity to be developed by the authority.

## Utilities

This chapter covers legislation relating to utilities, including electric, gas, telecommunications, and water and sewer utilities. Legislation relating to the oil and gas industry is in the **Energy Resources** chapter, and legislation relating to municipal utility districts and other special districts is in the **Special Districts** chapter.

### **House Bill 853**

**Effective:** 5-24-19

**House Author:** Moody et al.

**Senate Sponsor:** Rodríguez

House Bill 853 amends the Public Utility Regulatory Act, Utilities Code, to explicitly authorize certain non-ERCOT electric utilities to recover reasonable and necessary costs incurred in deploying advanced metering and meter information networks.

### **House Bill 986**

**Effective:** 5-24-19

**House Author:** Price et al.

**Senate Sponsor:** Perry

House Bill 986 amends the Public Utility Regulatory Act, Utilities Code, to explicitly authorize certain non-ERCOT electric utilities to recover reasonable and necessary costs incurred in deploying advanced metering and meter information networks.

### **House Bill 1397**

**Effective:** 6-14-19

**House Author:** Phelan et al.

**Senate Sponsor:** Nichols et al.

House Bill 1397 amends the Public Utility Regulatory Act, Utilities Code, to postpone the expiration dates of provisions related to rates for certain non-ERCOT utilities. The bill, among other provisions, authorizes such a utility to file, and the Public Utility Commission of Texas to approve, an application for a rider to recover the electric utility's investment in a power generation facility.

### **House Bill 1595**

**Effective:** 5-14-19

**House Author:** Paddie

**Senate Sponsor:** Hughes

House Bill 1595 amends the Public Utility Regulatory Act, Utilities Code, to explicitly authorize certain non-ERCOT electric utilities to recover reasonable and necessary costs incurred in deploying advanced metering and meter information networks.

### **House Bill 1767**

**Effective:** 6-15-19

**House Author:** Murphy et al.

**Senate Sponsor:** Birdwell et al.

House Bill 1767 amends the Utilities Code to require a regulatory authority, when establishing a gas utility's rates, to presume that employee compensation and benefits expenses are reasonable and necessary if the expenses are consistent with certain market compensation studies.

### **House Bill 1960**

**Effective:** 5-25-19

**House Author:** Price et al.

**Senate Sponsor:** Perry

House Bill 1960 amends the Government Code to create the temporary governor's broadband development council. The bill sets out the duties of the council, including researching the progress of broadband development in unserved areas and the benefits of statewide access to broadband.



## Utilities

### **House Bill 2263**

**Effective:** See below

**House Author:** Paddie et al.

**Senate Sponsor:** Hancock

Previously, the General Land Office (GLO) purchased wholesale electricity with royalties taken in kind from land owned by the permanent school fund (PSF) and sold the electricity to certain public customers at a profit that was deposited in the PSF. House Bill 2263 amends the Natural Resources Code, Tax Code, and Utilities Code to remove the authorization for the GLO or certain land owners to make such sales and repeals related provisions. The bill provides for the continuation of certain extant GLO agreements for the provision of electric service. The bill takes effect May 17, 2019, except as follows. Effective January 1, 2024, the bill prohibits the imposition of a tax on the gross receipts from the sale of electricity to a public school district customer and sets out procedures for adjusting an electric utility's or retail electric provider's billing of a public school district customer to reflect any decrease in the utility's or provider's tax liability to the state that is attributable to that prohibition.

### **House Bill 2422**

**Effective:** 9-1-19

**House Author:** Anderson et al.

**Senate Sponsor:** Perry

House Bill 2422 amends the Transportation Code to require the Texas Department of Transportation (TxDOT) to provide online notice of ongoing and planned highway construction projects for which TxDOT will provide voluntary joint trenching opportunities in the state's right-of-way for broadband providers. The bill authorizes a broadband provider to collaborate with TxDOT to deploy broadband conduit or other broadband facilities in those rights-of-way. The bill, among other provisions, requires TxDOT to give special consideration to broadband deployment that is likely to improve broadband access in rural or underserved communities.

### **House Bill 2845**

**Effective:** 9-1-19

**House Author:** Canales et al.

**Senate Sponsor:** Creighton et al.

House Bill 2845 amends the Utilities Code to set out an agreement structure regulating the removal of wind power facilities and providing for financial assurances covering the removal.

### **House Bill 3142**

**Effective:** 9-1-19

**House Author:** Guillen

**Senate Sponsor:** Johnson

House Bill 3142 amends the Health and Safety Code to require the Texas Commission on Environmental Quality to establish a system to provide automatic reminders to public drinking water supply systems about regular reporting requirements applicable to the systems under federal and state law.

### **House Bill 3542**

**Effective:** 9-1-19

**House Author:** Phelan

**Senate Sponsor:** Lucio

House Bill 3542 amends the Water Code to establish an optional alternative valuation appraisal process by which a purchasing Class A and Class B public utility and the selling utility in a voluntary arm's-length transaction agree to determine the fair market value of the selling utility or its facilities. The bill, among other provisions relating to the process, requires the Public Utility Commission of Texas (PUC) to be notified of the utilities' intent to pursue the alternative process and to maintain a list of experts qualified to conduct economic valuations of utilities for such purpose.

House Bill 3542 requires a utility that provides retail water or sewer utility service through fewer than 10,000 taps or connections to deliver a report of the utility's financial, managerial, and technical capacity to provide continuous and adequate service to its customers not later than

the third anniversary of the date that the utility violates a final order of the Texas Commission on Environmental Quality (TCEQ) by failing to meet certain operating standards. The bill authorizes the PUC and TCEQ, after due notice and opportunity for a hearing, to authorize a willing person to temporarily manage and operate such a noncompliant utility.

**House Bill 3867**

**Effective:** 9-1-19

**House Author:** Springer

**Senate Sponsor:** Perry

House Bill 3867 amends the Utilities Code to authorize the Public Utility Commission of Texas (PUC) to hire any consultant, accountant, auditor, engineer, or attorney the PUC considers necessary to represent the PUC in proceedings before a regional transmission organization, or before a court reviewing proceedings of such an organization, that affect certain electric utilities and consumers. The bill, among other provisions, requires the attorney general to approve the hiring and precludes the hiring of a person who is required to register as a lobbyist. The bill's provisions are temporary.

**House Bill 4150**

**Effective:** 9-1-19

**House Author:** Paddie et al.

**Senate Sponsor:** Hughes et al.

House Bill 4150, the William Thomas Heath Power Line Safety Act, amends the Utilities Code to establish certain safety and inspection reporting requirements for each electric utility, municipally owned utility, and electric cooperative that owns or operates overhead transmission or distribution assets. The bill, among other provisions, requires certain applicable electric entities to meet minimum National Electrical Safety Code Standard ANSI standards for clearance in the construction of any transmission or distribution line over certain lakes.

**Senate Bill 14**

**Effective:** 6-7-19

**Senate Author:** Nichols et al.

**House Sponsor:** Kuempel et al.

Senate Bill 14 amends the Utilities Code to authorize an electric cooperative and its affiliates to construct, operate, and maintain fiber optic cables and other facilities for providing high-speed Internet service to its customers using the cooperative's existing electricity easements. The bill sets out parameters for the administration of providing such Internet services, including rate setting.

**Senate Bill 475**

**Effective:** 6-7-19

**Senate Author:** Hancock

**House Sponsor:** Hernandez et al.

Senate Bill 475 amends Utilities Code provisions relating to the restructuring of the electric utility industry to establish the Texas Electric Grid Security Council as an advisory body to facilitate the creation, aggregation, coordination, and dissemination of best security practices for the electric industry, including the generation, transmission, and delivery of electricity. The bill requires the council, on request of certain elected officials, to issue to the requestor recommendations regarding certain grid security issues. The bill, among other provisions, authorizes a member of the council to apply for a secret security clearance or an interim security clearance granted by the U.S. government, conditions a member's access to certain classified information on a member's secret security clearance, and authorizes the council to prepare a report outlining grid security response efforts that do not involve classified or highly sensitive, company-specific information.

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### **Senate Bill 700**

**Effective:** 9-1-19

**Senate Author:** Nichols et al.

**House Sponsor:** Geren

Senate Bill 700 amends the Water Code to revise provisions relating to water rates and services. Among other provisions, the bill changes the number of taps or connections that constitute a Class B or Class C utility, provides for a Class D utility, and makes other changes regarding utilities and their operation and classes, including the removal of the specification that the annual rate adjustment to which certain utilities are entitled to receive without a hearing be based on changes in an appropriate price index. The bill authorizes the Texas Commission on Environmental Quality to issue certain emergency orders with or without a hearing.

Senate Bill 700 requires the Public Utility Commission of Texas (PUC), at the time the PUC approves the acquisition of a nonfunctioning retail water or sewer utility service provider under applicable provisions, to determine the duration of the temporary rates for the acquiring retail public utility and to rule on the reasonableness of the temporary rates if the PUC did not make a ruling before the application for the acquisition was filed.

Senate Bill 700 removes the specification that the specific alternative ratemaking methodologies for water or sewer rates that a regulatory authority may adopt for certain purposes be based on factors other than rate of return and those specified in provisions relating to components of invested capital and net income. The bill authorizes a regulatory authority instead to adopt such methodologies to allow for more timely and efficient cost recovery and sets out the appropriate methodologies. The bill authorizes a regulatory authority to also adopt system improvement charges that may be periodically adjusted to ensure timely recovery of infrastructure investment. The bill requires the PUC by rule to establish a schedule that requires all utilities that have implemented a system improvement charge approved by the PUC to make periodic filings with the PUC to modify or review base rates charged by the utility.

