

BUILDING BRIDGES TO TOMORROW

SUMMARY OF ENACTED LEGISLATION
86TH LEGISLATURE (2019)



Values

People

People are the Department's most important customer, asset, and resource. The well-being, safety, and quality of life for Texans and the traveling public are of the utmost concern to the Department. We focus on relationship building, customer service, and partnerships.

Accountability

We accept responsibility for our actions and promote open communication and transparency at all times.

Trust

We strive to earn and maintain confidence through reliable and ethical decision-making.

Honesty

We conduct ourselves with the highest degree of integrity, respect, and truthfulness.

Vision

A forward-thinking leader delivering mobility, enabling economic opportunity, and enhancing quality of life for all Texans.

Mission

Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.



Goals and Objectives

Deliver the Right Projects

Implement effective planning and forecasting processes that deliver the right projects on-time and on-budget.

Focus on the Customer

People are at the center of everything we do.

Foster Stewardship

Ensure efficient use of state resources.

Optimize System Performance

Develop and operate an integrated transportation system that provides reliable and accessible mobility, and enables economic growth.

Preserve our Assets

Deliver preventive maintenance for TxDOT's system and capital assets to protect our investments.

Promote Safety

Champion a culture of safety.

Value our Employees

Respect and care for the well-being and development of our employees.

TEXAS TRANSPORTATION COMMISSION

Commissioners



J. Bruce Bugg, Jr.
Chairman



Jeff Austin III
Commissioner



Laura Ryan
Commissioner



Alvin New
Commissioner



Vacant
(As of December 2018)

TEXAS DEPARTMENT OF TRANSPORTATION



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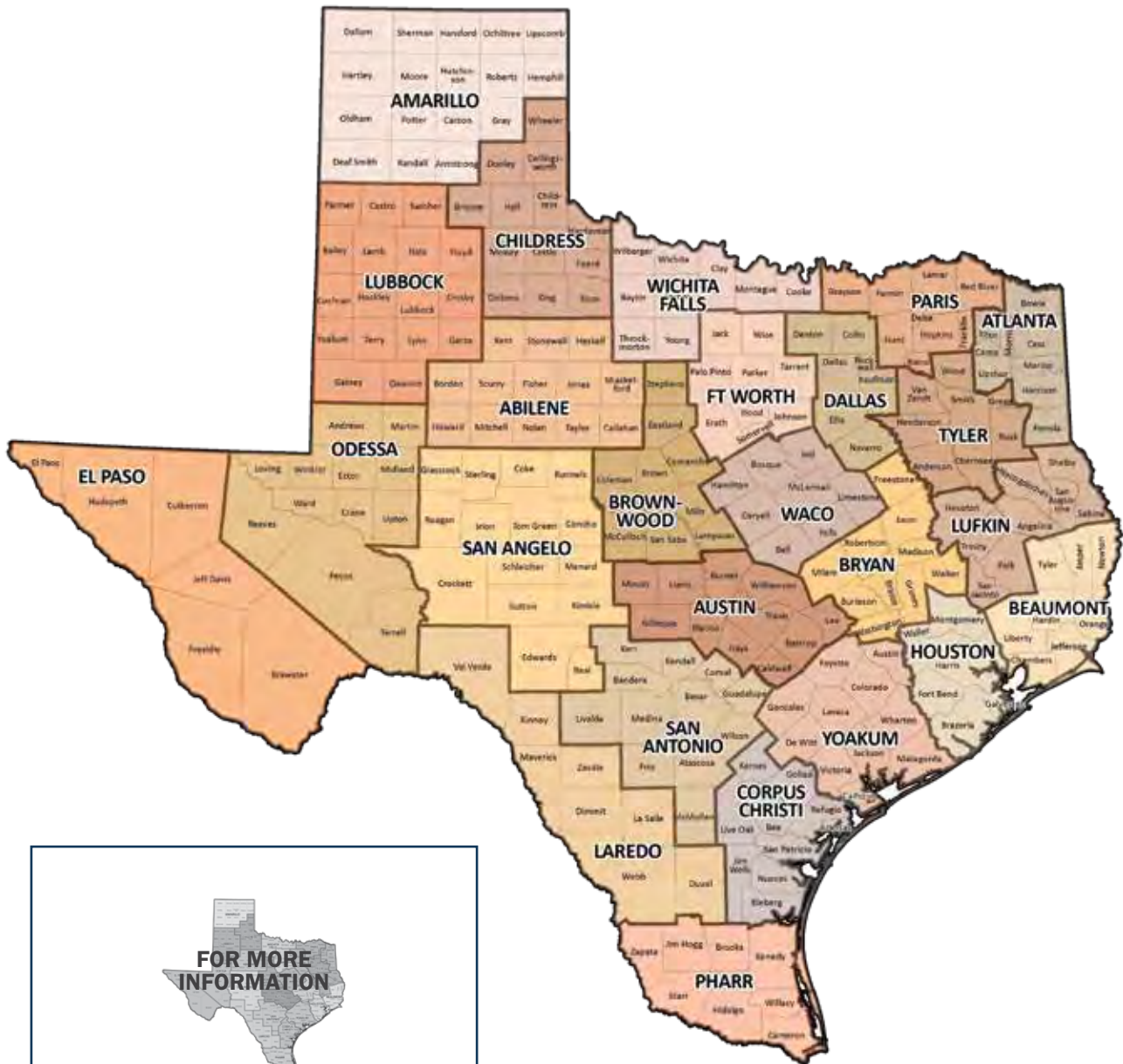
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TxDOT DISTRICTS MAP



SCAN WITH SMART PHONE

Find a current list of district engineers and other resources at www.txdot.gov keyword search "district engineer".

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Message from TxDOT Executive Director

We are pleased to provide you with the Texas Department of Transportation's (TxDOT) 2019 legislative summary. This publication provides an overview of key bills passed during the 86th Texas Legislative Session (2019) that impact the state transportation system as well as TxDOT's daily operations.

The 86th Legislature filed more than 7,500 bills and joint resolutions. Of these, TxDOT monitored approximately 900 bills that had the potential to directly affect the agency or impact transportation policy in Texas. Throughout the session, members of TxDOT's administration and staff served as expert witnesses in legislative hearings and worked with lawmakers to inform them about the possible impacts of proposed legislation.

A major highlight of the 2019 legislative session for TxDOT was the adoption of the 2020-2021 biennial budget. In addition to providing an estimated \$30.78 billion in funding for the biennium to support TxDOT's operations, the budget provides TxDOT enhanced flexibility within its budget strategies. The Legislature also approved an increase of 313.5 full-time equivalents (FTE) to TxDOT's overall FTE capacity, funding to complete TxDOT's campus consolidation project, and funding to make significant investments to address deferred maintenance and information technology needs, all of which are critical for TxDOT staff to effectively and efficiently deliver transportation projects for the state.

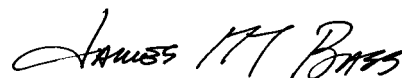
Other significant highlights include legislation to:

- extend Proposition 1 (2014) through 2034, which directs a portion of oil and gas taxes to the State Highway Fund (SB 69 & SB 962);
- allow TxDOT to use appropriated funds to purchase food and beverages for its employees who are activated in response to a disaster or emergency situation (SB 537);
- allow TxDOT greater flexibility to effectively time the delivery of Design-Build projects (HB 2830);
- continue the state's emphasis on cybersecurity and state contracting oversight; and
- grant TxDOT greater flexibility in purchasing highway commodity items (SB 1092).

It requires dedication and teamwork to effectively monitor, review, and provide information on legislation and other issues before and during the biennial legislative session. I appreciate the hard work of TxDOT staff to help ensure that the Legislature and the Governor's Office received timely and accurate information on the possible impact of proposed legislation on TxDOT policy and operations. Also, my sincere thanks goes to Governor Greg Abbott and his staff, the members of the Texas Legislature and their staff, the Texas Transportation Commission, transportation stakeholders, and the public for their work throughout the legislative session. This collaboration is vital to TxDOT's ability to deliver a safe, reliable, and integrated transportation system for the state.

Please contact the State Legislative Affairs Section of TxDOT's Government Affairs Division if you would like more information on any content in this publication or on any other transportation issues. Thank you for doing your part to make our transportation system safer by obeying all traffic laws and operating your vehicle in a safe and responsible manner. I look forward to TxDOT's successful implementation and execution of the legislation summarized in this publication.

Respectfully,



James M. Bass



APPROPRIATIONS & TRANSPORTATION FUNDING



APPROPRIATIONS & TRANSPORTATION FUNDING

General Appropriations Bill.

Author: Representative John Zerwas (R–Richmond)

Sponsor: Senator Jane Nelson (R–Flower Mound)



Summary

House Bill 1 (General Appropriations Act) is the state budget for the upcoming biennium covering fiscal years 2020-2021. HB 1 appropriates \$250.7 billion from all fund sources in the state, which represents \$14.9 billion in growth over the 2018-2019 biennium.

Impact on TxDOT

Total direct appropriations for TxDOT’s 2020-2021 biennial budget equals \$30.78 billion (see Figure 1. Method of Finance (Sources); Figure 2.

Budget (Uses); and Figure 5. TxDOT Funding Flow Chart—page 15). TxDOT’s total appropriations increased by approximately \$4.2 billion from the 2018-2019 biennium, when comparing General Appropriations Act funding for the fiscal years 2018-2019. A portion of TxDOT’s 2020-2021 biennial budget re-appropriates funds that were previously appropriated in the 2018-2019 biennial budget. The growth of oil and gas production in Texas increased the state’s severance tax collection, which also increased TxDOT’s share of Proposition 1 (2014) funds over the original estimates for the last biennium.

Figure 1. Method of Finance (Sources)

Updated 12-10-19

Method of Finance (Sources)	Fiscal Years 2020-2021	
General Revenue	\$19,576,554	<1%
Federal Funds (Traditional)	\$11,315,258,350	37%
SHF – State Revenue (Traditional)	\$9,295,666,458	30%
Proposition 1 (Non-Traditional)	\$3,902,862,970	13%
Proposition 7 (Non-Traditional)	\$5,000,000,000	16%
Toll Revenue/Concession Fees	\$309,772,233	1%
TMF - Taxes & Fees	\$954,119,906	3%
Total	\$30,797,256,471	100%

Figure 2. Budget (Uses)

**Percentages may not sum due to rounding*

Budget (Uses)	Fiscal Years 2020-2021	
Project Development	\$5,291,912,244	17%
Project Delivery	\$9,498,293,858	31%
Maintain & Replace	\$12,210,047,030	39%
Other Modes & Services	\$633,790,739	2%
Administration & Support	\$605,336,160	2%
Pay Back Borrowed Funds	\$2,248,104,207	7%
Regional Project Sub-Accounts	\$309,772,233	1%
Total	\$30,797,256,471	100%

**Percentages may not sum due to rounding*

HB 1 gives TxDOT authority to work with the Texas Public Finance Authority to issue up to \$326 million in revenue bonds for the construction of TxDOT’s campus consolidation project in Austin, Texas. TxDOT is appropriated \$4.2 million in fiscal year 2020 and \$19.6 million in fiscal year 2021 in Strategy E.1.1, Central Administration, for debt service payments to the Texas Public Finance Authority.

HB 1 appropriates more than \$26.94 billion, or 88 percent of TxDOT’s total budget, for the development, delivery, and maintenance of roadway projects.

Summary of Key Funding Sources

Proposition 1

Proposition 1 (2014) amended the Texas Constitution to dedicate a portion of oil and gas production taxes, known as severance taxes, to the State Highway Fund for “constructing, maintaining, and acquiring rights-of-way” for non-tolled, public roadways (See Figure 3. Proposition 1). Proposition 1 appropriations in the 2020-2021 biennial

budget include unexpended balances from fiscal years 2018-2019, as well as upcoming estimated deposits.

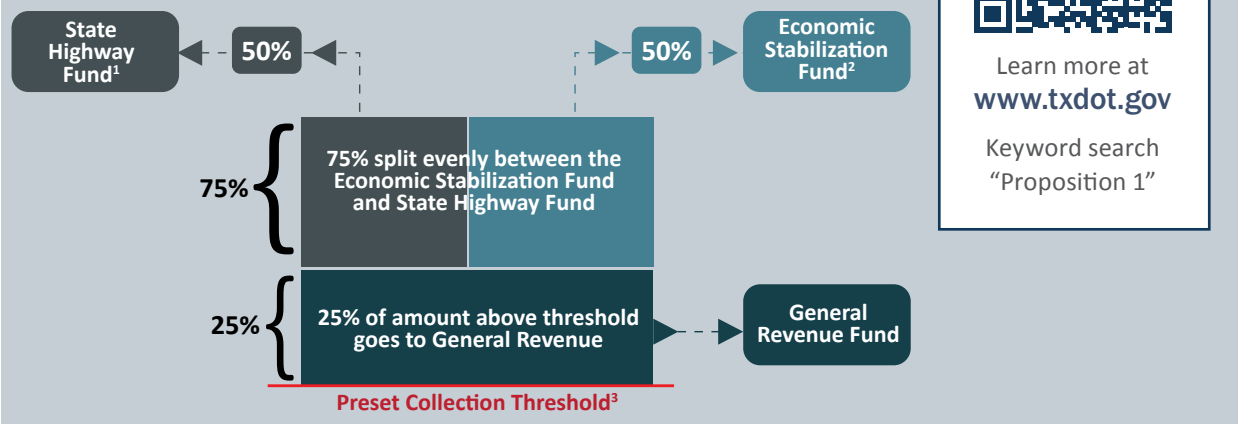
The Texas Comptroller of Public Accounts (comptroller) estimates Proposition 1 deposits totaling \$1,399,601,000 in fiscal year 2020 and \$1,456,095,000 in fiscal year 2021 in the most recent Biennial Revenue Estimate. Other key pieces of legislation from the 86th Legislature (2019)—Senate Bill 69, Senate Bill 500, and Senate Bill 962—will affect Proposition 1 deposits in the years to come. SB 69 and SB 962 extend the expiration date of Proposition 1 fund transfers to the State Highway Fund from December 31, 2024, to December 31, 2034, and make significant changes to the determination of the Economic Stabilization Fund minimum (“threshold”) balance, which triggers the transfer of Proposition 1 funds to the State Highway Fund. SB 500 appropriates approximately \$6.2 billion from the Economic Stabilization Fund (please see the appropriate sections of this session summary for more details on these key pieces of legislation).

Figure 3. Proposition 1

PROP 1

Texas Oil & Gas Production Taxes Above Threshold

Proposition 1 funds transfers are set to expire after the Fiscal Year 2035 transfer (December 31, 2034), unless a future legislature votes to extend them.



1. Actual amounts deposited in the State Highway Fund may vary based on the sufficient balance of the Economic Stabilization Fund set by the legislature. SB 69 (86R, 2019) requires the Texas Comptroller of Public Accounts to determine and adopt for a state fiscal biennium a “threshold” balance of the Economic Stabilization Fund in an amount equal to seven percent of the certified general revenue-related appropriations made for that state fiscal biennium (effective beginning with the state fiscal year on September 1, 2021).

2. The Economic Stabilization Fund is also known as the Rainy Day Fund.

3. Preset collection threshold is set at 1987 oil and natural gas production tax levels: \$531.9 million in oil production tax revenues and \$599.8 million in natural

Proposition 7

Proposition 7 (2015) amended the Texas Constitution to dedicate a portion of state funds from two revenue sources to the State Highway Fund for the “construction, maintenance, and acquisition of rights-of way for non-tolled, public roadways” as well as the payment of debt service on Proposition 12 (2007) General Obligation Highway Improvement Bonds.

Proposition 7 has two components that provide additional funding to TxDOT (See Figure 4. Proposition 7). Section 7-c, Article VIII, Texas Constitution, requires the comptroller to deposit to the State Highway Fund \$2.5 billion of the net revenue from state sales and use tax exceeding the first \$28 billion of that revenue coming into the state treasury each fiscal year. This provision is set to expire August 31, 2032, unless a future legislature votes to extend it.

The second component of Proposition 7 begins to take effect in fiscal year 2020, when, if state motor vehicle sales and rental tax revenue exceeds \$5 billion in a fiscal year, the comptroller will deposit 35 percent of the amount above that \$5 billion to the State Highway Fund. This provision is set to expire August 31, 2029, unless a future legislature votes to extend it. The comptroller estimates that the \$5 billion threshold will not be reached in the upcoming biennium. Therefore, TxDOT is not expected to receive these funds in the 2020-2021 biennium.

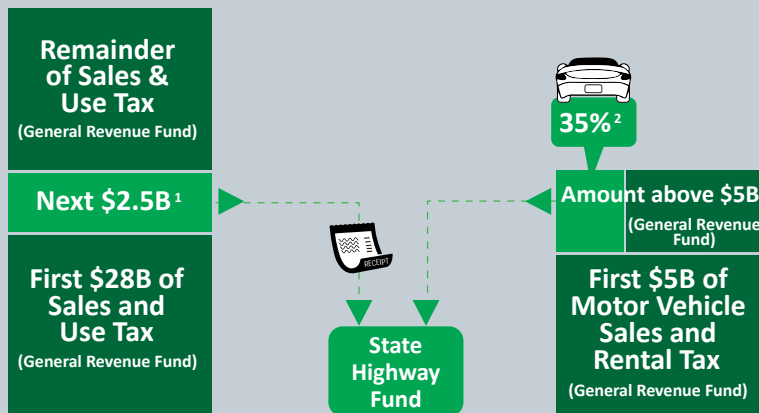
Of the \$5 billion Proposition 7 funds appropriated in the 2020-2021 biennium, approximately \$620 million will pay debt service on Proposition 12 General Obligation Highway Improvement Bonds. TxDOT will distribute the remaining \$4.4 billion to the development, delivery, and maintenance of non-tolled public roadway projects.

Figure 4. Proposition 7

PROP 7

Sales & Use Tax; Motor Vehicle Sales & Rental Tax

Proposition 7 funds (Sales & Use Tax) are set to expire August 31, 2032; and Proposition 7 funds (Motor Vehicle Sales & Rental Tax) are set to expire August 31, 2029, unless a future legislature votes to extend them.



Learn more at
www.txdot.gov

Keyword search
“Proposition 7”

1. This transfer of funds to the State Highway Fund took effect September 1, 2017 (Fiscal Year 2018).
2. This transfer of funds to the State Highway Fund does not take effect until September 1, 2019 (Fiscal Year 2020).

Federal Funds

TxDOT's appropriation in HB 1 includes \$11,315,258,350 in federal funds for fiscal years 2020-2021. TxDOT's federal fund appropriations consist mostly of federal highway construction dollars, which are estimated reimbursements for existing projects that are continuations from prior years or new projects anticipated to be let in fiscal years 2020-2021. HB 1 allocates a comparatively small amount of federal funds for grants for public transportation services, traffic safety initiatives, and aviation projects.

Capital Budget

HB 1 provides the majority of the capital budget funds that TxDOT requested and that the Texas Transportation Commission approved in its 2020-2021 biennial Legislative Appropriations Request. TxDOT based its capital budget request on its capacity to deliver certain deferred maintenance projects, building renovations, and improvements to information system technology. TxDOT still has unfunded capital budget needs and in future appropriations requests, TxDOT will continue to request the capital budget necessary to continue its facility and technological infrastructure investment schedule. HB 1 funds TxDOT's capital budget projects with State Highway Fund dollars. The bill provides capital budget authority for the items listed below:

- \$28,500,000 out of the \$57,000,000 requested for the deferred maintenance of statewide buildings and facilities.
- \$58,000,000 out of the \$116,000,000 requested for the construction of buildings and facilities.
- A total of \$46,300,000, which is the full amount requested, for the acquisition of land for building and facility construction (\$5 million of this amount is related to the Austin Campus Consolidation project).
- \$255,290,478 out of \$289,175,509 requested for technology-related budget items.

Full-Time Equivalents

TxDOT received an increase of 313.5 full-time equivalents (FTE) to its overall FTE capacity. The upcoming biennium includes an FTE cap of 12,527.

The legislature also responded to TxDOT's request for a rider that allows TxDOT to temporarily exceed its FTE capacity by up to three percent in a fiscal quarter. Rider 43, Limitation on Employment Levels, provides flexibility in case TxDOT experiences unexpected job market instability in certain parts of the state due to economic factors beyond its control. Rider 43 will allow TxDOT to hire employees up to its capacity without maintaining a safeguard of unfilled positions.

TxDOT is required to report to the Legislative Budget Board with a plan to comply with the provisions of Article IX, Section 6.10, of the budget if the number of FTEs paid by TxDOT exceeds the approved capacity by 50.0 FTEs or more.

Riders

TxDOT requested and received several significant rider amendments, additions, and deletions in its bill pattern for the 2020-2021 biennium.

Transfer Authority

One of TxDOT's rider priorities includes expanding transfer authority, which TxDOT has requested for several biennia. HB 1 revises Rider 3, Transfer Authority, to allow TxDOT to transfer among strategies (listed below), without prior Legislative Budget Board approval, in amounts not to exceed five percent of the appropriation item (listed below) from which the transfer is made for the fiscal year:

- A.1.2, Contracted Planning and Design;
- A.1.3, Right-of-Way Acquisition;
- A.1.4, Construction Contracts;
- A.1.5, Maintenance Contracts; and
- A.1.8, Construction Grants and Services.

Transfers from these strategies to other budget strategies not explicitly listed must receive prior approval from the Legislative Budget Board.

Reporting Requirements and New Unexpended Balance Authority

HB 1 streamlined and eliminated some of TxDOT's budget rider reporting requirements:

- Rider 14(e) is modified to align the report on Public Transportation Activities with the statute that requires the same report. The modification allows TxDOT to publish the report on March 15, which provides more time to process year-end data.
- Rider 29 (SB 1, 2017), Unexpended Balance Appropriation: Rail Projects, is removed as a rider and provides unexpended balance authority in TxDOT's rail construction strategy.
- Rider 29 (HB 1, 2019) is rewritten to provide unexpended balance authority for both the Acquisition of Information Resource Technologies and the Centralized Accounting and Payroll/Personnel System from the 2018-2019 biennium to the 2020-2021 biennium.
- Rider 31, Debt Reduction Report, as revised, requires reporting only when TxDOT identifies new opportunities to reduce outstanding bond indebtedness.
- HB 1 deletes Rider 32 (SB 1, 2017), Travel Information Centers, which required TxDOT to provide a report detailing the economic and safety impact of travel information centers.
- Rider 35, Appropriation of Rail Receipts from Car Load Fees, includes TxDOT's request to carry forward unexpended balances from prior budget years.

New Riders and Rider Revisions

HB 1 includes the following revised or new riders in TxDOT's 2020-2021 biennial budget:

- Rider 26, Toll Project Subaccounts, as amended,

conforms to TxDOT's request to remove the listing of specific toll roads. The amended provisions refer instead to Section 228.012, Transportation Code. This change provides TxDOT the flexibility to address the creation of any project subaccounts between legislative sessions.

- Rider 44, Construction of Intelligent Transportation System, as amended, allows TxDOT to use available funds to assist with the El Paso Intelligent Transportation System projects in lieu of the Master Lease Purchase Program.
- Rider 46, Limitation on Expenditure of Funds, prohibits TxDOT from expending funds to construct a replacement bridge and roadway to Pelican Island in Galveston County through the Texas A&M Galveston campus without Legislative Budget Board approval.
- Rider 47, Transportation Infrastructure Fund, directs TxDOT to apply \$125 million from available revenue to provide grants to counties according to Subchapter C, Chapter 256, Transportation Code. This rider provision is in addition to the SB 500 provision that appropriates \$125 million from the Economic Stabilization Fund to the Transportation Infrastructure Fund for the same purposes.

Article IX Provisions

Significant Article IX (General Provisions) provision amendments affecting TxDOT are included below:

- HB 1 deletes Section 7.13 (SB 1, 2017), Article IX, Notification of Certain Expenditures Related to Mitigation of Adverse Environmental Impacts, which will reduce reporting requirements TxDOT must send to the legislature.
- HB 1 amends Section 9, Article IX, to strengthen and streamline provisions related to information resources and contracting requirements for technology purchases and services.
- Section 18.104, appropriates \$200,000 in general revenue for the purpose of installing signage, or providing grants to install signage

at public transportation hubs, including buses, bus stops, trains, train stations, rest areas, and airports, regarding services and assistance available to victims of human trafficking. TxDOT must work with the Office of the Attorney General of Texas to determine the design and content of the signage. The section also allows for unexpended balance authority for the transfer of unallocated funds from fiscal year 2020 to fiscal year 2021.

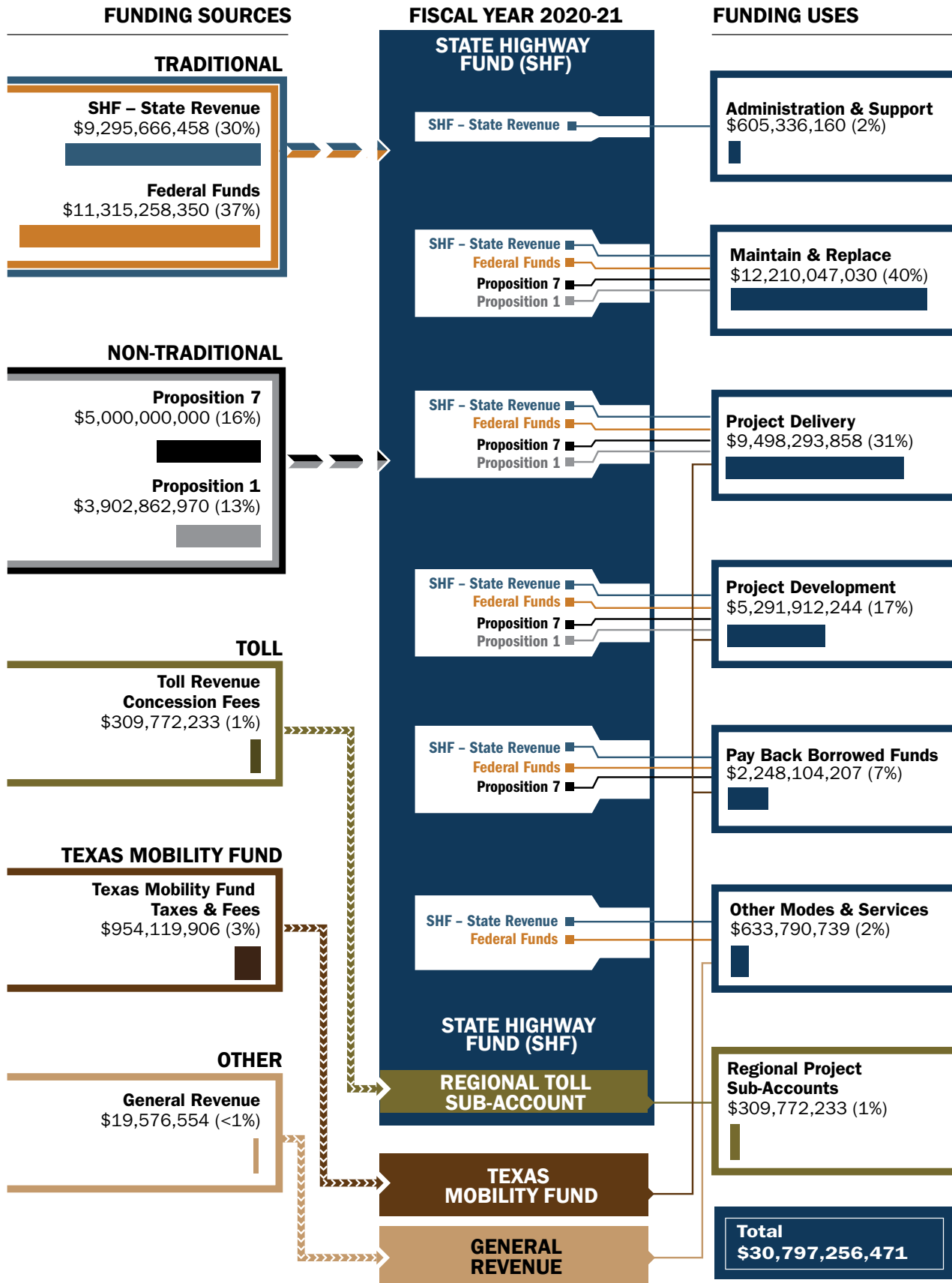
- Section 18.102, appropriates \$15 million in general revenue for airport expansion project improvements to the McKinney National Airport.

Effective Date: September 1, 2019

Figure 5. TxDOT Funding Flowchart (see next page).

Figure 5. TxDOT Funding Flowchart

Updated 12-10-19



- Percentages may not sum due to rounding.

APPROPRIATIONS & TRANSPORTATION FUNDING

Relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue and allocation of accrued interest on dedicated revenue, and the exemption of unappropriated money from use for general governmental purposes.

Author: Representative John Zerwas (R–Richmond)

Sponsor: Senator Jane Nelson (R–Flower Mound)



Summary

House Bill 3317 relates to the creation and re-creation of funds and accounts, the dedication and re-dedication of revenue, and the exemption of unappropriated money from use for general governmental purposes and is known as the funds consolidation bill. HB 3317 abolishes any fund created or re-created by the 86th Legislature (2019) that is not specifically exempted under the bill. HB 3317 provides that, for dedicated funds, the amounts collected over the estimated appropriation amount are “swept” into general revenue for general governmental purposes (this does not apply to the State Highway Fund or the Texas Mobility Fund).

Impact on TxDOT

The following section of HB 3317 impacts TxDOT.

Section 10 of HB 3317 exempts accounts from being consolidated or swept that are created or re-created in the general revenue fund. This section includes the Identification Fee Exemption Account, created as an account in the general revenue fund by House Bill 123 (86R, 2019). HB 123 creates the Identification Fee Exemption Account for the deposit of grants and donations from the public for the purposes of providing free identification cards to foster children and youth as well as homeless children and youth. Fee revenue from the issuance of a personal identification or driver license are revenue sources pledged to the payment of Texas Mobility Fund bonds. The Texas Constitution, Article

III, Section 49-k requires that Texas Mobility Fund dedicated revenues may not be reduced, rescinded or repealed unless the legislature dedicates a substitute or different source that is projected by the comptroller to be of an equal or greater value.

HB 123 provides a mechanism for a member of the public to donate to the account when applying for the issuance or renewal of a driver license. The bill directs the Texas Department of Public Safety to transfer from the Identification Fee Exemption Account to the credit of the Texas Mobility Fund an amount equal to the amount of the waived fee that would otherwise be deposited to the Texas Mobility Fund. The Identification Fee Exemption Account will reimburse the Texas Mobility Fund for the personal identification certificate and a driver license fees exempted for youth experiencing homelessness. The fee exemptions will not be granted unless there are enough funds in the Identification Fee Exemption Account to reimburse the Texas Mobility Fund.

Effective Date: June 14, 2019, except Sections 13, 14, and 15 take effect September 1, 2019, and certain exceptions from Section 2 take effect on the later of August 31, 2019, or the effective date creating, re-creating, dedicating, or rededicating the accounts, revenues, or funds described in Sections 10, 11, and 12.

APPROPRIATIONS & TRANSPORTATION FUNDING

Relating to the Texas emissions reduction plan fund and account.

Author: Representative Cecil Bell, Jr. (R–Magnolia)

Sponsor: Senator Brian Birdwell (R–Granbury)



Summary

House Bill 3745 creates the Texas Emissions Reduction Plan Fund as a trust fund outside the state treasury to be held by the Texas Comptroller of Public Accounts (comptroller) and administered by the Texas Commission on Environmental Quality as trustee and extends the assessment of surcharges and fees that fund the plan's account and fund.