### **Senate Bill 936**

**Effective:** 9-1-19

**Senate Author:** Hancock

**House Sponsor:** Hernandez

Senate Bill 936 amends the Utilities Code to establish a framework for collaboration between the Public Utility Commission of Texas (PUC), electric utilities, and ERCOT relating to cybersecurity issues by requiring the selection of a cybersecurity monitor to act as the PUC's cybersecurity monitor of certain electric utilities operating in the ERCOT power region. The bill authorizes certain electric utilities that operate solely outside the ERCOT power region to elect to participate in the cybersecurity monitor program or to discontinue participation. The bill, among other provisions, requires the PUC, on its own motion or on the petition of an electric utility, to allow an applicable electric utility to recover reasonable and necessary costs incurred in connection with activities under the cybersecurity program.

### **Senate Bill 1012**

**Effective:** 9-1-19

**Senate Author:** Zaffirini

**House Sponsor:** Holland et al.

Senate Bill 1012 amends the Utilities Code to establish that a municipally owned utility or an electric cooperative that owns or operates electric energy storage equipment or facilities that are intended to be used to sell energy or ancillary services at wholesale is not required to register as a power generation company.

### **Senate Bill 1152**

**Effective:** 9-1-19

**Senate Author:** Hancock

**House Sponsor:** Phelan

Senate Bill 1152 amends the Local Government Code and Utilities Code to eliminate one of the two municipal fees an entity that provides telecommunications and cable or video services

over the same line in a municipality's right-of-way is required to pay. The bill provides for the calculation of the right-of-way municipal fee to be paid by the entity.

**Senate Bill 1211**

**Effective:** 9-1-19

**Senate Author:** Hancock

**House Sponsor:** King, Phil et al.

Senate Bill 1211 amends the Utilities Code to require the approval of the Public Utility Commission of Texas (PUC) for the merger, consolidation, or affiliation of certain power generation companies operating in the same region if the resulting entity would own and control more than 10 percent, rather than one percent, of the total installed generation capacity located in, or capable of delivering electricity to, the applicable region. The bill establishes that the request is considered approved by the PUC if the PUC does not timely approve or disapprove the request.

**Senate Bill 1358**

**Effective:** 9-1-19

**Senate Author:** Hancock

**House Sponsor:** Parker

Senate Bill 1358 amends the Utilities Code to set out the dates on which a person is deemed to have received, by mail, written notice from the Public Utility Commission of Texas (PUC) of a report on a determination that the person may be assessed an administrative penalty for violation of the Public Utility Regulatory Act. The bill, among other provisions, removes the requirement that a case in which a person has failed to timely respond to such a notice be referred to the State Office of Administrative Hearings (SOAH). The bill gives the PUC, if the person fails to timely respond to the notice, the option either to approve the determination of the executive director of the PUC and impose the recommended penalty or to refer the case to SOAH.

**Senate Bill 1497**

**Effective:** 9-1-19

**Senate Author:** Zaffirini

**House Sponsor:** Parker

Senate Bill 1497 amends the Utilities Code to provide for the registration of electric brokers and to prohibit a person from providing brokerage services in Texas for compensation or other consideration unless the person is registered with the Public Utility Commission of Texas as a broker. The bill prohibits a retail electric provider from registering as a broker or knowingly providing bids or offers to a person who operates as a broker without being registered as such. The bill, among other provisions, prohibits a broker from selling or taking title to electric energy.

**Senate Bill 1938**

**Effective:** 5-16-19

**Senate Author:** Hancock

**House Sponsor:** Phelan et al.

Senate Bill 1938 amends the Public Utility Regulatory Act, Utilities Code, to restrict the granting of a certificate of convenience and necessity to build, own, or operate a new transmission facility that directly interconnects with an existing electric utility facility or municipally owned utility facility to only the owner of that existing facility. The bill, among other provisions, requires the entity with a load-serving responsibility or an electric cooperative that has a member with a load-serving responsibility at the load-serving station for a new transmission line that will create the first interconnection between a load-serving station and an existing transmission facility to be certificated to build, own, or operate the new transmission line and the load-serving station. The bill conditions the authorization for an electric utility or municipally owned utility to sell, assign, or lease a certificate or a right obtained under a certificate on the purchaser, assignee, or lessee having certain certification from the Public Utility Commission of Texas.

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**Senate Bill 2272**

**Effective:** 9-1-19

**Senate Author:** Nichols et al.

**House Sponsor:** Metcalf

Senate Bill 2272 amends the Water Code to revise the procedure for the expedited release of certain tracts of land in certain counties from a certificate of public convenience and necessity.

## Water

This chapter covers legislation relating to the state's water supply and related projects, including water planning, development, and conservation and flood control and mitigation. 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 26**  
**Effective:** 9-1-19

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

House Bill 26 amends the Water Code to require the Texas Commission on Environmental Quality (TCEQ) to perform acts necessary to provide for the safe operation and emergency management of dams located in Texas. The bill requires TCEQ to require the owner or operator of a state-regulated dam that has a spillway with gates used to regulate flood waters to notify local emergency operation centers in downstream communities when spillway releases are made to regulate flood waters and requires notified emergency operation centers to provide notice to the public when a release may contribute to flooding that may result in damage to life and property through all available means.

**House Bill 137**  
**Effective:** 9-1-19

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

House Bill 137 amends the Water Code to require the Texas Commission on Environmental Quality to provide a report to certain local officials after the designation of a dam as a high or significant hazard classification and to provide to such officials a related biannual report on such dams.

**House Bill 720**  
**Effective:** 6-10-19

**House Author:** Larson  
**Senate Sponsor:** Perry

House Bill 720 amends the Injection Well Act, Water Code, to set out provisions relating to aquifer recharge projects. Among other provisions, the bill grants the Texas Commission on Environmental Quality (TCEQ) exclusive jurisdiction over the regulation and permitting of recharge injection wells and authorizes TCEQ to authorize the use of a Class V injection well as a recharge injection well by rule, under an individual permit, or under a general permit.

House Bill 720 amends water rights provisions of the Water Code to provide authorization for unappropriated water to be appropriated for recharge into an aquifer underlying Texas and authorization for water appropriated for diversion and a beneficial use to be stored in an aquifer storage and recovery project before the water is recovered for that beneficial use. The bill authorizes a holder of a water right that authorizes the storage of water for a beneficial use in a reservoir that has not been constructed to file an application to amend the water right to remove the authorization for storage in a reservoir provided that the water diverted under the right will be stored in an aquifer storage and recovery project for later retrieval and use as authorized by the original water right. The bill authorizes a holder of a water right authorizing an appropriation of water for storage in a storage reservoir that has lost storage because of sedimentation to file an application for an amendment to the water right to change the use or purpose for which the appropriation is to be made from storage by diversion to storage as part of an aquifer storage and recovery project for later retrieval and use as authorized by the original water right in an amount equal to all or part of the amount of water yield lost to sedimentation.

**House Bill 721**

**Effective:** 6-14-19

**House Author:** Larson et al.

**Senate Sponsor:** Perry

House Bill 721 amends the Water Code to require the Texas Water Development Board (TWDB) to make studies, investigations, and surveys of the aquifers in Texas to determine the occurrence, quantity, quality, and availability of aquifers in which aquifer storage and recovery projects or aquifer recharge projects are feasible. The bill requires the TWDB, working with appropriate interested persons, to conduct studies of aquifer storage and recovery projects and aquifer recharge projects identified in the state water plan or by interested persons and to report the results of each such study to regional water planning groups and interested persons.

House Bill 721 requires the TWDB to conduct a statewide survey to identify the relative suitability of various major and minor aquifers for use in aquifer storage and recovery projects or aquifer recharge projects based on consideration of certain specified factors. The bill requires the TWDB to prepare a report that includes an overview of the survey and to submit the report to the governor, lieutenant governor, and speaker of the house of representatives not later than December 15, 2020. Implementation of a provision of this bill by the TWDB is mandatory only if a specific appropriation is made for that purpose.

**House Bill 723**

**Effective:** 9-1-19

**House Author:** Larson

**Senate Sponsor:** Perry

House Bill 723 amends the Water Code to require the Texas Commission on Environmental Quality (TCEQ), not later than December 1, 2022, to obtain or develop updated water availability models for the Brazos River, Neches River, Red River, and Rio Grande river basins. Implementation of a provision of this bill by TCEQ is mandatory only if a specific appropriation is made for that purpose.

**House Bill 807**

**Effective:** 6-10-19

**House Author:** Larson et al.

**Senate Sponsor:** Buckingham

House Bill 807 amends the Water Code to require the periodic appointment of an interregional planning council by the Texas Water Development Board (TWDB) for the following purposes: improvement of coordination among the regional water planning groups, and between each regional water planning group and the TWDB, in meeting the goals of the state water planning process and the water needs of the state as a whole; facilitation of dialogue regarding water management strategies that could affect multiple regional water planning areas; and the sharing of best practices regarding operation of the regional water planning process. The bill expands the required contents of a regional water planning group's regional water plan and encourages each planning group, in conjunction with the periodic submission of regional water plans to the TWDB, to make any legislative recommendations for changes that planning group members believe would improve the water planning process.