In 2005, the legislature enacted the language in Section 501.138(b-2), Transportation Code, which directs the comptroller to transfer funds from the State Highway Fund to the Texas Emissions Reduction Plan Fund in an amount equal to the amount of certificate of title fees deposited to the Texas Mobility Fund. Section 501.138, Transportation Code, directs the comptroller to deposit \$20 out of \$33 in motor vehicle certificate of title fees charged to applicants in nonattainment or affected counties in the Texas Mobility Fund. Section 107(d) of the federal Clean Air Act (Section 7407, Title 42, United States Code) defines nonattainment counties. Section 386.001, Texas Health and Safety Code, defines an "affected county." Section 501.138, Transportation Code, also directs the comptroller to deposit \$15 out of \$28 in motor vehicle certificate of title fees charged to applicants in all other counties in the Texas Mobility Fund.

Section 501.138(b-2), Transportation Code, was originally set to expire in 2010. However, subsequent legislatures extended the expiration to 2015 and again to August 31, 2019. HB 3745 extends the expiration date of these fund transfers from the State Highway Fund to the Texas Emissions Reduction Plan Fund until the last day of the fiscal biennium during which the State of Texas reaches



"national ambient air quality" attainment and the Texas Commission on Environmental Quality publishes in the Texas Register the notice required by Section 382.037, Health and Safety Code (Notice in Texas Register Regarding National Ambient Air Quality Standards for Ozone).

In addition to extending the expiration date for State Highway Fund transfers to the Texas Emissions Reduction Plan Account and Fund, HB 3745 establishes a new trust fund outside of the state treasury where future revenues will be deposited upon receipt. This fund will be known as the Texas Emissions Reduction Plan Fund, whereas the current fund inside the state treasury will be known as the Texas Emissions Reduction Plan "Account." The account inside the treasury will continue to hold the current balance of an estimated \$1.7 billion, and the account will receive transfers of unencumbered Texas Emissions Reduction Plan Fund revenues at the end of each state fiscal biennium.

The Texas Emissions Reduction Plan Trust Fund will begin collecting revenues September 1, 2021. The Texas Commission on Environmental Quality will have access to the fund and its revenues without legislative appropriation.

Impact on TxDOT

The Legislative Budget Board estimates a negative fiscal impact to TxDOT in the form of the following loss of non-constitutionally dedicated State Highway Fund revenues in the next five fiscal years (FY):

FY 2020:	(\$150,826,000)
FY 2021:	(\$152,334,000)
FY 2022:	(\$154,466,676)
FY 2023:	(\$156,629,209)
FY 2024:	(\$158,822,018)
Grand Total:	(\$773,077,903)

The extension of Section 501.138(b-2), Transportation Code, provisions will require the continued transfer of State Highway Fund dollars to the Texas Emissions Reduction Plan. Due to constitutional limitations, the transfers come from the non-constitutionally dedicated portion of the

State Highway Fund. TxDOT typically would use such funds for a variety of transportation projects that TxDOT otherwise cannot fund with traditional highway fund dollars, such as aviation needs, public transportation service grants, gulf waterway needs, rail contracts, and travel information services.

These non-dedicated funds are limited and provide a method of financing for non-highway related appropriations where constitutionally dedicated dollars are ineligible. TxDOT, in its Legislative Appropriations Request, did not assume the continuation of the transfer and therefore anticipated the availability of those funds for other purposes. The continuation of the transfer until all areas of the state reach attainment may create an over-allocation of non-dedicated State Highway Fund dollars for their appropriated uses.

Effective Date: August 30, 2019, except Article 1 takes effect September 1, 2021.

APPROPRIATIONS & TRANSPORTATION FUNDING

Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

Author: Representative Oscar Longoria (D–Mission)
Sponsor: Senator Juan “Chuy” Hinojosa (D–McAllen)



Summary

Each biennium, state agencies may receive invoices (claims) for delivered goods and services after the expiration of the biennial appropriation. For a state agency to pay a claim, the administrator of the fund or account from which payment is to be made must verify and substantiate the claim. Additionally, the Office of the Attorney General of Texas and the Texas Comptroller of Public Accounts must approve all claims. Each session the legislature passes a bill that appropriates money from various accounts to pay for miscellaneous claims and outstanding legal judgments against state agencies.

HB 4071 is the miscellaneous claims bill for the 86th Legislature (2019).

Impact on TxDOT

Section 2 of the bill contains 43 appropriations to cover eligible claims and legal judgments against TxDOT totaling \$5,231,552.32 from the State Highway Fund.

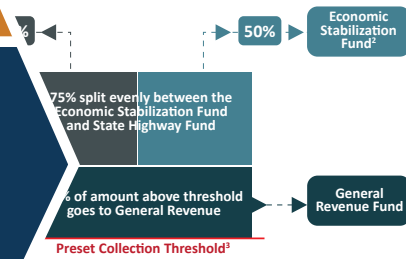
Effective Date: September 1, 2019

APPROPRIATIONS & TRANSPORTATION FUNDING

Relating to the allocations of money for transfer to the state highway fund and the economic stabilization fund and the investment of money in the economic stabilization fund.

Author: Senator Jane Nelson (R–Flower Mound)

Sponsor: Representative Giovanni Capriglione (R–Southlake)



Summary

Section 49-g, Article III, Texas Constitution, and Subchapter H of Chapter 316, Government Code, prescribe the methods for the transfer of Proposition 1 (2014) revenues to the Economic Stabilization Fund and the State Highway Fund. Senate Bill 69 amends Subchapter H of Chapter 316, Government Code, to eliminate the joint legislative committee that was required to determine the sufficient balance of the Economic Stabilization Fund that must be attained before the Texas Comptroller of Public Accounts (comptroller) may make a transfer of Proposition 1 revenues to the State Highway Fund. SB 69 establishes a new procedure for the transfer of Proposition 1 revenues. SB 69 requires the comptroller to determine and adopt for a state fiscal biennium a “threshold” balance of the Economic Stabilization Fund in an amount equal to seven percent of the certified general revenue-related appropriations made for that state fiscal biennium.

Before making any allocations to the Economic Stabilization Fund and State Highway Fund under Section 49-g, Article III, Texas Constitution, the comptroller must determine if the sum of the balance of the Economic Stabilization Fund on the preceding August 31, any projected transfer to the fund under Section 49-g(b), and any projected transfer to the fund under Section 49-g(c) in accordance with the allocations for the transfer as provided by Section 49-g(c-1) is less than an amount equal to seven percent of the certified general revenue-related appropriations made for that state fiscal biennium. If the amount in the Economic Stabilization Fund is less than the amount described above, the comptroller must reduce the

allocation to the State Highway Fund and increase the allocation to the Economic Stabilization Fund, in an equal amount, until the balance in the Economic Stabilization Fund reaches the required amount.

The provisions of the SB 69 relating to the calculation of the new “threshold” balance of the Economic Stabilization Fund, and any required adjustment of the allocations to the Economic Stabilization Fund and State Highway Fund, take effect beginning with the state fiscal year beginning September 1, 2021.

SB 69 amends 316.093, Government Code, to extend the expiration of Proposition 1 fund transfers to the State Highway Fund from 2024 to 2034 (fiscal year 2035).

SB 69 amends Section 404.0241, Government Code, relating to the investment of the assets in the Economic Stabilization Fund.

Impact on TxDOT

The comptroller estimates that approximately \$15.62 billion will be available in the Economic Stabilization Fund at the end of the fiscal year 2020-2021 biennium before deductions of \$6.12 billion in Economic Stabilization Fund appropriations made in the 86th Legislature (2019). The estimated ending balance of the Economic Stabilization Fund by the end of fiscal year 2021, including the \$6.12 billion of deductions from Senate Bill 500, 86th Legislature (2019), leaves an estimated balance of \$9.49 billion, excluding further appropriations.

SB 69 extends the Proposition 1 authorization from 2024 to 2034 (fiscal year 2035). Assuming

future legislatures do not appropriate funds from the Economic Stabilization Fund in an amount that decreases the balance of the Economic Stabilization Fund below the required threshold balance, the extension ensures continued potential revenues for non-tolled highway expenditures authorized under the constitution.

TxDOT has not yet determined the exact fiscal impact of continuing Proposition 1 payments beyond 2024. However, it is possible that another 10 years of this funding could approach \$10 billion. While severance taxes are highly volatile and unpredictable, the extension of the Proposition 1 authorization will provide TxDOT with greater financial security for the long-term planning of non-tolled roadway projects.

Effective Date: September 1, 2019 for the general provisions. Sections 316.093(a) and (b), Government Code (Adjustment of Constitutional Allocations to Fund and State Highway Fund), take effect in fiscal year 2022, beginning September 1, 2021.

APPROPRIATIONS & TRANSPORTATION FUNDING

Relating to the consolidation, allocation, classification, and repeal of certain criminal court costs and other court-related costs, fines, and fees; imposing certain court costs and fees and increasing and decreasing the amounts of certain other court costs and fees.

Author: Senator Judith Zaffirini (D–Laredo)

Sponsor: Representative Jeff Leach (R–Plano)



Summary

Senate Bill 346 changes the deposit of DNA testing fees from the State Highway Fund to a General Revenue DNA testing account, which will result in an estimated loss of \$1,144,273.78 of non-constitutionally dedicated State Highway Fund revenues over the next five years.

The bill repeals Section 102.020, Code of Criminal Procedure, which previously deposited 35 percent of the funds received from court costs related to DNA testing in the State Highway Fund, and instead allocates all DNA testing fees to a new DNA Testing Account in the General Revenue Fund. SB 346 authorizes the legislature to appropriate money in the new account to the Texas Department of Public Safety to help defray the cost of collecting and analyzing DNA samples provided by defendants who are required to pay the related court cost for the DNA testing.

The historical distribution of these funds under Comptroller Object Code 3704 in the State Highway Fund per fiscal year (FY) is as follows:

FY 2015:	\$138,747.82
FY 2016:	\$135,826.87 (-2%)
FY 2017:	\$154,522.00 (14%)
FY 2018:	\$170,943.00 (11%)
Grand Total:	\$600,040.50

Impact on TxDOT

Assuming an average of seven percent growth in the fees deposited in the new General Revenue account in lieu of the State Highway Fund, SB 346 will result in the loss of non-constitutionally dedicated State Highway Fund revenues as follows:

FY 2020:	(\$197,284.01) (7%)
FY 2021:	(\$211,939.62) (7%)
FY 2022:	(\$227,683.96) (7%)
FY 2023:	(\$244,597.89) (7%)
FY 2024:	(\$262,768.31) (7%)
Grand Total:	(\$1,144,273.78)

Effective Date: January 1, 2020

APPROPRIATIONS & TRANSPORTATION FUNDING

Relating to making supplemental appropriations and reductions in appropriations and giving direction, including direction regarding reimbursement, and adjustment authority regarding appropriations.

Author: Senator Jane Nelson (R–Flower Mound)

Sponsor: Representative John Zerwas (R–Richmond)



Summary

Typically, each regular session the legislature enacts a supplemental appropriations bill to adjust the appropriations of the current biennium. Senate Bill 500 is the supplemental appropriations bill for the fiscal year 2018-2019 biennium.

SB 500 provides additional funding to address the identified budget needs of the state, including funds to pay for Hurricane Harvey expenditures and reimbursements to certain state accounts used to assist with Hurricane Harvey needs.

Impact on TxDOT

SB 500 appropriates \$6.1 billion from the Economic Stabilization Fund, which is the only bill passed by the 86th Legislature (2019) that appropriates funds from the Economic Stabilization Fund. Prior to the passage of SB 500 the Texas Comptroller of Public Accounts' latest estimate of the Economic Stabilization Fund balance was \$15.62 billion by the end of fiscal year 2021. This total includes severance tax transfers, investment and interest income, as well as a \$266 million increase over the original Biennial Revenue Estimate, as indicated in the May 14, 2019 letter to the Governor and the legislature. This leaves an estimated \$9.49 billion in the Economic Stabilization Fund at the end of fiscal year 2021, barring any further adjustments to revenue estimates and expenditures.

Section 78 of SB 500 appropriates \$125 million to TxDOT from the Economic Stabilization Fund to provide grants to counties for eligible roadway

projects through the Transportation Infrastructure Fund, as authorized under Subchapter C, Chapter 256, Transportation Code.

Section 79 of SB 500 also appropriates \$5 million to TxDOT from the Economic Stabilization Fund to expand an airport hangar at the South Texas International Airport for use by the Texas Department of Public Safety as an emergency and first responder facility.

Effective Date: June 6, 2019, except Sections 74(a), 75(a), 76(a), and 77(a) have no effect.

APPROPRIATIONS & TRANSPORTATION FUNDING

Relating to the continuation and functions of the Texas Department of Motor Vehicles and to the operations of certain other entities performing functions associated with the department.

Author: Senator Dawn Buckingham (R–Lakeway)

Sponsor: Representative Chris Paddie (R–Marshall)



Summary

Senate Bill 604 is the Texas Department of Motor Vehicles (TxDMV) Sunset bill. The bill largely affects only TxDMV, but various sections providing for the implementation of digital license plates and a study on alternatively fueled vehicles impact TxDOT.

SB 604 adds Subchapter B-1 to Chapter 504, Transportation Code (License Plates), to define and provide guidance for the issuance of digital license plates. The bill requires TxDMV to adopt rules for the issuance of digital license plates to vehicles that are:

1. in a commercial fleet;
2. owned or operated by a governmental entity; or
3. not passenger vehicles.

A digital license plate issued under Chapter 504, Transportation Code, is subject to the laws of Texas applicable to a physical license plate. SB 604 requires the TxDMV to establish rules by December 31, 2020, to implement the Subchapter B-1. The rules may allow a qualified registered vehicle to be equipped with a digital license plate placed on the rear of the vehicle in lieu of a physical license plate. The owner of the vehicle must place a standard-issue license plate on the front of the vehicle, unless exempt from this requirement as provided by other law. TxDMV may adopt rules to authorize the use of a digital license plate for electronic toll collection.

In addition, SB 604 requires TxDMV to organize a study on:

1. the impact of alternatively fueled vehicles, defined as a motor vehicle capable of using fuel other than gasoline or diesel, on Texas;
2. the options available for collecting fees from owners of alternatively fueled vehicles to replace the loss of revenue from motor fuel taxes; and
3. the feasibility and desirability of establishing a fee for alternatively fueled vehicles.

SB 604 requires TxDMV to conduct the study with TxDOT, the Public Utility Commission of Texas, the Texas Department of Public Safety, and the Texas Commission on Environmental Quality. The study must examine:

1. the current revenue generated from motor fuel taxes imposed on a conventional vehicle and each type of alternatively fueled vehicle for each mile the vehicle is operated;
2. the net revenue generated by fees and taxes paid by owners of alternatively fueled vehicles and conventional vehicles for the use of the vehicle, including registration fees, motor fuel taxes, and any taxes, fees, and surcharges on the retail sale of electricity consumed by alternatively fueled vehicles;
3. the methods to determine the average number of miles traveled in this state by alternatively fueled vehicles and conventional vehicles each year;
4. the type and amount of fees by which other states generate revenue from alternatively fueled vehicles and conventional vehicles;

5. alternative methods for determining and collecting road use fees from owners of alternatively fueled vehicles, including methods that consider the weight of and the number of miles traveled by an alternatively fueled vehicle;
6. the projected revenue to the state for each method examined;
7. the projected impact of alternatively fueled vehicles on the state highway system, including the maintenance required because of the impact;
8. the projected direct environmental benefit of alternatively fueled vehicles on vehicle emissions in the state; and
9. the projected impact of alternatively fueled vehicles to the state's power grids and electricity markets.

By December 1, 2020, TxDMV must submit to the governor and the legislature a written report that includes a summary of the results of the study and any legislative recommendations based on the study.

Impact on TxDOT

TxDOT cannot determine the operational and fiscal impact to TxDOT of digital license plate implementation for commercial and governmental entity vehicles at this time. It is unclear how the technology would work and what additional features, policies, and procedures TxDOT would need to implement to ensure toll operations function appropriately and accurately. TxDOT will advise TxDMV on the need for testing from a toll operations perspective to ensure functionality and recommend that the TxDMV require any digital plate vendor that the TxDMV selects to provide those services.

SB 604 requires the TxDMV to fund and conduct the alternatively fueled vehicles study, with TxDOT serving as a resource agency for TxDMV. TxDOT can fulfill its role in the study with current resources.