**House Bill 1052**

**Effective:** 9-1-19

**House Author:** Larson et al.

**Senate Sponsor:** Perry

House Bill 1052, the Texas State Water Investment Fund Act, amends the Water Code to require the Texas Water Development Board (TWDB) to identify, establish selection criteria for, and issue a request for proposals for water supply projects that benefit multiple water planning regions and that are to be funded from the Texas Water Development Fund II state participation account. The bill provides for the creation of the state participation account II, a subaccount in the state participation account, to be used by the TWDB 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.

**House Bill 1059**  
**Effective:** Vetoed

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

House Bill 1059 amends the Water Code to require the Texas Commission on Environmental Quality each state fiscal biennium to appoint a green stormwater infrastructure and low impact development report group to prepare a report on the use of green stormwater infrastructure and low impact development in Texas.

Governor’s Reason for Veto: “House Bill 1059 would mandate a series of reports that are redundant and unnecessary. Many cities and counties are already using adaptive strategies to manage stormwater runoff. Institutions of higher education, meanwhile, are providing sufficient information and support to local governments to promote even broader application of these stormwater-management tools.”

**House Bill 1964**  
**Effective:** 6-10-19

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

House Bill 1964 amends the Water Code to exempt an application for an amendment to a water right from any requirements of a statute or Texas Commission on Environmental Quality (TCEQ) rule regarding notice and hearing or technical review by TCEQ or its executive director, and to prohibit the application from being referred to the State Office of Administrative Hearings for a contested case hearing, if the executive director determines after an administrative review that the application is for an amendment that does the following: adds a purpose of use that does not substantially alter the nature of the right from a right authorizing only nonconsumptive use to a right authorizing consumptive use or substantially alter a pattern of use that is explicitly authorized in or required by the original right; adds a place of use located in the same basin as the place of use authorized by the original right; or changes the point of diversion, given certain conditions.

**House Bill 3339**  
**Effective:** 9-1-19

**House Author:** Dominguez  
**Senate Sponsor:** Creighton

House Bill 3339 amends the Water Code to set out water conservation plan requirements for an application for financial assistance under specified programs, funds, and provisions. The bill requires an applicant to submit with an application a description of the applicant’s proposed or adopted water conservation plan and prohibits the Texas Water Development Board (TWDB) from providing financial assistance to an applicant unless the applicant demonstrates that it has adopted and implemented a water conservation plan that meets the bill’s requirements for a plan. The bill requires the TWDB to establish an educational and technical assistance program to assist political subdivisions in developing comprehensive water conservation plans.

**House Joint Resolution 4**  
**For Election:** 11-5-19

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

House Joint Resolution 4 proposes an amendment to the Texas Constitution to create the flood infrastructure fund as a special fund in the state treasury outside the general revenue fund to be administered and used by the Texas Water Development Board to provide financing for a drainage, flood mitigation, or flood control project.



**Senate Bill 7**

**Effective:** See below

**Senate Author:** Creighton et al.

**House Sponsor:** Phelan

Senate Bill 7 amends the Water Code to set out provisions relating to flood planning, mitigation, and infrastructure projects. Among other provisions, the bill creates the flood infrastructure fund to be used by the Texas Water Development Board (TWDB) for, among other things, the provision of financial assistance to eligible political subdivisions for flood projects. The bill's flood infrastructure fund provisions take effect January 1, 2020, contingent on voter approval of the constitutional amendment proposed by House Joint Resolution 4.

Senate Bill 7 creates the Texas infrastructure resiliency fund to be administered by the TWDB. The bill provides for a federal matching account, and a temporary Hurricane Harvey account and a contingent flood plan implementation account, in the resiliency fund to be used for specified purposes and for the transfer of the existing floodplain management account to the resiliency fund. The bill provides for a Texas Infrastructure Resiliency Fund Advisory Committee to advise the TWDB regarding the use of money in the resiliency fund. The bill requires an applicable state agency that uses or disburses federal money for flood research, planning, or mitigation projects to submit a quarterly report to the TWDB regarding such money. The bill amends the Insurance Code to make a conforming change. Except as otherwise provided, the bill takes effect June 13, 2019.

**Senate Bill 8**

**Effective:** 6-10-19

**Senate Author:** Perry et al.

**House Sponsor:** Larson

Senate Bill 8 amends the Water Code to require the Texas Water Development Board (TWDB), every five years, to prepare and adopt a comprehensive state flood plan that incorporates approved regional flood plans. The bill sets out requirements for the state flood plan and requires the TWDB, in coordination with the Texas Commission on Environmental Quality (TCEQ), the Department of Agriculture, the General Land Office, the Parks and Wildlife Department, the Texas Division of Emergency Management, and the State Soil and Water Conservation Board, to adopt guidance principles for the state flood plan that reflect the public interest of the entire state. The bill creates the temporary State Flood Plan Implementation Advisory Committee to review the overall operation, function, and structure of the state flood plan and rules adopted by the TWDB to implement the plan.

Senate Bill 8 requires the TWDB to designate flood planning regions corresponding to each river basin, provide technical and financial assistance to flood planning groups, and adopt guidance principles for regional flood plans. The bill provides for the designation of the flood planning group for a flood planning region and sets out the adoption and approval process for a regional flood plan.

Senate Bill 8 amends the Agriculture Code to require the State Soil and Water Conservation Board, every 10 years, to prepare and adopt a plan describing the repair and maintenance needs of certain flood control dams. The bill requires the board to deliver the adopted plan to the TWDB and requires the TWDB, in coordination with the board and TCEQ, to prepare a report of the repair and maintenance needs of certain failed dams.

**Senate Bill 483**

**Effective:** 6-10-19

**Senate Author:** Campbell

**House Sponsor:** Zwiener

Senate Bill 483 amends the Injection Well Act, Water Code, to revise provisions relating to permits for injection wells that transect or terminate in a certain portion of the Edwards Aquifer that is within the external boundaries of the Barton Springs-Edwards Aquifer Conservation District. The bill requires rules adopted or a permit issued under such provisions to ensure that an engineered aquifer storage and recovery facility project is consistent with statutory

aquifer storage and recovery project provisions, as applicable. Among other provisions, the bill authorizes the Texas Commission on Environmental Quality by rule, individual permit, or general permit to authorize the injection of fresh water into a well that transects the aquifer provided that the well isolates the aquifer and meets applicable construction and completion standards, the well is part of an engineered aquifer storage and recovery facility, and the injected water is sourced from a permitted public water system and meets applicable water quality standards for public drinking water.

**Senate Bill 563**

**Effective:** 9-1-19

**Senate Author:** Perry et al.

**House Sponsor:** Metcalf

Senate Bill 563 amends the Government Code and Water Code to require an applicable state agency that uses or disburses federal money for flood research, planning, or mitigation projects to submit a report on a quarterly basis to the Texas Water Development Board (TWDB) that includes specified information regarding the federal money and to require the TWDB to maintain and make available on its website a publicly accessible database of the submitted information.

**Senate Bill 942**

**Effective:** 9-1-19

**Senate Author:** Johnson et al.

**House Sponsor:** Metcalf

Senate Bill 942 amends the Water Code to revise the purpose of the state water pollution control revolving fund and to revise the conditions under which the Texas Water Development Board may use the revolving fund to make a loan.

**Senate Bill 1041**

**Effective:** 9-1-19

**Senate Author:** Taylor

**House Sponsor:** Larson

Senate Bill 1041 amends the law to postpone the deadline by which the Texas Water Development Board is required to identify and designate brackish groundwater production zones for certain areas.

**Senate Bill 1574**

**Effective:** 9-1-19

**Senate Author:** Alvarado

**House Sponsor:** King, Tracy O.

Senate Bill 1574 repeals Water Code provisions that require the Texas Water Development Board (TWDB) to meet annually with the board of the Texas Department of Housing and Community Affairs regarding colonias and the Colonia Initiatives Advisory Committee, that require the TWDB and the State Soil and Water Conservation Board to jointly conduct a water conservation study, and that require the TWDB to biennially submit to the legislature a written summary of the results of certain compliance evaluations with respect to financial assistance for certain retail public utilities. The bill amends the Government Code to make a related change.

**Senate Bill 2452**

**Effective:** See below

**Senate Author:** Lucio et al.

**House Sponsor:** González, Mary

Senate Bill 2452 amends the Water Code to revise provisions relating to assistance to economically distressed areas for water supply and sewer service projects. Among other provisions, the bill replaces the authorization for the economically distressed areas account to be used by the Texas Water Development Board (TWDB) to provide financial assistance to political subdivisions for the construction, acquisition, or improvement of water supply and sewer services with a requirement for the TWDB to use the account to provide such financial assistance. The bill authorizes the TWDB to maximize the effectiveness of the additional general obligation bonds proposed by Senate Joint Resolution 79 by using the additional bonds in

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conjunction with other sources of financial assistance to provide financial assistance to political subdivisions for the construction, acquisition, or improvement of water supply and sewer services and authorizes the TWDB to use the bonds to promote and support public-private partnerships that the TWDB determines are financially viable, will diversify the methods of financing available for water supply and sewer services, and will reduce reliance on the issuance of bonds supported with general revenue. The bill provides for the prioritization of projects by the TWDB and for the consideration in the application approval process of an applicant's ability to repay financial assistance. The bill requires the TWDB to annually post on its website a report detailing each project for which the TWDB has provided financial assistance. Implementation of a provision of this bill by the TWDB is mandatory only if a specific appropriation is made for that purpose. The bill takes effect on the date on which the constitutional amendment proposed by Senate Joint Resolution 79 takes effect, if approved by the voters.