Effective Date: September 1, 2019

APPROPRIATIONS & TRANSPORTATION FUNDING

Relating to the determination of the sufficient balance of the economic stabilization fund for the purpose of allocating general revenue to that fund and the state highway fund.

Author: Senator Robert Nichols (R–Jacksonville)

Sponsor: Representative John Zerwas (R–Richmond)



Summary

In November 2014 voters approved Proposition 1, which amended the Texas Constitution and authorized a portion of oil and natural gas production taxes (also known as severance taxes) to be divided evenly between the Economic Stabilization Fund and the State Highway Fund for transportation funding. The statutory transfer provision of Proposition 1 funds to the State Highway Fund were set to expire December 31, 2024, unless the legislature extended the expiration date.

Before making transfers from the General Revenue Fund to the Economic Stabilization Fund and State Highway Fund pursuant to Article III, Section 49-g(c) of the Texas Constitution, Sections 316.093(a), (b), and (c), Government Code, require the Texas Comptroller of Public Accounts (comptroller) to determine whether the balance of the Economic Stabilization Fund, after any projected transfer to the fund, is less than the sufficient balance adopted under Section 316.092, Government Code. If the balance of the fund is less than the sufficient balance, the comptroller must reduce the allocation to the State Highway Fund and increase the allocation to the Economic Stabilization Fund in an equal amount until the sufficient balance adopted under Section 316.092, Government Code is achieved.

Senate Bill 962 extends the expiration date of Proposition 1 fund transfers to the State Highway Fund from December 31, 2024 to December 31, 2034. Therefore, the State Highway Fund will

continue to receive Proposition 1 deposits, which may be used for the development and delivery of additional non-tolled roadway projects, until the state fiscal year beginning on September 1, 2035.

Impact on TxDOT

The exact fiscal impact of continuing Proposition 1 payments from fiscal year 2026 to fiscal year 2035 has not yet been determined. However, it is possible that another 10 years of this funding could approach \$10 billion. Although severance taxes are volatile and unpredictable, SB 962 will provide TxDOT with greater financial security, which is required for the long-term planning of non-tolled, roadway projects.

Effective Date: September 1, 2019



BICYCLE & PEDESTRIAN



BICYCLE & PEDESTRIAN

Relating to the operation of electric and nonelectric bicycles.

Author: Representative John Frullo (R–Lubbock)

Sponsor: Senator Carol Alvarado (D–Houston)



Summary

House Bill 2188 changes the definition of “electric bicycle” in Section 541.201, Transportation Code, and defines the term to mean a bicycle equipped with fully operable pedals and an electric motor of fewer than 750 watts with a top assisted speed of 28 miles per hour or less. HB 2188 further revises the statutory definition of “bicycle” to specify that a bicycle must be capable of being ridden solely using human power. HB 2188 creates new Chapter 664, Transportation Code (Standards for Electric Bicycles), which establishes the standards for three classes of electric bicycle based on the type of motor and top assisted speed of the electric bicycle.

HB 2188 clarifies the various statutes governing the operation of electric bicycles. The bill prohibits:

- the registration of electric bicycles for operation on a public highway (Section 502.143, Transportation Code);
- the Texas Department of Public Safety (TxDPS) or a local authority from limiting the operation of an electric bicycle in an area where nonelectric bicycles are allowed to operate unless that area is a path that is not open to motor vehicles and has a natural surface tread made by clearing and grading the native soil without adding surfacing materials (Section 551.106, Transportation Code);
- a person from operating an electric bicycle unless the electric motor disengages or ceases to function either when the operator stops pedaling or when the brakes are applied (Section 551.107, Transportation Code); and

- a person under 15 years of age from operating a Class 3 electric bicycle, as defined by Section 664.001, Transportation Code. (Section 551.107, Transportation Code, does not prohibit a person who is under 15 years of age from riding on a Class 3 bicycle as a passenger.)

HB 2188 authorizes TxDPS or a local authority to prohibit the operation of a bicycle on a sidewalk and to establish speed limits for bicycles on paths. The bill authorizes TxDPS to establish rules for the administration of Section 551.106 (Regulation of Bicycles), Transportation Code, if necessary.

New Chapter 664, Transportation Code, establishes equipment, manufacturing, and labeling requirements for electric bicycles. Chapter 664 applies only to an electric bicycle manufactured or sold on or after January 1, 2020.

Impact on TxDOT

The authority to regulate electric bicycles is granted to TxDPS. While this bill would have a minimal direct impact on TxDOT operations today, TxDOT, its design contractors, and local partners should consider the use of the different classes of bicycles and their capabilities when designing sidewalks and urban roadways in the future. The operation of these types of bicycles on transportation facilities may present new safety concerns that TxDOT may need to address in the future. TxDOT will evaluate and monitor the rollout of these various modes of transportation and their uses on the transportation system and update engineering and safety standards as appropriate.

Effective Date: September 1, 2019



EMERGENCY OPERATIONS



EMERGENCY OPERATIONS

Relating to debris management and other disaster recovery efforts.

Author: Representative Dade Phelan (R–Beaumont)

Sponsor: Senator Lois Kolkhorst (R–Brenham)



Summary

House Bill 5 amends Chapter 418, Government Code (Emergency Management), to require the development of a debris management plan, the creation of a model contract for debris removal services, and the establishment of specified groups to study debris removal and other disaster recovery efforts.

HB 5 adds new Section 418.054, Government Code, to require the Texas Division of Emergency Management, in consultation with agencies selected by the division, to develop a catastrophic debris management plan and model guide for use by political subdivisions. The Texas Division of Emergency Management must develop the management plan and model guide by January 1, 2020. HB 5 adds new Section 418.055, Government Code, to require the Texas Division of Emergency Management, in consultation with the Federal Emergency Management Agency (FEMA), to develop and publish a model contract for debris removal services for use by political subdivisions. The division must also consult with the Texas Comptroller of Public Accounts to establish appropriate contracting standards for political subdivisions.

HB 5 adds new Section 418.056, Government Code, to create a wet debris study group, managed by Texas Division of Emergency Management and assisted by other state agencies selected by the division, to study and recommend ways to improve the handling of wet debris following a weather disaster. The study group will report its findings to each member of the legislature by November 1, 2020. This section expires January 1, 2021.

HB 5 adds new Section 418.057, Texas Government Code, to establish a separate work group, led by Texas Division of Emergency Management, to study local restrictions that impede disaster recovery efforts, including efforts to remove debris and erect short-term housing. The work group will prepare an overview of official actions by local jurisdictions and deed restrictions imposed by property owners' associations, together with recommendations for minimizing the effects of these actions and restrictions on state and federal disaster recovery efforts. This report is due to the legislature by November 1, 2020. This section expires January 1, 2021.

Impact on TxDOT

TxDOT often has a significant role in the removal of debris after a hurricane and other weather-related events. TxDOT is often required to clear state (and sometimes local) roads of debris for emergency response operations. TxDOT strike teams that consist of front-end loaders, dump trucks, backhoes, sign trucks, and signal trucks work to clear roads, remove tree limbs, and repair traffic signals and highway signs. TxDOT has several on-call debris removal contracts and monitoring contracts to reduce down-time and facilitate a more efficient re-entry process for the public.

It is anticipated TxDOT will be included in some of the work groups called for in HB 5. Other than staffing any potential participation, if chosen, in the wet debris study group or the work group on local restrictions created under HB 5, TxDOT does not anticipate any significant impact on TxDOT operations.

Effective Date: September 1, 2019

EMERGENCY OPERATIONS

Relating to a work group on enhancing the training and credentialing of emergency management personnel.

Author: Representative Geanie Morrison (R–Victoria)

Sponsor: Senator Lois Kolkhorst (R–Brenham)



Summary

The Governor’s Commission to Rebuild Texas, which formed after Hurricane Harvey in 2018, called on the legislature to develop a proposal to enhance the training and credentialing of emergency management personnel to help assist in the preparation for and recovery from future storms. Under House Bill 2305, the Texas Division of Emergency Management must establish a work group of persons knowledgeable on emergency management to study and develop a proposal for enhancing the training and credentialing of emergency management directors, emergency management coordinators, and other emergency management personnel on the state or local level.

The work group is required to:

1. assess the training and credentials necessary for emergency management directors, emergency management coordinators, and other emergency management personnel on the state or local level to effectively oversee the response to and recovery from a disaster, including reviewing current required training courses; and
2. consult with institutions of higher education on the development of degree programs in emergency management in addition to the programs that exist in the state on September 1, 2019.

In conducting the assessment, the work group must consider:

1. whether geographic, population and critical infrastructure differences between jurisdictions

warrant different levels of training and credentialing;

2. whether the legislature should enact laws requiring emergency management directors or emergency management coordinators to participate in training and credentialing before overseeing the response to and recovery from a disaster;
3. whether to include in any required training on disaster finance, damage assessment, disaster contracting, debris management, and skills needed to participate in federal emergency management programs;
4. whether to implement incentives for those involved with emergencies to complete additional training and continuing education; and
5. proposals for paying the cost of training that is more rigorous than the training required by law for directors and coordinators on September 1, 2019.

Not later than November 1, 2020, the work group must submit the proposal to the legislature and the governor. The work group will cease to exist on January 1, 2021.

Impact on TxDOT

TxDOT may be asked to participate in the work group established by HB 2305. TxDOT anticipates minimal operational and fiscal impacts.

Effective Date: September 1, 2019

EMERGENCY OPERATIONS

Relating to information and communication of governmental and other entities regarding disasters and health and human services.

Author: Representative Will Metcalf (R–Conroe)

Sponsor: Senator Kelly Hancock (R–North Richland Hills)



Summary

House Bill 2325 seeks to provide increased and coordinated communications during disaster events by amending Chapter 418, Government Code (Emergency Management). The majority of the bill directs the Texas Division of Emergency Management to develop 9-1-1 text message capability, a disaster mobile application, a disaster web portal, and a study on a standard communication format by first responders. HB 2325 provides guidelines for the purchase and contracting for information technology and telecommunications systems for public safety entities.

HB 2325 amends Section 531.0312, Government Code, to require the Health and Human Services Commission to ensure that the Texas Information and Referral Network is capable of assisting with statewide disaster response and emergency management through the use of call centers, text messages, and a publicly-accessible website.

HB 2325 adds new Section 418.055, Government Code, to require the Texas Division of Emergency Management, in consultation with state agencies or private entities that the Texas Division of Emergency Management deems appropriate, to develop standards for the use of social media as a communication tool during and after a disaster. The standards must:

1. require the posting of consistent and clear information by state agencies, political subdivisions, first responders, and volunteers;
2. optimize the effectiveness of social media use during and after a disaster; and

3. require the use of certain official social media accounts during and after a disaster only for providing credible information.

HB 2325 adds new Section 418.127, Government Code, to require the following entities to conduct community outreach, including public awareness campaigns and education activities on disaster preparedness each year:

- municipalities and counties;
- the Texas Division of Emergency Management;
- Texas Department of Public Safety;
- Texas Education Agency;
- Texas Comptroller of Public Accounts;
- Texas Department of Insurance;
- Texas Department of Transportation;
- Texas Department of Housing and Community Affairs;
- Health and Human Services Commission; and
- Department of State Health Services.

Impact on TxDOT

TxDOT currently uses social media as a communication tool, among other tools, during and after a disaster. TxDOT also conducts community outreach, including public awareness campaigns and education activities, on disaster preparedness each year. TxDOT anticipates being able to perform the duties under HB 2325 with existing resources.

Effective Date: September 1, 2019

EMERGENCY OPERATIONS

Relating to emergency and disaster management, response, and recovery.

Author: Representative Alex Dominguez (D–Brownsville)

Sponsor: Senator Nathan Johnson (D–Dallas)



Summary

House Bill 2340 amends Chapter 418, Government Code (Emergency Management), relating to emergency and disaster management in Texas.

The bill adds to the current purpose of the chapter, to encourage state agencies to adopt the goals of the Federal Emergency Management Agency's (FEMA) strategic plan for preparing, responding, and recovering from disasters.

HB 2340 adds Sections 418.054 and 418.055, Government Code, to require the Texas Division of Emergency Management to establish:

1. an unmanned aircraft study group to examine the appropriate use of unmanned aircraft in disaster response; and
2. an information-sharing work group of state agencies involved in disaster management, including TxDOT.

The unmanned aircraft study group will submit a report with recommendations to the legislature by November 1, 2020. The bill abolishes the study group and Section 418.054, Government Code, on January 1, 2021.

HB 2340 creates an information sharing work group to develop recommendations for improving the manner in which electronic information is stored and shared among and between state agencies and the federal government during and after a disaster. The work group consists of members appointed by the chief of the Texas Division of Emergency Management who represent:

- Texas Comptroller of Public Accounts;

- Department of State Health Services;
- Texas Department of Transportation;
- General Land Office;
- Health and Human Services Commission;
- institutions of higher education; and
- appropriate federal agencies.

The work group is required to submit recommendations to the governor by November 1 of each even-numbered year.

HB 2340 adds Section 418.056, Government Code, to require the Texas Division of Emergency Management to form a permitting task force with representatives from various other agencies (not including TxDOT). Texas Division of Emergency Management will activate the task force during a disaster to expedite environmental permitting and access to federal relief funding.

HB 2340 amends Chapter 751, Government Code (Office of State-Federal Relations), to add Section 751.017, which requires the Office of State Federal Relations, in consultation with the Texas Division of Emergency Management, federal agencies, and members of Congress, to study state and federal laws related to issues affecting the ability of state and federal agencies to cooperate in responding to disasters. The group will make recommendations to improve federal laws and policies related to disaster response in a report to the Office of State-Federal Relations Advisory Policy Board by November 1, 2020. Section 751.016, Government Code, expires on January 1, 2021.

Impact on TxDOT

TxDOT’s participation in the information sharing work group will require an indeterminate amount of staff time. In addition, TxDOT staff may need to provide consultation to the Texas Division of Emergency Management for other work groups where TxDOT is not expressly named a member.

Effective Date: September 1, 2019



EMERGENCY OPERATIONS

Relating to emergency and disaster management, response, and recovery.

Author: Senator Lois Kolkhorst (R–Brenham)

Sponsor: Representative Geanie Morrison (R–Victoria)



Summary

Senate Bill 6 is an omnibus disaster response and recovery bill mostly containing recommendations from the Governor’s Commission to Rebuild Texas in response to Hurricane Harvey. SB 6 creates various training courses and work groups to assist local political subdivisions with emergency preparedness and response. Additionally, SB 6 creates the Disaster Recovery Loan Program, a loan account outside the treasury that will provide short-term loans for disaster recovery projects for eligible counties, cities, and school districts.

SB 6 adds new Section 418.054, Government Code, which requires the Texas Division of Emergency Management to develop a disaster guide for local officials regarding disaster response and recovery. This new guide must include information on contracting for debris removal, obtaining federal disaster funding, coordinating the availability and construction of short-term and long-term housing, and obtaining assistance from local, state, and federal volunteer organizations. SB 6 amends Section 418.005, Government Code, to include the disaster response guide in the previously required emergency management training course for elected law enforcement officers and county judges.

SB 6 adds new Section 418.055, Government Code, to require the Texas Division of Emergency Management, in consultation with other state agencies selected by the Texas Division of Emergency Management, to develop a catastrophic debris management plan and model guide for use by political subdivisions in the event of a disaster.

The plan must provide a guide for clearance and disposal of debris and must include:

1. provisions for the use of trench burners and air curtain incinerators of vegetative debris; and
2. contracting standards and a model contract for debris removal procurement.

SB 6 adds new Section 418.056, Government Code, to create a wet debris study group, managed by the Texas Division of Emergency Management and composed of the division and other state agencies selected by the division, to study and recommend ways to improve the handling of wet debris following a weather disaster. The study group will report their findings to each member of the legislature by November 1, 2020. The wet debris study group will cease to exist as of January 1, 2021.

SB 6 adds Section 418.057, Government Code, to create an emergency management work group comprised of persons knowledgeable on emergency management to study and develop a proposal for enhancing the training and credentialing of emergency management directors, coordinators, and personnel. The group will assess training requirements and work with institutions of higher education on the development of degree programs in emergency management. The work group will submit its proposal to the governor, lieutenant governor, the speaker of the house and the legislature by November 1, 2020. The emergency management workgroup will cease to exist as of January 1, 2021.