### **Senate Joint Resolution 79**

**For Election:** 11-5-19

**Senate Author:** Lucio et al.

**House Sponsor:** González, Mary et al.

Senate Joint Resolution 79 proposes an amendment to the Texas Constitution to authorize the Texas Water Development Board to issue general obligation bonds for the economically distressed areas program account of the Texas Water Development Fund II in amounts such that the aggregate principal amount of the issued bonds that are outstanding at any time does not exceed \$200 million. The resolution requires the bonds to be used to provide financial assistance for the development of water supply and sewer service projects in economically distressed areas of Texas.

## Vetoes by the Governor

### House Bill 51

**Effective:** Vetoed

**House Author:** Canales

**Senate Sponsor:** Zaffirini

House Bill 51 amends the Government Code to require the Office of Court Administration of the Texas Judicial System to create, promulgate, and update standard forms for use in criminal actions by the courts. The bill requires a court to accept such a form unless it has been completed in a manner that causes a substantive defect that cannot be cured.

Governor's Reason for Veto: "House Bill 51 would require the creation and use of standardized forms for certain actions in criminal cases. The Office of Court Administration can already create forms for courts to use, so House Bill 51 is unnecessary for that purpose. But in going further and mandating that judges use these standardized forms, the bill as drafted could create larger problems. The author's good intentions are appreciated, but the bill may end up discouraging judges from giving individualized attention to the important matters being waived or otherwise addressed by the forms, and it risks creating loopholes for criminal defendants to exploit whenever the forms are not used. It also could preclude judges from handling these matters orally on the record, which unduly restricts the ability of judges to run their courtrooms."

### House Bill 70

**Effective:** Vetoed

**House Author:** González, Mary et al.

**Senate Sponsor:** Hall

House Bill 70 amends the Agriculture Code to require the Department of Agriculture to include in its strategic plan a goal of preventing crop diseases and plant pests in Texas.

Governor's Reason for Veto: "House Bill 70 would unnecessarily direct the Department of Agriculture to include in its strategic plan the goal of preventing crop diseases and plant pests. That subject is adequately covered in the Department of Agriculture's most recent strategic plan, and that is not expected to change in future iterations. See TEX. GOV'T CODE 2056.002(b)."

### House Bill 93

**Effective:** Vetoed

**House Author:** Canales

**Senate Sponsor:** Hinojosa

House Bill 93 amends the Code of Criminal Procedure to require any signed order that is issued by a magistrate, or any signed order pertaining to such an order, to include the magistrate's name.

Governor's Reason for Veto: "House Bill 93 would mandate that all orders by magistrate judges not only be signed, but also include the magistrate's name in legible print or writing. Yet it does not address what the consequences would be if the magistrate's name is not printed in the form prescribed, which could create loopholes for opportunistic litigants and prompt needless challenges to court orders. The author may have intended to address the integrity of court orders against possible forgery, but the bill as drafted is not the right answer."

### House Bill 109

**Effective:** Vetoed

**House Author:** Martinez

**Senate Sponsor:** Hinojosa

House Bill 109 amends the Education Code to extend the prohibition against a public school district providing student instruction on Memorial Day to an open-enrollment charter school. The bill authorizes a local innovation plan to exempt a district of innovation from the prohibition.

Governor's Reason for Veto: "Although the purpose of House Bill 109 was to keep Texas schools closed on Memorial Day, as written it would allow up to 859 school districts to remain open on the holiday. Memorial Day is an important holiday, intended to honor and remember the brave men and women who gave their lives in defense of our country. Teaching young Texans how to respectfully celebrate this holiday is critical, and we do not accomplish this goal with a law that may require them to attend school on Memorial Day. If the goal was to create more uniformity in how charter schools and school districts celebrate holidays, the Legislature should draft a more targeted bill next session."

## Vetoes by the Governor

### House Bill 345

**Effective:** Vetoed

**House Author:** Holland et al.

**Senate Sponsor:** Schwertner et al.

House Bill 345 amends the Transportation Code to require the Department of Public Safety to adopt procedures for the automatic issuance of a personal identification certificate to a person who is 60 years of age or older at the time the person's driver's license is surrendered or revoked.

Governor's Reason for Veto: "I have already signed House Bill 2092, requiring DPS to adopt procedures for issuing personal identification certificates to all individuals who surrender their driver's licenses. House Bill 345 would apply to only some of those individuals and require DPS to adopt additional procedures for the automatic issuance of personal identification certificates. Disapproving House Bill 345 will allow individuals to transition to personal identification certificates when they desire and ensure that implementation of this program will not cause administrative headaches."

### House Bill 389

**Effective:** Vetoed

**House Author:** Bailes

**Senate Sponsor:** Nichols

House Bill 389 amends the Local Government Code to authorize the commissioners court of Liberty County to regulate the operation of game rooms.

Governor's Reason for Veto: "I have signed House Bill 892, which gives all counties statewide the authority to regulate game rooms by removing all local bracket provisions from the relevant statute. House Bill 389 attempts to amend the provisions already repealed by House Bill 892. As such, House Bill 389 is unnecessary and I am vetoing it at the request of the author."

### House Bill 448

**Effective:** Vetoed

**House Author:** Turner, Chris et al.

**Senate Sponsor:** Zaffirini et al.

House Bill 448 amends the Transportation Code to create an offense for a person who operates a vehicle while transporting a child younger than two years of age and fails to secure the child in a rear-facing child passenger safety seat system. The bill prohibits a peace officer from stopping a motor vehicle or detaining the operator of the vehicle solely to enforce the offense and from issuing a citation for such an offense without determining that the person has previously been issued a warning or citation for or convicted of that offense. The bill establishes as an affirmative defense to prosecution that the child has a medical condition that prevents the child from being secured in a rear-facing child passenger safety seat system.

Governor's Reason for Veto: "House Bill 448 is an unnecessary invasion of parental rights and an unfortunate example of over-criminalization. Texas already compels drivers to use a car seat for a child under eight years of age. House Bill 448 would get even more prescriptive, dictating which way the car seat must be facing for a child under two years of age. It is not necessary to micromanage the parenting process to such a great extent, much less to criminalize different parenting decisions by Texans."

### House Bill 455

**Effective:** Vetoed

**House Author:** Allen et al.

**Senate Sponsor:** Watson

House Bill 455 amends the Education Code to require the Department of State Health Services School Health Advisory Committee to develop certain model policies on the recess period during the school day. The bill requires the board of trustees of each public school district to adopt a recess policy based on those model policies and the policy recommendations of the local school health advisory council that includes certain specifications and to review and, if necessary, revise the recess policy at least every five years.

Governor's Reason for Veto: "I appreciate the good intentions behind House Bill 455, and there is no disputing the educational and health benefits of recess during the school day. But requiring the State and its school districts to churn out more policies and mandates about recess is just bureaucracy for bureaucracy's sake."

**House Bill 463****Effective:** Vetoes**House Author:** Springer**Senate Sponsor:** Perry et al.

House Bill 463 amends the Health and Safety Code to require an air ambulance company that operates a subscription program in order to fund and provide emergency medical services to enter into a reciprocity agreement with each other air ambulance company in Texas that operates a subscription program in the same service delivery area to ensure maximum geographic coverage for patients covered under a subscription program.

Governor's Reason for Veto: "House Bill 463, by mandating that air ambulance companies enter into reciprocity agreements, would unnecessarily intrude into the operations of private businesses and could very well reduce the availability of products that protect rural Texans from expensive air ambulance bills. The author was understandably trying to help Texans, but this bill likely runs afoul of federal law and could have unintended consequences. The Legislature and the federal government should find better ways to address the high costs of air ambulance services."

**House Bill 651****Effective:** Vetoes**House Author:** Springer et al.**Senate Sponsor:** Kolkhorst

House Bill 651 amends the Health and Safety Code to provide for the creation and operation of a county health care provider participation program in a county not served by a hospital district or a public hospital.

Governor's Reason for Veto: "I have signed House Bill 4289, which grants counties, cities, and hospital districts the authority to establish a health care provider participation program. In light of House Bill 4289, House Bill 651 is unnecessary because it sought to achieve the same purpose and similarly would grant authority to establish these programs, but only for certain counties. I am grateful to Representative Springer and Senator Kolkhorst for working to address this important issue."

**House Bill 929****Effective:** Vetoes**House Author:** Anchia et al.**Senate Sponsor:** Watson

House Bill 929 amends the Code of Criminal Procedure to require a magistrate to inform a person who is arrested and taken before the magistrate that a plea of guilty or nolo contendere for the offense charged may affect the person's eligibility for enlistment or reenlistment in the U.S. armed forces or may result in the person's discharge from the U.S. armed forces.

Governor's Reason for Veto: "Under current law, a magistrate must inform an arrested person of important constitutional protections, such as the right to counsel. House Bill 929 would have added yet more recitations about non-constitutional matters, making these magistrations warnings less helpful to arrestees. Magistrations should focus arrestees on exercising their constitutional rights at the beginning of the criminal justice process."

**House Bill 994****Effective:** Vetoes**House Author:** Guillen et al.**Senate Sponsor:** Flores et al.

House Bill 994 amends the Tax Code to add temporary provisions set to expire September 1, 2025, giving a property owner in Atascosa County the option to appeal certain appraisal review board (ARB) determinations to a justice court under certain conditions. On the expiration of those provisions, the bill requires the Office of Court Administration of the Texas Judicial System (OCA) to conduct a study on the effectiveness of those provisions in increasing court efficiency and improving property owners' ability to exercise their right to appeal an ARB determination and requires OCA to issue a report on the study to the appropriate standing legislative committees.