Impact on TxDOT

TxDOT often has a significant role in the removal of debris after a hurricanes and other weather-related events. TxDOT often clears state (and sometimes local) roads of debris for emergency response operations. TxDOT strike teams, which consist of front-end loaders, dump trucks, backhoes, sign trucks, and signal trucks work to clear roads, to remove tree limbs, and to repair both traffic signals and highway signs. TxDOT has several on-call debris removal contracts and monitoring contracts to reduce down-time and facilitate a more efficient re-entry process for the public.

TxDOT anticipates that the Texas Division of Emergency Management will include TxDOT in the wet debris study group, the emergency management work group, or both. Other than staffing any participation in the development of the disaster response guide, debris management plan, wet debris study group, and emergency management training workgroup created under SB 6, TxDOT does not anticipate any significant impact on TxDOT operations.

Effective Date: September 1, 2019

EMERGENCY OPERATIONS

Relating to information, outreach, and other actions regarding hurricane preparedness and mitigation.

Author: Senator Boris L. Miles (D–Houston)

Sponsor: Representative Ed Thompson (R–Pearland)



Summary

Senate Bill 285 adds multiple sections to Chapter 418, Government Code (Emergency Management), relating to hurricane preparedness. The bill requires the General Land Office to conduct a public information campaign each year before and during hurricane season to provide guidance for the public on hurricane preparedness. The bill also would require the governor to issue a proclamation each year prior to hurricane season instructing state agencies to review and update their hurricane preparedness plans, in addition to other requirements.

Not later than 30 days after the issuance of the proclamation each year, the governor, in consultation with the Texas Division of Emergency Management and other appropriate agencies as determined by the governor, shall publish on the governor's website a report on the preparedness of state agencies for hurricane response. The report must include a list of agencies involved in hurricane response and contact information for each state agency's employee who manages emergency response. The bill authorizes the governor, by executive order, to take any action necessary to ensure that each applicable state agency is able to respond to a hurricane. Any such executive order shall expire on the last day of the first regular session of the legislature to convene after the date the order is issued, unless the governor specifies an earlier expiration date in the order.

Impact on TxDOT

TxDOT currently prepares and maintains hurricane and disaster preparedness plans as part of the State Emergency Management Council and as a state agency that supports disaster response efforts across the state. TxDOT will work with Texas Division of Emergency Management and the Office of the Governor as appropriate and will ensure that all TxDOT hurricane preparedness plans and procedures are updated annually.

Effective Date: September 1, 2019

EMERGENCY OPERATIONS

Relating to the purchase of food and beverages by the Texas Department of Transportation for certain employees responding to emergencies or disasters.

Author: Senator Lois Kolkhorst (R–Brenham)

Sponsor: Representative Ed Thompson (R–Pearland)



Summary

Senate Bill 537 adds new Section 201.711, Transportation Code, which authorizes TxDOT to use appropriated funds to purchase food and beverages for its employees whom TxDOT has activated to provide services in response to an emergency situation or potential disaster and who are unable to leave or are required to remain at their assignment areas due to the emergency situation or disaster response.

Under current law, TxDOT does not have explicit statutory authority to purchase food and beverages for employees responding to emergency situations unless:

1. the governor has made a disaster declaration;
2. those employees are in the specified disaster areas; and
3. the governor has waived the general prohibitions regarding such purchases by a state agency.

This means that TxDOT cannot provide food or beverages for employees who are not working in a declared disaster area but whom TxDOT has staged elsewhere in the state to perform required work in support of the disaster response.

During emergency and disaster situations, circumstances often require TxDOT staff to respond to a specific area and remain on site for extended periods of time to provide appropriate response services. TxDOT regularly schedules its crews to provide a 24/7 support response, as conditions warrant, with 12-hour shift rotations.

TxDOT employees also pre-stage equipment and crews near the affected areas to expedite clean-up upon re-entry into the affected areas.

Impact on TxDOT

The changes made by SB 537 would expressly permit TxDOT to expend funds for the safety and well-being of its employees deployed to assist in emergency and disaster responses. This change would also enhance employee safety, boost employee morale, and keep employees available for immediate dispatch. For example, if employees can eat at a TxDOT facility, there will be less delay in response time. TxDOT anticipates it will cost less for TxDOT to handle the purchase and delivery of the food and beverages to these employees than for TxDOT employees to travel to an establishment to purchase food and beverages and for TxDOT to process the expenses using the standard reimbursement process.

Effective Date: May 1, 2019

EMERGENCY OPERATIONS

Relating to contract management standards and information for contracts related to emergency management.

Author: Senator Lois Kolkhorst (R–Brenham)

Sponsor: Representative Dade Phelan (R–Beaumont)



Summary

Senate Bill 986 amends Chapter 2262, Government Code, by adding Section 2262.056, to require the Texas Comptroller of Public Accounts (comptroller) to add provisions to the Procurement and Contract Management Guide (guide) that include preferred contract management standards and information for contracts related to emergency management.

In developing the required standards, SB 986 requires the comptroller to consult with the Texas Division of Emergency Management, the Texas A&M Agrilife Extension Service, the Texas A&M Engineering Extension Service, and unspecified local governmental entities.

The guide must include:

1. preferred contracting standards;
2. information on contracts for services that may be necessary to respond to a natural disaster or to construct, repair, or rebuild property or infrastructure after a natural disaster, including clearing debris and providing information management services and construction services; and
3. advice on preparing for a natural disaster.

Impact on TxDOT

TxDOT must comply with the guide so TxDOT will have to follow the standards that the comptroller adopts for emergency management contracts. Until the comptroller adopts these standards, TxDOT cannot determine the impact of SB 986 on TxDOT.

Effective Date: September 1, 2019



FACILITIES & STATE PROPERTY



FACILITIES & STATE PROPERTY

Relating to legislative oversight of deferred maintenance projects.

Author: Senator Kelly Hancock (R–North Richland Hills)

Sponsor: Representative John Cyrier (R–Lockhart)



Summary

The 84th Legislature (2015), in Senate Bill 2004, created a Joint Oversight Committee on Government Facilities (committee) for the purpose of reviewing deferred maintenance plans and receiving implementation updates from select state agencies, including TxDOT. The bill provided that the committee was to be abolished as of January 8, 2019. The committee, based on information provided by the state agencies, submitted biannual reports to the legislature on the deferred maintenance needs of the reporting state agencies and issued a biennial budget recommendation to address the identified deferred maintenance needs.

Senate Bill 401 amends Chapter 2165, Government Code, to add a new Section 2165.404, to reestablish and codify the Joint Oversight Committee on Government Facilities. SB 401 provides that the committee will be composed of six members:

1. three members of the senate appointed by the lieutenant governor; and
2. three members of the house appointed by the speaker of the house of representatives.

The bill requires the chair of the committee to alternate annually between a member of the senate and the house. The bill requires the lieutenant governor to appoint the first chair of the committee. The lieutenant governor and speaker of the house of representatives shall fill any vacancy on the committee in the same manner as the original appointment.

SB 401 requires the committee to provide a written report to the legislature that identifies:

1. the amount of money expended for deferred maintenance;
2. planned deferred maintenance projects; and
3. the status of ongoing and completed deferred maintenance projects on a biannual basis.

SB 401 provides that the rules adopted by the 86th Legislature for the administration and funding of joint committees created by proclamation applies to the committee to the extent the rules are consistent with the requirements of the bill. The bill abolishes the committee and states that Section 2165.404, Government Code, expires on September 1, 2025.

Impact on TxDOT

SB 401 will have no significant new operational or fiscal impact to TxDOT because TxDOT was already subject to oversight of the previous committee and was performing the required reporting. TxDOT will continue to report to the committee as required by SB 401.

Effective Date: June 4, 2019



GENERAL GOVERNMENT



GENERAL GOVERNMENT

Relating to the disclosure under the public information law of certain information related to parades, concerts, or other entertainment events open to the general public that are paid for with public funds.

Author: Representative Terry Canales (D–Edinburg)

Sponsor: Senator Juan “Chuy” Hinojosa (D–McAllen)



Summary

House Bill 81 amends Section 552.104, Government Code, by adding Subsection (c), which prohibits a person or governmental body from including a provision in an event contract that prohibits the disclosure of the receipt or expenditure of public or other funds by a governmental body for a parade, concert, or other entertainment event paid for in whole or part with public funds. If such a provision exists in the contract, then the provision is void.

A 2015 Texas Supreme Court ruling, *Boeing Co. v. Paxton*, 466 SW 3d 831, broadened Section 552.104, Government Code, by making the test to withhold information “whether knowing another bidder’s [information] would be an advantage, not whether it would be a decisive advantage.” Using this ruling as a basis, a Texas attorney general opinion allowed the City of McAllen to withhold information relating to the expenditure of public funds for a concert put on by the city, ruling that the release of the information would give advantage to a competitor or bidder. HB 81 overturns this result by making information relating to the receipt or expenditure of public funds on an entertainment event subject to release under Section 552.022, Government Code, rather than allowing the information to be withheld under Section 552.104, Government Code.

Impact on TxDOT

The receipt or expenditure of public funds is almost always considered open to review by the public. If TxDOT should be involved in such events as described by HB 81, TxDOT has established practices in place to respond to public information requests for any TxDOT records relating to the expenditure of public funds. Impact on TxDOT open record request operations will be minimal under these changes to the Public Information Act. TxDOT will update open record request processes and implement accordingly.

Effective Date: May 17, 2019

GENERAL GOVERNMENT

Relating to postpayment audits conducted by the comptroller and annual financial reports submitted by state agencies.

Author: Representative Lynn Stucky (R–Denton)

Sponsor: Senator Brian Birdwell (R–Granbury)



Summary

House Bill 2042 revises the process for conducting post-payment audits of claims presented by state agencies to the Texas Comptroller of Public Accounts (comptroller). HB 2042 removes the authorization for a state agency to contract with the comptroller to audit claims and authorizes the comptroller to audit any state agency claim after the comptroller pays the claim. HB 2042 authorizes the comptroller to access the books, accounts, confidential or nonconfidential reports, vouchers, electronic data, or other records or information of a state agency subject to a postpayment audit. HB 2042 prohibits the comptroller from accessing the information without approval of the appropriate federal agency if information is prohibited from being released under federal law. HB 2042 requires the comptroller to use reasonable efforts to avoid hindering the daily operations of a state agency subject to a postpayment audit by coordinating requests for access to books, accounts, reports, vouchers, electronic data, or other records or information of the audited agency.

HB 2042 amends Section 2101.011(c), Government Code, to remove the requirement that a state agency's annual financial report include a value of consumable supplies and postage and other assets besides those enumerated in the statute.

HB 2042 amends Section 2101.012, Government Code, to remove an accounting and reporting procedure requirement that state agencies comply with generally accepted accounting principles (GAAP) as established by the Governmental Accounting Standards Board and the American Institute of Certified Public Accountants or their successors.

Impact on TxDOT

TxDOT will add the comptroller's post-payment audits to TxDOT's annual risk assessment to ensure that TxDOT is prepared for the comptroller's audit of the claims. HB 2042 provides the comptroller explicit access to agency books and records. Currently, TxDOT is required to provide all research and materials, so this change may require less TxDOT resources.

HB 2042 removes the comptroller's responsibility to set statewide generally accepted accounting principles requirements for agencies. As written in the bill, Governmental Accounting Standards Board standards do not directly apply to state agencies but apply to the state. The annual finance report reporting requirements help bridge that gap.

TxDOT must undergo a full financial statement audit in accordance with generally accepted accounting principles under other statutory requirements. These provisions would apply regardless of implementation of this act.

Without Governmental Accounting Standards Board compliant reporting requirements, TxDOT may need to establish its own interpretations of generally accepted accounting principles, which could increase inconsistencies with the Texas Comprehensive Annual Financial Report (CAFR) presentation. Section 403.013, Government Code, still requires TxDOT to provide information for the Texas Comprehensive Annual Financial Report in compliance with generally accepted accounting principles.

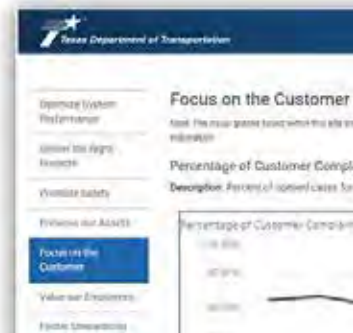
Effective Date: September 1, 2019

GENERAL GOVERNMENT

Relating to state agency measurement and management of customer satisfaction.

Author: Representative Matt Shaheen (R–Plano)

Sponsor: Senator Angela Paxton (R–McKinney)



Summary

Chapter 2114, Government Code, requires each state agency to gather information from external customers regarding the quality of services provided by the agency and provides for the Legislative Budget Board and Governor’s Office of Budget and Policy to evaluate that customer service data. State agencies may use surveys, focus groups, or other methods to obtain external customer input regarding the quality of service delivered by the agency. The statute requires that state agencies collect information from their customers to evaluate the agency’s:

1. facilities, including the customer’s ability to access that agency, the office location, signs, and cleanliness;
2. staff, including employee courtesy, friendliness, and knowledgeability, and whether staff members adequately identify themselves to customers by name, including the use of name plates or tags for accountability;
3. communications, including toll-free telephone access, the average time a customer spends on hold, call transfers, access to a live person, letters and, email;
4. internet site, including the ease of use of the site, information on the location of the site and the agency, and information accessible through the site such as a listing of services and programs and whom to contact for further information or to complain;

5. complaint handling process, including whether it is easy to file a complaint and whether responses are timely;
6. ability to timely serve its customers, including the amount of time a customer waits for service in person, by phone, by letter, or at a website; and
7. brochures or other printed information, including the accuracy of that information.

House Bill 2110 updates the statutory requirements to incorporate the following changes:

- adds mobile and web applications as an allowed method for collection of customer satisfaction from external customers;
- adds applicable text messaging or mobile applications and mobile access to websites, as part of the state agency customer service information evaluated;
- provides that state agencies retain ownership of the customer satisfaction data collected; and
- requires the Legislative Budget Board and the Governor’s Office of Budget and Policy to jointly develop a standardized method to measure customer satisfaction and create standardized performance measures for state agencies in this area.

Impact on TxDOT

TxDOT is currently working to expand TxDOT’s public-facing dashboard to include “Focus on the Customer” performance measures. TxDOT anticipates the use of resources and data from the TxDOT dashboard to meet some of the

requirements of this bill. However, TxDOT cannot fully determine the impact without more information on the standardized methods to measure customer service satisfaction and standardized performance measures that the Legislative Budget Board and Governor's Office of Budget and Policy will develop.

Effective Date: June 10, 2019



GENERAL GOVERNMENT

Relating to certain required reports received or prepared by state agencies and other governmental entities.

Author: Senator Jane Nelson (R–Flower Mound)

Sponsor: Representative Oscar Longoria (D–Mission)



Summary

Senate Bill 241 modifies several reporting requirements for state agencies, including the following changes that impact TxDOT reporting requirements:

Chapter 2054, Government Code (Information Resources):

SB 241 amends Section 2054.075(b), Government Code, to require state agencies to include an organizational chart showing the structure of the personnel in the agency's executive management as part of the currently required report to the Texas Department of Information Resources (DIR) on TxDOT's cooperation with TxDOT's information resources manager.

SB 241 amends Sections 2054.100 and 2054.103, Government Code, to delete the requirement that state agencies deliver to DIR a copy of the biennial operating plan and any changes to that plan. TxDOT would still be required to submit the plan and any changes to the Legislative Budget Board for approval and then, upon approval, to the governor, the quality assurance team, and the state auditor.

SB 241 amends Section 2054.133(c), Government Code, to change the due date for the submission of the agency's information security plan, which is due in each even-numbered year to DIR, from October 15 to June 1.

SB 241 amends Section 2054.304(b), Government Code, to delete the requirement that state agencies deliver to DIR a copy of project plans for each major information resources project or major contract.

State agencies will still submit this information to the Quality Assurance Team.