Governor's Reason for Veto: "The Tax Code permits homeowners to protest the appraised value of their property to an Appraisal Review Board and, if they are not satisfied with the Board's ruling, to appeal that ruling to district court or binding arbitration. House Bill 994 would have created an exception

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to this process for just one county, allowing homeowners in Atascosa County whose homes are valued at \$500,000 or less to appeal to a justice of the peace, rather than to a district court or arbitration. The Legislature has not identified a reason to treat the residents of one county so differently, and to depart from uniform procedures for property tax appraisal and protest.”

### **House Bill 1031**

**Effective:** Vetoed

**House Author:** Deshotel

**Senate Sponsor:** Creighton

House Bill 1031 amends the Local Government Code to authorize the commissioners court of Jefferson County to regulate game rooms.

Governor’s Reason for Veto: “I have signed House Bill 892, which gives all counties statewide the authority to regulate game rooms by removing all local bracket provisions from the relevant statute. House Bill 1031 attempts to amend the provisions already repealed by House Bill 892. As such, House Bill 1031 is unnecessary.”

### **House Bill 1053**

**Effective:** Vetoed

**House Author:** Guillen

**Senate Sponsor:** Lucio

House Bill 1053 amends the law and the Special District Local Laws Code to revise provisions relating to the administration, powers, and duties of the Willacy County Navigation District. Among other provisions, the bill authorizes the district to sell, exchange, or lease real property or any interest in owned real property and to donate, exchange, convey, sell, or lease land, improvements, easements, or any other interests in real property to promote certain projects for less than fair market value and without complying with applicable notice and bidding requirements. The bill expands the powers and duties of the Port of Harlingen Authority, including authorizing the authority to impose a property tax.

Governor’s Reason for Veto: “House Bill 1053 has two fatal flaws:

“First, it would exempt the Willacy County Navigation District from competitive bidding requirements applicable to all other navigation districts, allowing it to donate, exchange, convey, sell, or lease a real property interest for less than reasonable market value and without providing public notice. This exception to the general laws of our State would unnecessarily undermine the tenets of transparency.

“Second, it would authorize the Port of Harlingen Authority to impose an ad valorem tax. The end-of-session addition of this power was not properly vetted through the legislative process and did not receive a public hearing. While likely not the intent of this bill’s author or sponsor, this would set a bad example for how special districts can evade statutory and legislative oversight in the future.”

### **House Bill 1059**

**Effective:** Vetoed

**House Author:** Lucio III

**Senate Sponsor:** Rodríguez

House Bill 1059 amends the Water Code to require the Texas Commission on Environmental Quality each state fiscal biennium to appoint a green stormwater infrastructure and low impact development report group to prepare a report on the use of green stormwater infrastructure and low impact development in Texas.

Governor’s Reason for Veto: “House Bill 1059 would mandate a series of reports that are redundant and unnecessary. Many cities and counties are already using adaptive strategies to manage stormwater runoff. Institutions of higher education, meanwhile, are providing sufficient information and support to local governments to promote even broader application of these stormwater-management tools.”

### **House Bill 1099**

**Effective:** Vetoed

**House Author:** Guillen

**Senate Sponsor:** Hinojosa et al.

House Bill 1099 amends the Occupations Code and Code of Criminal Procedure to authorize the State Board of Veterinary Medical Examiners (TBVME) to employ and commission as a peace officer to enforce the Veterinary Licensing Act a peace officer certified by the Texas Commission on Law Enforcement. The bill requires the TBVME to designate an appropriately trained and

experienced peace officer as the chief investigator to supervise and direct the other peace officers it commissions.

Governor's Reason for Veto: "House Bill 1099 would allow the Texas Board of Veterinary Medical Examiners to hire peace officers to investigate violations of the Veterinary Licensing Act. Legislation was passed last session to help the Board develop an effective way to inspect and monitor the potential diversion of controlled substances at veterinarians' offices, and to consistently implement its enforcement procedures. The Board should use its existing tools instead of creating more state commissioned peace officers and seeking out new tasks related to supervising those officers."

**House Bill 1120**  
**Effective:** Vetoed

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

House Bill 1120 amends the Local Government Code to authorize a county assistance district created by Fort Bend County to perform certain functions both inside and outside the district.

Governor's Reason for Veto: "Special districts exist to perform functions within their districts, but House Bill 1120 would extend this power outside the boundaries without adequate safeguards to protect against the potential for abuse."

**House Bill 1168**  
**Effective:** Vetoed

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

House Bill 1168 amends provisions of the Penal Code establishing the offense of possessing or going with certain prohibited weapons in or into a secured area of an airport to revise the definition of "secured area." The bill establishes as a defense to prosecution for that offense that the actor was authorized by a federal agency or the airport operator to possess a firearm in a secured area.

Governor's Reason for Veto: "House Bill 1168 would impose an unacceptable restraint on the Second Amendment rights of law-abiding travelers. The Legislature may have intended simply to keep firearms off the tarmac, but the bill as drafted would newly prohibit carrying in *any* part of the airport terminal building, even ahead of the TSA inspection checkpoint. By vetoing this bill, I am ensuring that Texans can travel without leaving their firearms at home. I look forward to working with the next Legislature on the good idea behind this bill."

**House Bill 1174**  
**Effective:** Vetoed

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

House Bill 1174 amends the Local Government Code to authorize a county assistance district created by Fort Bend County to provide a grant or loan to a political subdivision to assist in funding the performance of one or more functions a district is authorized to perform.

Governor's Reason for Veto: "House Bill 1174 would allow county assistance districts to give their financial resources to other political subdivisions, but would do so without protecting against abuse."

**House Bill 1215**  
**Effective:** Vetoed

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

House Bill 1215 amends the Government Code to authorize the Texas Department of Housing and Community Affairs (TDHCA) to require as part of the threshold criteria under a qualified allocation plan for the low income housing tax credit program that a proposed development satisfy certain criteria relating to educational quality. The bill, however, prohibits the TDHCA from adopting a qualified allocation plan that uses a scoring system that awards points to an application based on that criteria.

Governor's Reason for Veto: "House Bill 1215 mirrors current policy regarding the use of educational quality by the Texas Department of Housing and Community Affairs in administering the low income housing tax credit program. The bill would limit administrative flexibility, however, to a degree that is unacceptable."



## Vetoes by the Governor

### House Bill 1404

**Effective:** Vetoed

**House Author:** Dean

**Senate Sponsor:** Hughes

House Bill 1404 amends the Local Government Code to authorize the commissioners court of Upshur County to regulate game rooms.

Governor's Reason for Veto: "I have signed House Bill 892, which gives all counties statewide the authority to regulate game rooms by removing all local bracket provisions from the relevant statute. House Bill 1404 attempts to amend the provisions already repealed by House Bill 892. As such, House Bill 1404 is unnecessary and I am vetoing it at the request of the author."

### House Bill 1476

**Effective:** Vetoed

**House Author:** Anderson

**Senate Sponsor:** Birdwell

Current law authorizes the commissioners court of a county with a population of more than 200,000 and less than 220,000 to regulate game rooms. House Bill 1476 amends the Local Government Code to raise the maximum population threshold of such a county to 250,000.

Governor's Reason for Veto: "House Bill 1476 attempts to amend the statute already repealed by House Bill 892. As such, House Bill 1476 is unnecessary."

### House Bill 1742

**Effective:** Vetoed

**House Author:** Smithee

**Senate Sponsor:** Johnson

House Bill 1742 amends the Insurance Code to authorize an enrollee of a preferred provider benefit plan or another applicable health benefit plan to request mediation of a settlement of an out-of-network health benefit claim for a laboratory service under certain conditions.

Governor's Reason for Veto: "In an effort to end surprise medical billing in Texas, I have signed Senate Bill 1264 into law. That leaves no work to be done by House Bill 1742, as the bill itself acknowledges in Section 14. I applaud the Legislature for addressing this critical issue in a number of bills, and I am proud to have signed the broadest one that reached my desk."

### House Bill 1771

**Effective:** Vetoed

**House Author:** Thierry et al.

**Senate Sponsor:** Huffman

House Bill 1771, the Child Sex Trafficking Victims Protections and Provisions Act, amends the Penal Code and Family Code to prohibit the prosecution of a person for a prostitution offense committed when the person was younger than 17 years of age in which the person knowingly offered or agreed to receive a fee from another person to engage in sexual conduct. The bill establishes that such conduct is not delinquent conduct or conduct indicating a need for supervision and that a child may not be referred to the juvenile court for such conduct. The bill prohibits a law enforcement officer taking possession of a child who is suspected of engaging in such conduct from arresting the child and requires the officer to use best efforts to deliver the child to the child's parent or to another person entitled to take possession of the child. The bill sets out alternative requirements for the officer regarding the care of the child if the parent or other person is not immediately available.

Governor's Reason for Veto: "Although House Bill 1771 is a well-intentioned tool to protect victims of human trafficking, it has unintended consequences. The bill takes away options that law enforcement and prosecutors can use to separate victims from their traffickers, and it may provide a perverse incentive for traffickers to use underage prostitutes, knowing they cannot be arrested for engaging in prostitution. Efforts to reduce trafficking are to be commended, and I have signed numerous laws this session cracking down on it. I look forward to working with the author on ways to separate victims from their traffickers, both physically and economically."