SB 241 amends Section 2054.515(b), Government Code, which requires state agencies to submit the results of the agency information security assessment to DIR, to require that submission must be sent to the governor, lieutenant governor, and speaker of the house of representatives, only if requested.

SB 241 amends Section 2056.002(d), Government Code (Strategic Plan of Operation), to remove the Texas Sunset Advisory Commission and DIR from the required recipient list for each state agency's biennial strategic plan of operations.

Chapter 2102, Government Code (Internal Auditing):

SB 241 amends Section 2102.009, Government Code, to remove the Texas Sunset Advisory Commission from the required recipient list for each state agency's annual audit report. State agencies will still submit the report to the governor, Legislative Budget Board, state auditor, and the state agency's governing board, and administrator.

SB 241 amends Section 2102.0091(a), Government Code, to remove the Texas Sunset Advisory Commission from the required recipient list for a copy of each report that a state agency submits to the state agency's governing board.

Miscellaneous Provisions:

SB 241 amends Section 2176.005(a), Government Code, to remove the Legislative Budget Board as a recipient of a report relating to mail operations.

State agencies in Travis County must still submit the report to the governor.

The bill amends Sections 2205.039(a) and (b), Government Code, to remove the Legislative Budget Board's role in prescribing the state aircraft travel log and any procedures related to that form. TxDOT would now have sole responsibility for governing the use of the travel logs.

SB 241 amends Section 388.005(c), Health & Safety Code, to extend through 2026 the requirement that political subdivisions, institutions of higher education, and state agencies establish a goal to reduce electricity usage by the entity by at least five percent each state fiscal year.

SB 241 amends Section 201.116, Transportation Code, to no longer require a quarterly report to the Texas Secretary of State detailing certain projects that provide assistance to colonias and to make conforming changes to clarify that the applicant requirements are for projects funded by the Texas Transportation Commission that serve colonias by providing paved roads or other assistance.

Impact on TxDOT

TxDOT will modify reporting as required under the bill. No significant impact is anticipated.

Effective Date: September 1, 2019

GENERAL GOVERNMENT

Relating to certain procedures applicable to meetings under the open meetings law and the disclosure of public information under the public information law in the event of an emergency, urgent public necessity, or catastrophic event.

Author: Senator Joan Huffman (R–Houston)

Sponsor: Representative Armando Walle (R–Houston)



Summary

In its interim report to the 86th Legislature, the Senate Committee on State Affairs found that compliance with the state open meetings law and public information law in the wake of Hurricane Harvey presented a hurdle to swift and effective communication, which is integral to an effective emergency response effort. The report stated that “many local governments found themselves unsure as to how the Open Meetings Act applies during the response to an emergency.”

SB 494 amends Section 551.045, Government Code, related to the exceptions to open meeting requirements in certain emergency situations. The bill shortens from at least two hours, to at least one hour, for the posting time for notice under the open meetings law of an emergency meeting or emergency addition to a lawfully posted meeting agenda in an emergency or when there is an urgent public necessity. A governmental body may only consider matters related to the emergency or, in the case of a supplemental notice, an item on the original notice that met the non-emergency posting requirements. The Office of the Attorney General of Texas may bring a legal action to stop an agenda item or revise an agenda item improperly considered.

SB 494 adds a list of examples of reasonably unforeseeable situations that are considered emergencies including:

- fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;

- power failure, transportation failure, or interruption of communication facilities;
- epidemic; or
- riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

SB 494 provides for the temporary suspension of open records deadlines if a governmental body is impacted by a catastrophe as defined by Section 552.233, Government Code. If a governmental body suspends open records deadlines during a catastrophe, it is required to submit notice of the suspension to the attorney general on a specific form and post notice of the suspension of deadlines in a place readily accessible to the public.

Impact on TxDOT

If TxDOT opened or resumed regular operations during a catastrophe, TxDOT, if warranted, could elect to suspend open records deadlines during the catastrophe, rather than responding to open records requests.

Thus, the open records provisions of the bill may be beneficial to TxDOT if there is a need to temporarily suspend open records deadlines due to a catastrophe in order for TxDOT to focus on emergency response.

The portions of the bill relating to open meetings could be beneficial to the Texas Transportation Commission in times of an emergency by allowing the Texas Transportation Commission to communicate more rapidly during an emergency.

Effective Date: September 1, 2019

GENERAL GOVERNMENT

Relating to the public information law.

Author: Senator Kirk Watson (D–Austin)

Sponsor: Representative Giovanni Capriglione (R–Southlake)



Summary

Chapter 552, Government Code, the Public Information Act, requires governmental bodies to disclose information to the public upon written request unless that information is excepted from disclosure.

Section 552.205, Government Code, requires an officer for public information to prominently display in a governmental body's administrative offices a plainly visible sign that contains basic information about the rights of a requestor, the responsibilities of a governmental body, and the procedures for inspecting or obtaining a copy of public information.

Senate Bill 944 revises the Public Information Act to provide a process for a governmental body to retrieve public information held by a temporary custodian, specify the procedure for making a written request, require the attorney general to create a request form, and create an exception for certain health information.

SB 944 defines “temporary custodian” to mean an officer or employee of a governmental body who, in the transaction of official business, creates or receives public information that the officer or employee has not provided to the officer for public information of the governmental body or the officer's agent. The term includes a former officer or employee of a governmental body who created or received public information in the officer's or employee's official capacity and has not provided that public information to the officer for public information of the governmental body or the officer's agent.

The bill adds a requirement to a state agency's retention schedule that requires a current or former officer or employee of a governmental body who maintains public information on a privately-owned device to:

1. forward or transfer the public information to the governmental body or a governmental body server to be preserved; or
2. preserve the public information in its original form on the privately-owned device for a period of time determined by the governmental body.

SB 944 adds requirements that each officer for public information make reasonable efforts to obtain public information from a temporary custodian if:

- the information has been requested from the governmental body;
- the officer for public information is aware of facts sufficient to warrant a reasonable belief that the temporary custodian has possession, custody, or control of the information;
- the officer for public information is unable to comply with the duties without obtaining the information from the temporary custodian; and
- the temporary custodian has not provided the information to the officer for public information or the officer's agent.

SB 944 stipulates that a current or former officer or employee of a governmental body does not have a personal or property right to public information the officer or employee created or received while acting

in an official capacity. The bill requires a temporary custodian with possession, custody, or control of public information to return the information to the governmental body not later than the 10th day after the date the officer for public information of the governmental body or the officer's agent requests the temporary custodian to surrender or return the information. The bill provides that a temporary custodian's failure to return public information is grounds for disciplinary action. The bill provides that, as it relates to attorney general opinions on information surrendered or returned to a governmental body by a temporary custodian, the attorney general will consider that the governmental body received the request for that information on the date the temporary custodian surrenders or returns the information to the governmental body.

SB 944 authorizes a person to make a written request for public information only by delivering the request by the following methods to the applicable officer for public information or a person designated by that officer:

- United States mail;
- electronic mail;
- hand delivery; or
- any other appropriate method approved by the governmental body, including facsimile transmission and electronic submission through the governmental body's Internet website.

The bill requires governmental bodies to include the approved methods for delivering requests for public information on the sign required to be displayed by the governmental body or on the governmental body's Internet website. The bill authorizes a governmental body to designate one mailing address and one electronic mail address for receiving written requests for public information and requires the governmental body to provide the designated mailing address and electronic mailing address to any person on request. The bill provides that a governmental body is not required to respond to a written request for public information unless

the request is received at one of those addresses by hand delivery or by an approved delivery method described above.

Impact on TxDOT

Current or former TxDOT employees or former Texas Transportation Commissioners who maintain TxDOT information on a personal device would need to give the information to TxDOT or preserve the information in accordance with TxDOT's records retention schedule. Furthermore, the information in the possession of a temporary custodian is subject to TxDOT's records retention schedule. TxDOT would need to implement a new procedure to collect information or notify employees and commissioners about their obligation to preserve information in their possession in accordance with TxDOT's records retention schedule. TxDOT would also need a procedure to dispose of records held by former employees or former Texas Transportation Commissioners.

The bill will require TxDOT to make reasonable efforts to obtain public information from a temporary custodian if TxDOT receives an open records request for that information. This adds an additional step in the open records process.

The bill requires a temporary custodian to provide the requested information in their possession to TxDOT within 10 days of receiving the notification. The bill allows for disciplinary action for an employee's failure to turn over information within 10 days. TxDOT may need to update its Human Resources manual and training to make employees aware of their obligation. The bill clarifies that TxDOT would have 10 business days to seek an attorney general ruling to withhold information from the date TxDOT received the information from the temporary custodian, rather than the date TxDOT received the request. This would allow TxDOT to avoid a time penalty for any delays resulting from having to obtain information from a temporary custodian.

TxDOT would need to update its rules and its public information signs and website to incorporate any changes to the approved methods for making open

records requests. The bill would allow TxDOT to designate appropriate ways to receive requests, which may change with technology and eliminates the requirement to accept requests by the outdated method of fax. This could have a significant impact on how TxDOT receives open records requests if TxDOT chooses to designate one mailing address and one email address. The bill does retain the authority for the public to make open records requests by hand delivery.

The bill also authorizes TxDOT to allow a requestor to use a public information request form (to be created by the attorney general) that provides a requestor the option of excluding confidential or excepted information from a request. Use of this form, as well as asking requestors to exclude confidential or potentially excepted information, may reduce TxDOT's ability to charge for redacting non-responsive information.

Effective Date: September 1, 2019

GENERAL GOVERNMENT

Relating to the assessment of litigation costs and attorney's fees in certain actions under the public information law.

Author: Senator Kirk Watson (D–Austin)

Sponsor: Representative Giovanni Capriglione (R–Southlake)



Summary

The Public Information Act, Chapter 552, Government Code, requires governmental bodies to disclose information to the public upon request unless that information is excepted from disclosure. If a governmental body wishes to withhold information under a legal exception, the statute requires the governmental body to request a decision from the Office of Attorney General of Texas. If the governmental body seeks relief from compliance with an attorney general decision (so that it may withhold information from a requestor), Section 552.324, Government Code, authorizes the governmental body to file a lawsuit against the attorney general to obtain that relief. Section 552.323, Government Code, allows the court to assess costs of litigation and reasonable attorney's fees incurred by a plaintiff (the governmental body) or defendant (the attorney general) who substantially prevails in an action brought under Section 552.324, Government Code.

SB 988 amends Section 552.323, Government Code, to prohibit a court from assessing these litigation costs or attorney's fees to the prevailing party in the case. The only exception to this prohibition is if the court finds that the lawsuit or the defense of the lawsuit was groundless in fact or law.

Impact on TxDOT

This bill would make it more difficult for governmental bodies, including TxDOT, to recover attorney's fees or litigation costs under the Public Information Act if it were necessary for TxDOT to sue to seek relief from an attorney general ruling. However, it would also be less likely that TxDOT would be assessed attorney's fees or costs if TxDOT sued the attorney general on a ruling and did not prevail. This bill would likely have minimal impact to TxDOT because open records litigation has not been necessary for many years.

Effective Date: September 1, 2019

GENERAL GOVERNMENT

Relating to the open meetings law.

Author: Senator Kirk Watson (D–Austin)

Sponsor: Representative Dade Phelan (R–Beaumont)



Summary

Chapter 551, Government Code, the Texas Open Meetings Act, generally requires meetings of governmental bodies to be open to the public. Governmental entities may only hold closed meetings under certain circumstances. The act also requires governmental bodies to give written notices of upcoming meetings and to keep minutes or make a recording of each open meeting. Under Section 551.143, Government Code, a member or group of members of a governmental body commits an offense if the member or group knowingly conspires to circumvent the Open Meetings Act by meeting in numbers less than a quorum for the purpose of secret deliberations. An offense is a misdemeanor punishable by: (a) jail for at least one month but not more than six months; (b) a fine of at least \$100 but not more than \$500; or (c) both the jail sentence and the fine.

On February 27, 2019, in the case of *State v Doyal*, the Texas Court of Criminal Appeals, found that the Section 551.143, Government Code, which seeks to prohibit what is commonly referred to as a “walking quorum,” was unconstitutionally vague, and that clarification, for enforcement purposes, was needed.

Senate Bill 1640 attempts to revive the offense of using a “walking quorum” to make public policy without gathering in a quorum.

SB 1640 defines “deliberation” to mean a verbal or written exchange, between a quorum of a governmental body or between a quorum of a governmental body and another person, concerning an issue within the jurisdiction of the governmental body. The bill amends Section 551.143,

Government Code, by providing that a member, rather than group of members, of a governmental body commits an offense if the member:

1. knowingly engages in at least one communication among a series of communications that each occur outside of a meeting authorized by this chapter and that concerns an issue within the jurisdiction of the governmental body in which the members engaging in the individual communications constitute fewer than a quorum of members but the members in the series of communications constitute a quorum of members; and
2. knew at the time the member engaged in the communication that the series of communications:
 - a. involved or would involve a quorum; and
 - b. would constitute a deliberation once a quorum of members engaged in the series of communications

Impact on TxDOT

TxDOT will ensure that the changes to the law are incorporated into the Texas Open Meetings Act training that TxDOT staff annually provides to members of the Texas Transportation Commission.

Effective Date: June 10, 2019



HIGHWAY CONSTRUCTION CONTRACTING & DELIVERY



HIGHWAY CONSTRUCTION CONTRACTING & DELIVERY

Relating to changes made by certain design-build contractors to the design-build team for transportation projects.

Author: Representative Armando “Mando” Martinez (D–Weslaco)

Sponsor: Senator Juan “Chuy” Hinojosa (D–McAllen)



Summary

House Bill 1542 prevents a design-build contractor selected for a contract by TxDOT or a Regional Mobility Authority (RMA) from making changes to companies or entities identified in its proposal as part of the contractor’s design-build team unless certain conditions are met.

HB 1542 amends Chapters 223 (Bids and Contracts for Highway Projects) and 370 (Regional Mobility Authorities), Transportation Code, to prohibit a contractor selected for a design-build contract with TxDOT (Chapter 223) or a Regional Mobility Authority (Chapter 370) from making changes to companies or entities identified in its proposal as part of the contractor’s design-build team except for the following reasons:

1. the company or entity is no longer in business; is unable to fulfill its legal, financial, or business obligations; or can no longer meet the terms of the teaming agreement proposed for the project with the design-build contractor;
2. the company or entity voluntarily removes itself from the team;
3. the company or entity fails to provide a sufficient number of qualified personnel to fulfill its duties; or
4. the company or entity fails to negotiate in good faith in a timely manner in accordance with the agreement.

If the design-build contractor makes changes to its design-build team in violation of this prohibition, any cost savings resulting from the changes belong

to TxDOT or the Regional Mobility Authority, as applicable, and not to the design-build contractor.

Impact on TxDOT

Requests for proposals TxDOT issues for design-build projects and design-build agreements currently include provisions that prohibit changes to identified key subcontractors, except for the reasons specified in HB 1542. Any cost savings from unauthorized changes belong to TxDOT. As the provisions in TxDOT’s current requests for proposals and design-build agreements are similar to the requirements of HB 1542, it does not appear that TxDOT would need to make significant modifications to its design-build request for proposal documentation or contracts to comply with new statutory requirements. It appears those provisions will need to be amended to restrict changes to other subcontractors identified in the proposal that are not key subcontractors, in accordance with the requirements of HB 1542.

TxDOT currently provides more flexibility to a design-build contractor to replace subcontractors that are not key subcontractors. The TxDOT design-build agreement defines “key subcontractor” to mean the subcontractors listed in an exhibit to the agreement. Therefore, the key subcontractors list is project-specific. Some of TxDOT’s recent design-build projects only included in this list the companies and entities required under Section 223.203(f-2), Transportation Code, which similarly restricts changes to entities selected by a developer that is a party to a Comprehensive Development Agreement to serve certain key project roles or to serve as key task leaders for certain issues. This typically includes companies filling the key project

roles of project management, lead design firm, quality control management, and quality assurance management and entities that will serve as key task leaders for geotechnical, hydraulics and hydrology, structural, environmental, utility, and right-of-way issues. In addition, TxDOT has also included entities responsible for roadway and maintenance in some recent agreements.