**House Bill 1806****Effective:** Vetoed**House Author:** King, Tracy O.**Senate Sponsor:** Campbell

House Bill 1806 amends the law to authorize a retail public utility that is an initial regular permit holder and the service area of which is contained wholly or partly inside the boundaries of the Edwards Aquifer Authority to use water withdrawn from the Edwards Aquifer to provide retail water service in a county adjacent to the boundaries of the authority within the utility's certificated service area. The bill authorizes a municipally owned utility owned by the City of San Antonio to sell not more than 6,000 acre feet of water withdrawn from the aquifer per year at wholesale to a retail public utility or river authority for use in any county adjacent to Bexar County but requires the municipally owned utility to obtain the consent of the Kendall County Commissioners Court for the sale of water for use in the county if the sale would cause the total sales of such water to exceed 1,500 acre feet of water per year.

Governor's Reason for Veto: "House Bill 1806 would allow the San Antonio Water System to sell water from the Edwards Aquifer to adjacent counties, many of which are outside the regulatory jurisdiction of the Edwards Aquifer Authority, without any input from other permit holders or the governing board of the Edwards Aquifer Authority. The goal of the Edwards Aquifer Act, which was passed by the 73rd Legislature, was to treat all permit holders equally. This bill goes in the opposite direction by elevating the rights of one user above all others. Vetoing this bill maintains the careful balance of water rights within the Edwards Aquifer Authority and ensures that the resources of the aquifer remain protected."

**House Bill 2111****Effective:** Vetoed**House Author:** Pacheco et al.**Senate Sponsor:** Flores

Current law allows for the value of property within a tax increment reinvestment zone created after January 1, 1999, to be deducted for a specified period as part of the comptroller of public accounts' study of school district property values. House Bill 2111 amends the Government Code to provide for the deduction of the value of the property within certain tax increment reinvestment zones created by the City of San Antonio until the date on which the zone is to be terminated as provided by the Tax Increment Financing Act.

Governor's Reason for Veto: "Texas stopped allowing school districts to voluntarily erode their tax bases many years ago because of the impact on the school finance system. House Bill 2111 would undo this effort by allowing Southside I.S.D. in San Antonio to contribute its maintenance and operation tax revenue to a tax increment reinvestment zone for an indefinite period of time. The bill also would force taxpayers in Southside I.S.D. to pay higher taxes, undermining the significant reforms accomplished this session."

**House Bill 2112****Effective:** Vetoed**House Author:** Thompson, Ed**Senate Sponsor:** Zaffirini

House Bill 2112 amends the Transportation Code to include a flood vehicle as a salvage motor vehicle for purposes of the Certificate of Title Act. The bill, among other provisions regarding the titling of a salvage motor vehicle and a nonrepairable motor vehicle, repeals an Occupations Code provision that requires the Texas Department of Motor Vehicles to prescribe the form of the record required for a salvage vehicle dealer regarding used component parts and repeals a Transportation Code provision that sets out requirements for the appearance of a title for a salvage motor vehicle or nonrepairable motor vehicle.

Governor's Reason for Veto: "After Hurricane Harvey, I formed the Governor's Commission to Rebuild Texas, which identified ways to improve how our government responds to natural disasters. One of the Commission's recommendations was to develop a process for the Department of Motor Vehicles to coordinate with the Federal Emergency Management Agency to ensure that it has the information necessary to identify flooded vehicles. I have now signed into law House Bill 2310, which implements that recommendation.

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“House Bill 2112 also seeks to address the challenge of identifying flooded vehicles, but in doing so, it would eliminate the current methodology for identification and repeal the provision of law added by House Bill 2310. The new process established in House Bill 2310 should have a chance to work.”

### **House Bill 2348**

**Effective:** Vetoed

**House Author:** King, Tracy O. et al.

**Senate Sponsor:** Perry et al.

House Bill 2348 amends the Labor Code to prohibit an employer from terminating or suspending the employment of or discriminating against an employee who is absent from or late to work because the employee is responding to a declared disaster as a volunteer emergency responder. Among other provisions, the bill entitles an employee who is suspended or terminated in violation of the prohibition to reinstatement to the employee’s former position or a comparable position, certain compensation for lost wages, and reinstatement of fringe benefits and seniority rights. The bill authorizes an employee to bring a civil action against an employer who violates the bill’s provisions.

Governor’s Reason for Veto: “First responders play a vital role in disaster recovery, so I appreciate the good intentions of the author. But this does not mean we need to create a new civil cause of action so that employees who volunteer in disasters can sue their employers. House Bill 2348 would open the door to such lawsuits against both public and private employers. Employers have every incentive to accommodate their brave employees who serve as first responders, but they deserve the flexibility to develop their own leave policies for their employees, instead of having the State dictate the terms.”

### **House Bill 2475**

**Effective:** Vetoed

**House Author:** Guillen

**Senate Sponsor:** Zaffirini et al.

House Bill 2475 amends the Transportation Code to authorize a person assessed a surcharge under the driver responsibility program to provide information establishing that the person is indigent, and thus not subject to the payment of the surcharge, to the applicable court at any time during a period the person is enrolled in an installment plan for payment of the surcharge.

Governor’s Reason for Veto: “Because I have signed House Bill 2048 into law, which repeals the Driver Responsibility Program, the changes made in House Bill 2475 are no longer necessary.”

### **House Bill 2481**

**Effective:** Vetoed

**House Author:** Metcalf et al.

**Senate Sponsor:** Creighton et al.

House Bill 2481 amends the Code of Criminal Procedure and Government Code to authorize a commissioners court of a county to establish a juvenile family drug court program. The bill also authorizes a veterans treatment court program to transfer responsibility for supervising a defendant’s participation in the program to another program located in a county adjacent to the county where the defendant works or resides, if the program and the defendant consent. The bill sets out related provisions, including provisions regarding participant payment for treatment and services and program funding.

Governor’s Reason for Veto: “House Bill 2481, as passed by the House, represented an improvement in access to specialty treatment courts for our Texas veterans. Unfortunately, a last-minute amendment was added in the Senate and would create a juvenile family drug court program that is entirely different and unrelated. This new program would authorize a court to exercise jurisdiction over an individual who has never been charged with any crime, but who resides in the home of a child subject to a case under Title 3 of the Family Code and who is suspected by the Department of Family and Protective Services of having a substance abuse problem. The lack of due-process protections is unacceptable. Next session, I look forward to increasing the ability of our Texas veterans to access treatment without this concerning program attached.”

**House Bill 2856**  
**Effective:** Vetoes

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

House Bill 2856 amends the Business & Commerce Code to create a Class B misdemeanor offense for a disaster remediation contractor who unlawfully requires a person to make a full or partial payment under a contract before the contractor begins work or requires that the amount of any partial payment under the contract exceed an amount reasonably proportionate to the work performed. The bill enhances the penalty for the offense to a third degree felony if the offense was committed with the intent to defraud the person contracting for disaster remediation services.

Governor’s Reason for Veto: “House Bill 2856 attempts to address the very real problem of disaster-remediation contractors who take advantage of disaster victims. But it does so with a stiff criminal penalty in an area where civil remedies already exist, which could discourage well-intentioned, quality tradespeople from seeking work in Texas following a disaster. This could inadvertently harm victims and impede recovery. We must take a more measured approach to this issue—as was done in House Bill 2320, which I have signed into law this session. I look forward to working with the author next session.”

**House Bill 3022**  
**Effective:** Vetoes

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

House Bill 3022 amends the Government Code and Transportation Code to provide for the development of a local emergency warning system to be operated by a municipality or county.

Governor’s Reason for Veto: “House Bill 3022 would require the Texas Department of Public Safety to capture the contact information of driver’s license applicants who consent to being part of local emergency warning systems, and to work with local governments on creating those local warning systems. I appreciate the author’s good intentions, and I have signed important legislation this session that will help Texans prepare for disasters. But to ensure that the local emergency warning systems use data that is accurate, updated, and used appropriately, local governments—not the State—should be in charge of gathering and managing this type of data.”

**House Bill 3078**  
**Effective:** Vetoes

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

House Bill 3078 amends the Code of Criminal Procedure to require the Board of Pardons and Paroles, in consultation with the governor, to appoint a panel of experts to review an application for clemency from a person who was convicted of an offense committed while under duress or coercion or as a result of being a victim of human trafficking or family violence, dating violence, or violence in the household.

Governor’s Reason for Veto: “I have signed into law this session a number of important bills that will help Texas continue to lead on the issue of human trafficking. This is a priority for me, and I applaud the author’s contribution to this effort. But adding a thick layer of bureaucracy to the Board of Pardons and Paroles, as House Bill 3078 would have done, is not the way to help victims of human trafficking.”

**House Bill 3082**  
**Effective:** Vetoes

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

House Bill 3082 amends the Government Code to change the requisite intent for an offense of operating an unmanned aircraft over a correctional facility, detention facility, or critical infrastructure facility from intentionally or knowingly committing the applicable conduct to committing that conduct with criminal negligence. The bill requires a peace officer who investigates such an offense to notify the Department of Public Safety of the investigation.

Governor’s Reason for Veto: “Current law already imposes criminal penalties for the conduct addressed in House Bill 3082. This proposed legislation would expose too many Texans to criminal liability for unintentional conduct. Negligently flying a drone over a railroad switching yard should not result in jail time.”

## Vetoes by the Governor

### House Bill 3195

**Effective:** Vetoed

**House Author:** Wu et al.

**Senate Sponsor:** Whitmire

House Bill 3195 amends the Education Code, Family Code, and Human Resources Code to set out procedures for a student's transition from an alternative education program to a regular classroom, including procedures for the development of a personalized transition plan. The bill authorizes the Texas Juvenile Justice Department (TJJD) to reduce the amount of time that a child at sanction level six is required to participate in a highly structured residential program and requires the reason for the reduction to be documented. The bill makes examination and treatment records of a child under TJJD jurisdiction available to an individual or entity assisting TJJD in providing transition planning and reentry services to the child and changes the deadline by which TJJD must provide the appropriate court with a progress report and a reentry and reintegration plan for a child about to be released. The bill repeals a provision that requires a student in a TJJD education program to participate in a positive behavior support system and, in certain circumstances, reading instruction before being released on parole.

Governor's Reason for Veto: "Parts of House Bill 3195 are unnecessary because they duplicate provisions of House Bill 2184, which I have already signed into law. But among its other changes, House Bill 3195 would remove an important requirement: that juvenile offenders participate in certain educational programs before being eligible for parole. This requirement is intended to improve the literacy skills and behavior of juvenile offenders so that recidivism rates decrease. It should not be eliminated."

### House Bill 3252

**Effective:** Vetoed

**House Author:** Allen

**Senate Sponsor:** Zaffirini

House Bill 3252 amends the Election Code to require the written notice of the date, hour, and place for each precinct, county, senatorial, or state convention that a voter in the precinct may be eligible to attend during an election year to be posted and remain posted continuously during the early voting period for a primary election. The bill changes the posting location of a primary election notice and the notice of consolidated precincts for general and special elections to the county clerk's website.

Governor's Reason for Veto: "House Bill 3252 would change how the public is notified about a primary election, but in a way that could cause confusion and is now unnecessary. House Bill 3252 would require that notice of a primary election be posted on the county clerk's website, but in Texas, some county clerks are not responsible for administering elections. And House Bill 2640, which I have signed into law, now requires the same notice of a primary election to be posted on the county's official website. Disapproving House Bill 3252 will help ensure that voters know where to find information about how to cast their ballot."

### House Bill 3490

**Effective:** Vetoed

**House Author:** Cole

**Senate Sponsor:** Huffman et al.

House Bill 3490 amends the Penal Code to expand the conduct that constitutes the Class B misdemeanor offense of harassment to include publishing on a website, including a social media platform, repeated electronic communications in a manner reasonably likely to harass, abuse, or torment another person.

Governor's Reason for Veto: "Cyberbullying is unacceptable and must be stopped. In 2017, I signed Senate Bill 179 into law because cyberbullying is a very real problem. House Bill 3490 shares the same good intentions. Unfortunately, the language used in the bill is overbroad and would sweep in conduct that legislators did not intend to criminalize, such as repeated criticisms of elected officials on Internet websites. I look forward to working next session to forcefully counter cyberbullying in ways that can be upheld constitutionally."

**House Bill 3511**  
**Effective:** Vetoed

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

House Bill 3511 amends the Education Code to establish the temporary Commission on Texas Workforce of the Future to develop recommendations and prepare an interim report on certain issues related to workforce development and the future of the state’s workforce, including enhancing coordination and alignment between industry, public education, and higher education.

Governor’s Reason for Veto: “House Bill 3511 is redundant of the Tri-Agency Workforce Initiative, which is comprised of the Texas Workforce Commission, the Texas Education Agency, and the Texas Higher Education Coordinating Board. Since 2016, those three agencies have worked to assess local economic activity, examine workforce challenges and opportunities, and consider innovative approaches to meeting the State’s workforce goals. Together, they are implementing reforms that will improve the quality of education and the workforce in Texas. We need to give those changes a chance to succeed before we start adding bureaucracy and duplicating effort through creation of an expansive new commission.”

**House Bill 3648**  
**Effective:** Vetoed

**House Author:** Guillen  
**Senate Sponsor:** Whitmire

House Bill 3648 amends the Human Resources Code to clarify that the powers of the office of the independent ombudsman of the Texas Juvenile Justice Department include the inspection of certain facilities and the investigation of complaints alleging a violation of the rights of children committed to or placed in such a facility who are 10 years of age or older and younger than 19 years of age.

Governor’s Reason for Veto: “I appreciate the author of House Bill 3648 for seeking to clarify the authority of the independent ombudsman who serves a vital role in assisting children committed to the Texas Juvenile Justice Department. That important goal has already been accomplished in the exact same way through Senate Bill 1702, which I have signed into law, and the additional part of House Bill 3648 is unnecessary.”

**House Bill 3910**  
**Effective:** Vetoed

**House Author:** Sherman, Sr. et al.  
**Senate Sponsor:** West

House Bill 3910 amends the Local Government Code to provide for the establishment and powers of supplemental county civil service commissions to assist in administering the civil service system in Dallas County.

Governor’s Reason for Veto: “The Legislature has not shown the need for House Bill 3910, which would have created additional bureaucracy and increased the number of unelected officials with final decision-making power over county civil service matters. If workload is the problem, the answer is streamlined operations, not state laws creating unaccountable creatures like supplemental commissions. There is no apparent justification for singling out one county and giving it this ill-advised carve-out.”

**House Bill 4703**  
**Effective:** Vetoed

**House Author:** Coleman  
**Senate Sponsor:** Whitmire

House Bill 4703 amends the Special District Local Laws Code to create the Harris County Improvement District No. 28.

Governor’s Reason for Veto: “House Bill 4703 would create Harris County Improvement District No. 28 within the City of Houston. This municipal management district would be authorized to impose not only new assessments, but also to impose more ad valorem taxes on properties in its territory to fund certain infrastructure and services. These properties, however, are wholly within the service area of the city and its water utility. That means this district would be using its new ad valorem taxation to fund infrastructure and services that the city is already imposing its own taxes to provide. The City of Houston has a history of using special purpose districts to subject citizens to double taxation, and this district would be another

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example. The creation of such a district should not be used as a tool to circumvent property tax reforms, including the meaningful reform passed this session in Senate Bill 2.”

### **Senate Bill 124**

**Effective:** Vetoed

**Senate Author:** West

**House Sponsor:** Sherman, Sr.

Senate Bill 124 amends the County Purchasing Act, Local Government Code, to authorize a county commissioners court to require submission of bids or proposals under the act through electronic transmission.

Governor’s Reason for Veto: “Senate Bill 124 would have allowed commissioners courts to create a patchwork of bidding requirements, with some counties accepting hard-copy bids and others insisting on electronic bids. This would lay a trap for the unwary bidder. If the Legislature prefers electronic bidding, it should pursue consistency across the State.”

### **Senate Bill 390**

**Effective:** Vetoed

**Senate Author:** Miles

**House Sponsor:** Dutton

Senate Bill 390 amends the Special District Local Laws Code to provide for the creation of the Northeast Houston Redevelopment District.

Governor’s Reason for Veto: “Senate Bill 390 would create, within Houston city limits, a municipal management district that would be governed by a self-perpetuating board appointed by the city and would impose assessments on property to fund services that the city already has a responsibility to provide to area residents. This goes too far. Creating districts like these within city limits undermines core principles of protecting taxpayers and promoting transparency, which led to historic achievements this session in Senate Bill 2. It is tantamount to double taxation on the district’s property owners, forcing them to pay an ad valorem tax to the city and another assessment to the district. The creation of a municipal management district, or any special purpose district, should not be used to circumvent property-tax reforms.”

### **Senate Bill 467**

**Effective:** Vetoed

**Senate Author:** Zaffirini

**House Sponsor:** Leach

Senate Bill 467 amends the Government Code to change the requirement that the State Commission on Judicial Conduct (SCJC) notify a person who filed a written complaint with SCJC of the status of the investigation at least quarterly to a requirement for SCJC to notify such a person of any change in the status of the complaint investigation. The bill expands the type of complaint data that SCJC must include in its annual report and requires SCJC to maintain certain information regarding complaints on the SCJC website, to establish sanction guidelines, and to establish a complaint schedule.

Governor’s Reason for Veto: “Senate Bill 467 is not needed because it would require the State Commission on Judicial Conduct to take actions that it can already do without a statutory change.”

### **Senate Bill 511**

**Effective:** Vetoed

**Senate Author:** Rodríguez et al.

**House Sponsor:** Clardy

Senate Bill 511 amends the Transportation Code to prohibit a person who owns or operates a business that installs tires or an employee of such a person from knowingly installing an unsafe tire on a motor vehicle to be used on a public street or highway. The bill establishes a civil penalty for a person who violates the prohibition.

Governor’s Reason for Veto: “Senate Bill 511 would authorize a new civil penalty for installing used tires on vehicles. While ensuring drivers’ safety is a legitimate governmental objective, there is no real and substantial relationship between that goal and the way this law would function in practice. I vetoed similar legislation last session and must do so again because more regulation is not the answer to every problem. Texas needs fewer laws that impose regulatory burdens on small businesses and consumers.”

**Senate Bill 536****Effective:** Vetoed**Senate Author:** Zaffirini**House Sponsor:** Murr

Senate Bill 536 amends the Government Code to establish a system of regional specialized courts with jurisdiction over guardianship proceedings and protective services proceedings to be served by associate judges appointed by the presiding judge of each administrative judicial region.

Governor's Reason for Veto: "Senate Bill 536 highlights that the answer to a perceived problem cannot always be to throw more state money and bureaucracy at it. The Legislature has not shown that it is necessary to create new associate judgeships to specialize in guardianship proceedings, and Senate Bill 536 was misguided in its attempt to create this expensive new system. The Legislature should find a better way to address this issue."

**Senate Bill 550****Effective:** Vetoed**Senate Author:** West et al.**House Sponsor:** Thompson, Senfronia

Senate Bill 550 amends the Government Code to set out provisions relating to an order of nondisclosure of criminal history record information for a person who on conviction of certain offenses is placed on community supervision and with respect to whom the conviction is set aside by the court, in addition to meeting other conditions.