The exceptions authorized in the bill should allow enough flexibility to make any necessary changes to a design-build project team.

Effective Date: September 1, 2019



HIGHWAY CONSTRUCTION CONTRACTING & DELIVERY

Relating to certain requirements for and limitations on design-build contracts for highway projects of the Texas Department of Transportation.

Author: Representative Terry Canales (D–Edinburg)

Sponsor: Senator Kelly Hancock (R–North Richland Hills)



Summary

House Bill 2830 makes minor changes to Chapter 223, Transportation Code, which governs TxDOT's design-build contracts. Currently, Section 223.242, Transportation Code, limits TxDOT to entering into no more than three design-build contracts each fiscal year. HB 2830 amends that provision to allow TxDOT to enter into six design-build contracts in a fiscal biennium.

HB 2830 also amends Section 223.246, Transportation Code, to clarify the list of items that a request for proposals for a design-build contract must include. Specifically, a request for proposals must now include a design that is approximately 30 percent complete rather than a schematic design that is approximately 30 percent complete.

Impact on TxDOT

HB 2830 will effectively provide TxDOT with two years to enter into six authorized design-build contracts. The annual limitation of three design-build contracts per fiscal year affects the ability of TxDOT to deliver long-term, complex projects. Allowing six design-build contracts in a state fiscal biennium, should alleviate some concerns for those projects that may run into various issues that delay contract execution.

The modification to Section 223.246(a), Transportation Code, to delete the word “schematic” when combined with the phrase “approximately 30 percent complete” is a needed clarification for both TxDOT and its contractors.

Effective Date: September 1, 2019

HIGHWAY CONSTRUCTION CONTRACTING & DELIVERY

Relating to civil liability and responsibility for defects in the plans, specifications, or other documents for the construction or repair of roads, highways, and related improvements.

Author: Representative Jeff Leach (R–Plano)

Sponsor: Senator Juan “Chuy” Hinojosa (D–McAllen)

Summary

House Bill 2899 adds Chapter 473, Transportation Code, and provides that a contractor who enters into a contract with certain governmental entities, including TxDOT, is not civilly liable or otherwise responsible for the accuracy, adequacy, sufficiency, suitability, or feasibility of any project specifications and is not liable for any damage to the extent caused by:

1. a defect in those project specifications; or
2. the errors, omissions, or negligent acts of a governmental entity or of a third party retained by a governmental entity under a separate contract, in the rendition or conduct of professional duties arising out of or related to the project specifications.

HB 2899 applies only to a contract for the construction or repair of a road or highway owned or operated by a governmental entity, including TxDOT.

The limitations on liability created by the bill does not apply to a consultant retained in a separate contract by the governmental entity to monitor the highway contractor’s compliance with the project specifications.

Impact on TxDOT

TxDOT may be required to modify its contracts for the construction or repair of a road or highway to reflect the new limitations on contractor responsibility and limits on liability of TxDOT and third parties.

Effective Date: June 2, 2019

HIGHWAY CONSTRUCTION CONTRACTING & DELIVERY

Relating to the grant program distributing money from the transportation infrastructure fund.

Author: Representative Geanie Morrison (R–Victoria)

Sponsor: Senator Pete Flores (R–Pleasanton)



Summary

The 83rd Legislature (2013), in Senate Bill 1747, created Subchapter C (Transportation Infrastructure Fund), Chapter 256, Transportation Code, to establish the County Transportation Infrastructure Fund Grant Program (program) and charged TxDOT with administering the program. The program provides financial assistance to eligible counties for transportation infrastructure projects located in areas of the state affected by increased oil and gas production. The program requires local matching funds of 10 percent for counties determined to be “economically disadvantaged” pursuant to Section 222.053, Transportation Code, and 20 percent for all other counties. In 2013, the legislature appropriated \$225 million for the program, of which \$500,000 was available to TxDOT to administer the program. SB 1747 established a statutory formula to allocate the funds.

House Bill 4280 modifies the statutory allocation formula for the program and adds some program requirements for county grant recipients. Specifically, HB 4280 amends Subchapter C, Chapter 256, Transportation Code, by adding Section 256.107, to require that, when a county uses program funds to contract for construction or maintenance, the county must competitively bid (low-bid) the projects and publicly open the bids. Under Section 256.108, Transportation Code, a county must spend the county’s grant allocation within five years from the award date.

HB 4280 modifies the statutory allocation formula for the program by adding the vertical

well completion ratio as a factor in the program allocation formula and adjusts the relative percentages of two other factors to establish the following revised allocation formula for distributing grant funds among the counties:

- 10 percent - weight tolerance permits ratio;
- 20 percent - oil and gas production taxes ratio;
- 45 percent - horizontal well completion ratio;
- 10 percent - volume of oil and gas waste injected ratio; and
- 15 percent - vertical well completion ratio.

Impact on TxDOT

The 86th Legislature has appropriated \$250 million for the program:

- \$125 million from the Economic Stabilization Fund in Senate Bill 500 (the Supplemental Appropriations Act); and
- \$125 million from TxDOT’s Fiscal Year 2020-2021 budget, in House Bill 1 (the General Appropriations Act).

HB 4280 will require TxDOT to update and to modify the program’s current administrative rules, program documents, and agreements. TxDOT will rely on data from the Texas Comptroller of Public Accounts, the Texas Railroad Commission, and the Texas Department of Motor Vehicles to calculate the allocation of grant funds appropriately with the updated formula requirements of the program. Pursuant to Section 256.106, Transportation Code,

TxDOT is authorized to use one-half of one percent of the amount deposited into the County Transportation Infrastructure Fund in the preceding fiscal year, not to exceed \$500,000 in a state fiscal biennium, to administer the program.

Effective Date: September 1, 2019



HIGHWAY CONSTRUCTION CONTRACTING & DELIVERY

Relating to the allocation of money associated with delays of transportation projects.

Author: Senator Dawn Buckingham (R–Lakeway)

Sponsor: Representative Brad Buckley (R–Salado)



Summary

Senate Bill 282 adds new Section 222.007, Transportation Code, to require TxDOT to annually track the dollar value of liquidated damages (LDs) and road user costs (RUCs) assessed for each TxDOT district and allocate those dollars to the respective TxDOT district in which the damages were assessed for transportation projects in that district. If a transportation project that was subject to liquidated damages is located in more than one TxDOT district, TxDOT may reasonably allocate the amount of the liquidated damages from that project among the TxDOT districts in which the project is located.

Impact on TxDOT

Under current TxDOT procedures, TxDOT assesses liquidated damages if a contractor fails to complete a highway improvement project within the number of days specified in the contract. TxDOT derives liquidated damage amounts from TxDOT's cost to oversee the project (cost of providing inspection and project management) for the extra time used by the contractor. The purpose of liquidated damages is to withhold payment from the contractor to compensate TxDOT for the extra incurred costs. TxDOT includes a liquidated damages rate in each project contract and uses that rate to assess the liquidated damages, if any, for the project.

TxDOT may also assess road user costs on certain projects, as provided in the contract, if the contractor is not meeting the project schedule and milestones. Road user costs are an estimate of the average differential cost of the extra travel time resulting from delay. TxDOT bases the value

on the Consumer Price Index for the previous year. Fiscal Year 2019 road user costs are \$29.35 per passenger car hour and \$39.47 per truck hour. TxDOT assesses road user costs on highway projects, primarily those located in the metropolitan areas of the state or large projects on heavily traveled roadways, where travel delays have a significant impact on the public.

Currently, once TxDOT finalizes a project, TxDOT performs a reconciliation on the overall cost of the project. If a project has a cost overrun, TxDOT deducts the amount of the cost overrun from the current year's overall funding allocation for that TxDOT district. If a project has a cost underrun, including the assessment of liquidated damages and road user costs that TxDOT withheld from payments to the contractor, TxDOT adds the amount of the underrun to the current year's overall funding allocation for that TxDOT district or returns the underrun amount to the statewide program(s), depending on the project's fund source(s).

As TxDOT completes projects, SB 282 will require TxDOT to confirm that it is crediting any cost savings from the assessment of liquidated damages and/or road user costs appropriately to the corresponding TxDOT district.

Effective Date: September 1, 2019

HIGHWAY CONSTRUCTION CONTRACTING & DELIVERY

Relating to certain contracts requiring competitive bidding by the Texas Department of Transportation.

Author: Senator Robert Nichols (R–Jacksonville)

Sponsor: Representative Terry Canales (D–Edinburg)



Summary

Chapter 223, Transportation Code, controls TxDOT's low-bid contract letting and award process. Section 223.001, Transportation Code, requires TxDOT to submit for competitive bids each contract for:

1. the improvement of a highway that is part of the state highway system; or
2. materials to be used in the construction or maintenance of that highway.

Senate Bill 1092 amends Section 223.001, Transportation Code, to clarify that the section applies only to a highway that is part of the state highway system and to require that traffic control and safety devices to be used on a highway shall be procured by the low-bid contract letting and award process set out in Chapter 223, Transportation Code.

Currently, TxDOT procures traffic control and safety devices through the Texas Comptroller of Public Accounts (comptroller) "Smart-Buy" Program (as required under Chapter 2155, Government Code).

Impact on TxDOT

TxDOT anticipates gains in efficiency and cost savings with the procurement of traffic control and safety devices under the competitive low-bid process currently used for TxDOT highway maintenance and construction projects. First, TxDOT may avoid unnecessary delays in the procurement process by retaining control over the entire procurement process, specifically on the specifications to ensure compliance with Federal Highway Administration standards on these items. Second, assuming TxDOT can achieve the same or a lower price by going through the low-bid contract letting and award process, TxDOT anticipates a positive fiscal impact. Based on the average procurement amounts made from Fiscal Years 2016-2018 for traffic control and safety devices, SB 1092 may result in an annual average savings of approximately \$316,000 from no longer paying the 1.5 percent fee to use the comptroller's Smart-Buy System to procure those items.

Effective Date: June 4, 2019



HUMAN RESOURCES



HUMAN RESOURCES

Relating to paid leave for a state employee who is a search and rescue volunteer.

Author: Representative Will Metcalf (R–Conroe)

Sponsor: Senator Carol Alvarado (D–Houston)



Summary

House Bill 41 amends Section 661.905, Government Code, to add “search and rescue volunteers” to the current category of state employees (volunteer firefighters and emergency medical services volunteers) who:

1. are entitled to a leave of absence without a deduction in pay, not to exceed five working days in a fiscal year, while they are engaged in training by a state agency or institution of higher education pertaining to their volunteer services; and
2. may be granted leave at the discretion of the agency to respond to emergency search and rescue situations without a deduction in salary, if the agency has an established policy for granting that leave.

HB 41 defines a search and rescue volunteer as, “an individual who without remuneration, except reimbursement for expenses, provides services for or on behalf of an organization that conducts search and rescue activities.”

Impact on TxDOT

TxDOT’s current miscellaneous leave policy cites Section 661.905, Government Code, which entitles employees who are firefighters and Emergency Medical Service (EMS) volunteers paid leave not to exceed five working days per fiscal year to attend training services conducted by another state agency or higher education institution. The policy further states that “in emergency situations, leave may be granted to firefighters or EMS volunteers as needed during normal work hours.”

HB 41 will require TxDOT to:

1. amend its leave policy to amend the title and add “search and rescue volunteer training” to the Miscellaneous Leave Volunteer Firefighter & EMS Training category; and
2. update current PeopleSoft time and reporting codes.

HB 41 also would grant TxDOT the discretion to grant leave to employees serving as search and rescue volunteers during a search and rescue situation. If TxDOT chooses to implement the option to grant leave to employees serving as search and rescue volunteers during search and rescue situations, TxDOT could modify the existing policy to authorize supervisors to grant miscellaneous leave as needed during normal work hours for employees serving as search and rescue volunteers. It is anticipated that HB 41 will have a minimal fiscal and operational impact on TxDOT.

Effective Date: September 1, 2019

HUMAN RESOURCES

Relating to employment protections for jury service.

Author: Senator Kirk Watson (D–Austin)

Sponsor: Representative John Smithee (R–Amarillo)



Summary

Senate Bill 370 amends Section 122.001, Civil Practice and Remedies Code, to prohibit an employer from discharging, threatening to discharge, intimidating, or coercing a permanent employee because of the employee jury service or the employee's attendance or scheduled attendance in connection with the service, in any court in the United States.

The bill entitles an employee who is discharged, threatened with discharge, intimidated, or coerced in violation of the section to return to the same employment that the employee held when summoned for jury service if the employee, as soon as practical after release from jury service, gives the employer actual notice that the employee intends to return.

Currently, Section 122.001, Civil Practice and Remedies Code, protects permanent employees of private companies from termination as a result of jury service. SB 370 expands this protection in Texas law to apply to both public and private employers. It would also protect both employees selected for jury duty and those who were called for jury duty but not selected to serve.

Impact on TxDOT

TxDOT's current policy regarding jury service is based on the requirements in Section 659.005, Government Code, which entitles an employee of a state agency to serve on a jury without a deduction in salary, including a deduction for any fee or compensation the employee receives for jury service.

TxDOT's current policy states that TxDOT will not deduct an employee's wages or leave when the employee serves on a jury. The policy also states that employees called for jury service are granted leave to meet jury service obligations and will not be required to account to TxDOT for any fee or compensation received for jury service. TxDOT offers employees a maximum of eight hours of leave per day to serve on a jury. There is no limit on the number of days of leave that TxDOT may award an employee who is serving on a jury.

The amendments to Section 122.001, Civil Practice and Remedies Code, in SB 370 extends jury duty employment protections to prohibit discharge, threat of discharge, intimidation, or coercion to all employees. The bill also expands the applicability of the protections provided in this section to public employers.

TxDOT will update its policy to reflect the additional protections established in SB 370.

Effective Date: September 1, 2019



INFORMATION TECHNOLOGY



INFORMATION TECHNOLOGY

Relating to the provision of certain services through statewide technology centers.

Author: Representative Drew Darby (R–San Angelo)

Sponsor: Senator Charles Perry (R–Lubbock)



Summary

Subchapter L, Chapter 2054, Government Code, governs the information resources and software-related services provided to governmental entities by the Texas Department of Information Resources (DIR) through statewide technology centers.

The Data Center Services Program is restricted from offering services that compete with the private telecommunications sector. House Bill 2364 seeks to clarify what services state agencies, institutions of higher education, and local governments can purchase through the Data Center Services Program to provide cost savings through economies of scale.

HB 2364 amends Section 2054.376, Government Code, to clarify state law to allow DIR to deliver telecommunications services through the Data Center Services Program, including electronic messaging services and outsourced managed services that were obtained by a state agency using state money, used by a state agency, or used by a participating local government.

Impact on TxDOT

Because there is no requirement that all state agencies use DIR statewide technology centers, HB 2364 will have minimal impact on TxDOT. Clarifying the services that may be offered for purchase through the Data Center Services Program may give TxDOT more options for the purchase of information resource technologies.

Effective Date: September 1, 2019

INFORMATION TECHNOLOGY

Relating to the requirement that certain state and local government employees and state contractors complete a cybersecurity training program certified by the Texas Department of Information Resources.

Author: Representative Giovanni Capriglione (R–Southlake)

Sponsor: Senator Angela Paxton (R–McKinney)



Summary

Section 2054.518, Government Code, requires the Texas Department of Information Resources (DIR) to develop a plan to address cybersecurity risks and incidents. To support the plan's implementation, DIR may enter into an agreement with a national organization. In selecting a national organization, DIR must consider the organization's previous experience in conducting cybersecurity training and exercises for state agencies and political subdivisions.

House Bill 3834 adds several new sections to Chapter 2054, Government Code, to require DIR, in consultation with the cybersecurity council and industry stakeholders, to annually certify at least five cybersecurity training programs for state and local government employees. The bill also requires DIR to update standards for maintenance of certification through the cybersecurity training programs. The training must focus on security habits that protect information resources and teach best practices for detecting, assessing, reporting, and addressing information security threats. HB 3834 authorizes DIR to identify and certify the cybersecurity training programs provided by state agencies and local governments that satisfy the training requirements. Also, DIR may contract with an independent third party to certify the programs. DIR must publish on its website the list of certified cybersecurity training programs.