Governor's Reason for Veto: "I vetoed similar legislation in 2015 and must do so again here. Convicted criminals should have a pathway to reintegrating into society after they complete their sentences, and the law rightfully allows them to clear their records in certain circumstances. For example, this session I have signed into law Senate Bill 20, which expands the ability of human trafficking victims to seek orders of nondisclosure. Senate Bill 550, however, would allow individuals who were convicted of violent felonies to hide their dangerous conduct from society and from potential employers. I look forward to working with the next Legislature on a more tailored approach."

**Senate Bill 667****Effective:** Vetoed**Senate Author:** Zaffirini**House Sponsor:** Thompson, Senfronia

Senate Bill 667 amends the Civil Practice and Remedies Code, Estates Code, Government Code, Health and Safety Code, Human Resources Code, and Local Government Code to revise and update certain provisions governing probate and guardianship matters and procedures for persons who are incapacitated or have a mental illness. Among other provisions, the bill authorizes the commissioners court of a county to create an office of public guardian to provide certain guardianship services to incapacitated persons or enter into an agreement with a person operating a nonprofit guardianship program or private professional guardianship program to act as a public guardian for such purposes.

Governor's Reason for Veto: "Senate Bill 667 would make a number of improvements to the law governing probate and guardianship matters, but they unfortunately cannot take effect this session because of a section of the bill that would create new public guardianship offices controlled by counties. It has not been shown that it is necessary to add permanent county offices dedicated to this function. Private attorneys are capable of handling these cases without the expense of this new bureaucracy."

**Senate Bill 746****Effective:** Vetoed**Senate Author:** Campbell et al.**House Sponsor:** Cortez

Senate Bill 746 amends the Local Government Code to set out the petition and election procedure for a tier 1 county to be considered a tier 2 county for municipal annexation purposes. The bill extends the period during which a tier 2 municipality is prohibited from annexing an area after a failed annexation attempt.

Governor's Reason for Veto: "I have signed House Bill 347, which reforms municipal annexation procedures to provide property owners in all counties, regardless of population size, protection against



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forced annexation. Provisions in Senate Bill 746 are based on the tiered county system that was overhauled by House Bill 347. Disapproving Senate Bill 746 will allow the protections in House Bill 347 to work statewide without creating confusion.”

### **Senate Bill 815**

**Effective:** Vetoed

**Senate Author:** Rodríguez

**House Sponsor:** Moody et al.

Previous law required a record of communication between a magistrate and a person arrested under warrant and taken before the magistrate to be preserved for certain optional time periods based on the category of the offense. Senate Bill 815 amends the Code of Criminal Procedure to require instead such a record to be retained in compliance with the applicable local government records retention schedule prepared by the director and librarian of the Texas State Library and Archives Commission.

Governor’s Reason for Veto: “The law requires that arrested individuals be brought before a magistrate to be informed about the charges against them and to receive important warnings about their rights. Records must be made of these communications, and while a statute currently fixes the periods for which courts must retain the records, Senate Bill 815 would instead have delegated to an agency the discretion to set—and change—the retention periods. Administrative flexibility is not a virtue in this instance. The Legislature should be the one to provide clear direction on this issue.”

### **Senate Bill 1319**

**Effective:** Vetoed

**Senate Author:** Birdwell et al.

**House Sponsor:** Murphy

Senate Bill 1319 amends the Local Government Code to authorize the City of Laredo or Webb County, as applicable and subject to voter approval, to convert a sports and community venue sales and use tax to a sales and use tax for the benefit of a Type A or B corporation for purposes of economic development.

Senate Bill 1319 amends the Tax Code to require a county that imposes a county hotel occupancy tax to report annually to the comptroller of public accounts certain information relating to the rate of and revenue from the tax.

Governor’s Reason for Veto: “The author of Senate Bill 1319 had the right idea in imposing additional reporting requirements for hotel occupancy taxes. Taxpayers deserve that kind of transparency. But the bill was amended by others to add pet projects that would allow a single county and a single city to have an existing tax, previously enacted for a particular purpose, ‘converted’ by election into a different tax for a different purpose. This tax ‘conversion’ process would have misled voters, masking the reality that such an election is for a new tax by failing to inform them that they could simply allow the existing tax to expire. I applaud the author for his original concept and look forward to approving it next session, without the counterproductive amendments.”

### **Senate Bill 1575**

**Effective:** Vetoed

**Senate Author:** Alvarado et al.

**House Sponsor:** Krause

Senate Bill 1575 amends the Civil Practice and Remedies Code to grant a municipality governmental immunity to suit and from liability for a cause of action arising from the municipality entering into a contract for a purpose related to disaster recovery after a gubernatorial disaster declaration or taking an action under that contract.

Senate Bill 1575 amends the Local Government Code to exempt certain disaster recovery contracts from provisions relating to the adjudication of claims arising under written contracts with local governmental entities.

Governor’s Reason for Veto: “Disaster-recovery tools are critically important in Texas, and this session I have signed into law important legislation that will help Texans rebuild from prior disasters and prepare for future ones. But Senate Bill 1575 goes too far in shielding municipalities from being sued for all sorts of contracts they may enter into for an unspecified period after a disaster declaration. I look forward to working with the Legislature on a more tailored approach to this issue next session.”

**Senate Bill 1793****Effective:** Vetoed**Senate Author:** Zaffirini**House Sponsor:** Longoria

Senate Bill 1793 amends the State Purchasing and General Services Act, Government Code, to require the comptroller of public accounts to notify a state agency purchasing a good or service through a contract listed on a multiple award contract schedule of the percentage used to calculate the rebate. The bill, among other provisions, authorizes an officer or employee of a local workforce development board who is engaged in official board business or an officer or employee of a governmental entity who is engaged in official business of the governmental entity to participate in the comptroller's contract for travel services. The bill exempts an attorney who is licensed to practice law in Texas and who has not been disciplined by the State Bar of Texas for a violation of the Texas Disciplinary Rules of Professional Conduct from the required nepotism disclosure before a state agency may award a major contract for the purchase of goods or services to a business entity.

Governor's Reason for Veto: "Senate Bill 1793 would have given government lawyers a pass on filling out a nepotism disclosure form prescribed by the State Auditor's Office. For procurement contracts worth at least \$1 million, this form compels agency employees to disclose relationships with, and direct or indirect pecuniary interests in, any party to the proposed contract with the state agency. Uncovering such ties to a potential vendor is important even if the procurement employee happens to be a member in good standing of the Texas Bar. Government lawyers should fill out the same nepotism disclosure form as everyone else at the agency."

**Senate Bill 1804****Effective:** Vetoed**Senate Author:** Kolkhorst**House Sponsor:** Nevárez et al.

Senate Bill 1804 amends the Code of Criminal Procedure and Government Code to require certain conditions of bond information to be entered into the statewide law enforcement information system and to set out certain related victim notification requirements. The bill provides for the establishment of a grant program to reimburse counties for all or part of the costs for the global positioning monitoring of defendants and victims in family violence cases.

Senate Bill 1804 amends the Special District Local Laws Code and Tax Code to authorize the Midland County Hospital District of Midland County, Texas, to adopt, change the rate of, or abolish a sales and use tax at a district election.

Senate Bill 1804 postpones the effective date of certain Texas Radiation Control Act provisions relating to a disposal surcharge and state fee.

Governor's Reason for Veto: "Senate Bill 1804 was a laudable effort to address domestic violence, until someone slipped in an ill-considered giveaway to a radioactive waste disposal facility. Unfortunately, the bill author's good idea about domestic violence has been dragged down by a bad idea about radioactive waste."

**Senate Bill 1861****Effective:** Vetoed**Senate Author:** Menéndez**House Sponsor:** Flynn

Senate Bill 1861 amends the Public Facility Corporation Act, Local Government Code, to set out provisions expressly authorizing a municipality, county, school district, housing authority, or special district to create a public facility corporation to finance, own, and operate an applicable multifamily residential development that meets the bill's prescribed requirements for a property tax exemption.

Governor's Reason for Veto: "Public facility corporations are a way for government entities to get in the business of affordable housing and issue conduit debt. To the extent Senate Bill 1861 would encourage taxing entities, including school districts and community colleges, to engage in activities that are outside of their core missions, it would distract those entities from improving student outcomes. Schools and community colleges should focus on educating students, and House Bill 3 provides the necessary resources to accomplish that goal."

## Vetoes by the Governor

### **Senate Bill 2456**

**Effective:** Vetoed

**Senate Author:** Powell

**House Sponsor:** Zedler

Senate Bill 2456 amends the Special District Local Laws Code to set out provisions relating to the powers, duties, and territory of the Karis Municipal Management District of Tarrant County.

Governor's Reason for Veto: "Municipal management districts typically serve as a financing mechanism for commercial, residential, or entertainment development, but sometimes they are misused to supplant services that a city should provide, resulting in double taxation for district residents. Senate Bill 2456 illustrates the problem. It would give the Karis Municipal Management District, located within the City of Crowley, new powers to perform a litany of services paid for by assessments on property within the district. The services range from police and fire protection to the construction and permitting of public concession facilities. These are services that residents should expect the city to provide, using taxes the city imposes. Yet Senate Bill 2456 would allow the district to impose additional assessments for these services. Property owners should not be forced to pay both residential property taxes to the city and residential assessments to the district. Giving this district such expansive authority would reduce transparency and circumvent the taxpayer protections in Senate Bill 2."

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