Under Section 2054.5191, Government Code, each state employee and appointed officer of the

agency who uses a computer for at least 25 percent of their duties must complete the cybersecurity training program at least once a year. Each state agency can determine which training programs are appropriate. The bill requires the executive head of each state agency to verify completion of the cybersecurity training program in a manner specified by DIR. The executive head of each state agency must periodically require an internal review to ensure compliance.

Newly added Section 2054.5192, Government Code, imposes cybersecurity training requirements for state contractors who have access to a state computer system or database. The contractor must complete the training during the term of the contract and during any contract renewal period. State agencies must include this requirement in the contract terms. The bill requires the contractor to verify completion of the training. A person who oversees the contract management for an agency must report the completion to DIR and periodically review agency contracts to ensure compliance.

Impact on TxDOT

TxDOT already requires all its employees to take an in-house created cybersecurity training (Securing the Human). TxDOT will be required to have DIR certify this training to keep using it; otherwise, TxDOT will need to replace its current cybersecurity training with a DIR approved training program.

Because HB 3834 requires any contractor, subcontractor, or employee of a contractor who has access to a state computer to take certified

training, TxDOT will revise its contracts to contain a provision requiring contractor training.

TxDOT will need to implement a policy and schedule for the executive director to periodically have an internal review to ensure compliance. TxDOT will need to develop and implement a reporting function to DIR for the required contractor cybersecurity training.

Effective Date: June 14, 2019



INFORMATION TECHNOLOGY

Relating to cloud compatibility of certain state agency information technology purchases.

Author: Representative Giovanni Capriglione (R–Southlake)

Sponsor: Senator Judith Zaffirini (D–Laredo)



Summary

House Bill 3875 amends Section 2157.007, Government Code, to define “cloud computing services” and “major information resources project” and 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.

HB 3875 authorizes a state agency, when making a purchase for an automated information system or major information resources project, to determine that, due to integration limitations with legacy systems, security risks, or costs, the agency is unable to purchase a system or project capable of being deployed and run on cloud computing services.

HB 3875 requires that the state agency, at least 14 days before the date a state agency solicits bids, proposals, offers, or other applicable expressions of interest for a purchase, to submit a report that describes the purchase and the agency’s reasoning for making the purchase to:

1. the Legislative Budget Board for the purchase of an automated information system; or
2. the Quality Assurance Team for the purchase of a major information resources project.

Impact on TxDOT

TxDOT strives for cloud functionality, but there is some software that is proprietary technology that is not cloud suitable or there are not suppliers that offer cloud compatibility. HB 3875 provides an exception process through the Legislative Budget Board and the Quality Assurance Team, which would necessitate additional personnel time.

The requirement in HB 3875 to report before bid solicitation proposals, offers, or other applicable expressions of interest for a purchase will require TxDOT to report to the Legislative Budget Board for automated information systems and to the Quality Assurance Team for a major information resources project.

Effective Date: September 1, 2019

INFORMATION TECHNOLOGY

Relating to cybersecurity for information resources.

Author: Senator Jane Nelson (R–Flower Mound)

Sponsor: Representative Dade Phelan (R–Beaumont)



Summary

Senate Bill 64 incorporates recommendations from interim hearings of the 85th Legislature (2017) held by the Senate Select Committee on Cybersecurity (committee). The committee recommended updating the statutory provisions governing cybersecurity policies to better protect state agency data and ensure adequate delivery of key services.

SB 64 amends Section 418.004, Government Code, to include cybersecurity events in the definition of “disaster” as used in the state’s emergency management activities. The bill amends Section 656.047, Government Code, to allow state agencies to spend public funds to reimburse a state agency employee or administrator who serves in an information technology (IT), cybersecurity, or other cyber-related position for fees associated with industry-recognized certification examinations.

SB 64 requires the Texas Department of Information Resources (DIR) to submit a written report not later than September 1, 2020, to the lieutenant governor, the speaker of the house of representatives, and the standing committee of each house of the legislature with primary jurisdiction over state government operations. The report shall identify and develop strategies to incentivize institutions of higher education to develop degree programs in cybersecurity.

SB 64 amends Section 2054.0594, Government Code, to expand an existing information sharing and analysis organization for state agencies to include local governments, public and private higher education institutions, and the private sector. The purpose of the organization is to share information regarding cybersecurity threats, best practices, and remediation strategies.

Section 2054.068, Government Code, requires DIR to develop and present to the governor and the legislature a consolidated report on state agency security and operational risks. SB 64 amended that section to include, for a state agency identified at higher security and operational risks, a detailed analysis of the agency’s efforts to address the risks and related vulnerabilities.

SB 64 adds new Section 2054.069, Government Code, to require DIR to submit to the Legislative Budget Board, no later than October 1 of each even-numbered year, a report that prioritizes, for the purpose of receiving funding, state agency cybersecurity projects and projects to modernize or replace legacy systems. Each state agency must coordinate with DIR and assert any needed exception under federal law. This includes exceptions under the open records statutes related to information on computer network security that is in response to a request for public disclosure of information contained in or written, produced, collected, assembled, or maintained in connection with the report. Section 552.007, Government Code, related to the voluntary disclosure of certain information when disclosure is required, does not apply to the above information.

SB 64 amends Section 2054.07, Government Code, to establish the state agency information security officer, rather than the information resources manager, as the person at a state agency who is required to provide the biennial report on vulnerabilities of the agency’s IT infrastructure.

The bill amends Section 2054.1125, Government Code, to require a state agency to notify DIR, including the chief information security officer, of the details of a cybersecurity event and include

in the notification an analysis of the cause of the event. This notification is required no later than the 10th business day after the date of the eradication, closure, and recovery from a breach, suspected breach, or unauthorized exposure.

SB 64 amends Section 2054.133, Government Code, to require that each state agency's information security plan include a written document that is signed by head of the agency, the chief financial officer, and each executive manager who is designated by the state agency. The plan is required to state that those persons have been made aware of the risks revealed during preparation of the agency's information security plan.

SB 64 adds a new Section 2054.519, Government Code, to create a new Cyberstar Program. The state cybersecurity council coordinator, in collaboration with the cybersecurity council and public and private entities, must develop certain best practices for cybersecurity. The coordinator shall establish a "cyberstar" certificate program to recognize public and private entities that implement the best practices. The program must allow a public or private entity to submit to DIR a form certifying that the entity has complied with the best practices. The bill authorizes an entity to include the certificate of approval in advertisements and other public communications.

SB 64 adds a new Subchapter R (Information Resources of Governmental Entities), to Chapter 2054, Government Code. This new subchapter requires each state agency and local government, in the administration of the agency or local government, to consider using next generation technologies, including cryptocurrency, blockchain technology, and artificial intelligence. The new subchapter provides that a person who, in good faith, discloses to a state agency or other governmental entity information regarding a potential security issue on the agency's or entity's information resources technologies is not liable for any civil damages resulting from disclosing the information unless the person stole, retained, or

sold any data obtained as a result of the security issue.

SB 64 provides that the review and analysis of computer-based data for the purpose of preparing for or responding to a cybersecurity event does not constitute an investigation and does not require licensing. SB 64 repeals Sections 2054.119 (Bids or Proposals for Interagency Contracts), 2054.513 (Cybersecurity Approval Seal), and 2054.517 (Data Security Procedures for Online and Mobile Applications of Higher Institutions) Government Code.

Impact on TxDOT

The provision that includes a cybersecurity event in the list of defined disasters could benefit TxDOT operations if TxDOT faces a cybersecurity disaster event. This could make resources outside of regular funding available to TxDOT to diagnose, mitigate, and prevent cybersecurity issues.

The section that allows employees to be reimbursed for a cybersecurity certification or similar certifications would have a minor impact to TxDOT's budget for repayment of fees.

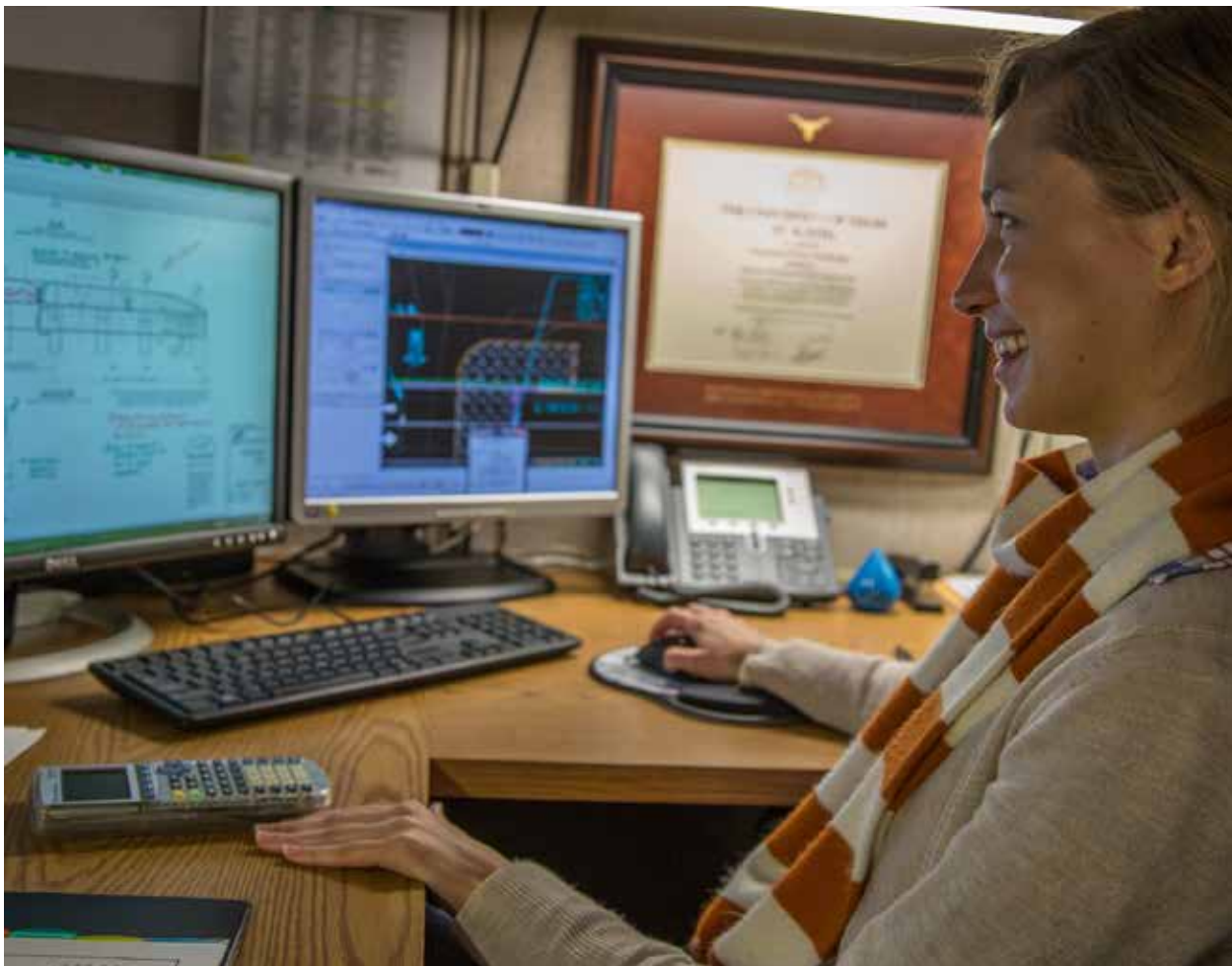
TxDOT's participation in the Information Sharing and Analysis Organization could provide a source of valuable information for TxDOT's information security officer.

Under the Information Technology Infrastructure Report, DIR may require TxDOT to provide additional information (a detailed analysis of the agency efforts to address the risks and related vulnerabilities) if DIR determines that TxDOT is a high-risk agency. TxDOT may have to provide certain information to DIR on its IT projects for the new Prioritized Cybersecurity and Legacy System Projects Report.

Regarding cybersecurity breach notification, TxDOT provides notice of any such breach to DIR, including the root cause of a cybersecurity breach. TxDOT staff will work to ensure that any provided TxDOT information is appropriate and does not create or

increase security risks. TxDOT's cybersecurity breach notification includes an acknowledgment that the executive director, chief financial officer, and executive manager as designated by TxDOT, have been made aware of this same information. Therefore, the impact to TxDOT operations would be minor but would require the actual signature of the named individuals on receipt of the notification.

Effective Date: September 1, 2019



INFORMATION TECHNOLOGY

Relating to state agency electronic information and processes.

Author: Senator Jane Nelson (R–Flower Mound)

Sponsor: Representative Dade Phelan (R–Beaumont)



Summary

The Texas Department of Information Resources (DIR) recommended changes to the legislature that would improve statewide digital information. Senate Bill 819 enacts some of these recommendations.

SB 819 requires DIR to:

- establish a central repository for publicly accessible electronic data as the official open data website for the state to be known as the Texas Open Data Portal; and
- ensure that state agencies and political subdivisions of the state are granted shared access to the repository that allows the agencies and political subdivisions to easily post publicly accessible information to the repository.

SB 819 requires each state agency to prioritize using the repository and actively collaborate with DIR on publicly accessible data issues.

SB 819 renames the DIR statewide data coordinator as the state's chief data officer. The bill requires the chief data officer to assist DIR in developing and managing the Texas Open Data Portal. The chief data officer will also develop and implement best practices.

SB 819 requires DIR to establish a digital transformation guide to assist state agencies with modernizing agency electronic data handling and with converting agency information into electronic data.

SB 819 requires each state agency to designate an employee to serve as the agency's information

resources manager. A state employee may serve as a joint information resources manager for two or more state agencies if DIR approves of the joint designation.

SB 819 requires state agencies to consider cloud computing service options when making purchases for major information resource projects and in the development of new information technology software applications.

Impact on TxDOT

The section relating to a digital transformation guide to assist state agencies with modernizing agency operations and services could be beneficial in TxDOT's effort to modernize its operations and services relating to electronic data.

TxDOT cannot yet determine what DIR may set as the criteria for prioritizing publicly accessible information and the specific requirements for posting agency information to the Texas Open Data Portal.

Previously the requirement for an information resources manager had to be either the executive director or the executive director's designee. The provision amending this section of law simplifies that requirement so that the information resources manager can be a designated employee of the agency.

TxDOT currently considers cloud computing in the development of new information technology software applications.

Effective Date: September 1, 2019



LOCAL TRANSPORTATION



LOCAL TRANSPORTATION

Relating to the creation of regional transit authorities; granting the power of eminent domain; providing authority to issue bonds and charge fees; creating a criminal offense.

Author: Representative Armando “Mando” Martinez (D–Weslaco)

Sponsor: Senator Eduardo A. “Eddie” Lucio, Jr. (D–Brownsville)



Summary

House Bill 71 adds Chapter 463, Transportation Code, to allow for the creation of a regional transit authority, by election, within the boundaries of Hidalgo, Cameron, and Willacy counties. HB 71 provides for the governing structure, general powers, and other regulations of the regional transit authority.

If the election to create the regional transit authority is successful, any commuter rail district created under Chapter 174, Transportation Code, overlapping the boundaries of the regional transit authority would be dissolved. If a regional transit authority is created, each municipality located within the regional transit authority must approve by a motion the locations of stations or terminal complexes within a municipality or in the extraterritorial jurisdiction of a municipality.

HB 71 permits the regional transit authority to exchange revenue bonds for the property of an existing public transportation system. If that original property acquisition used federal funds, then the Federal Transit Administration will likely transfer the existing compliance requirements to the new regional transit authority (or veto the exchange), due to on-going federal interest.

HB 71 authorizes a regional transit authority to acquire lands by eminent domain under certain conditions. The bill authorizes the regional transit authority’s executive committee to adopt and enforce procurement procedures, guidelines, and rules.

HB 71 authorizes municipalities to increase tolls on bridges owned by the municipalities, with part of that revenue to go to the regional transit authority. HB 71 authorizes the executive committee of the regional transit authority to regulate or prohibit improper usage of high-occupancy vehicle (HOV) lanes that it operates, manages, or maintains. However, the bill does not explicitly authorize the regional transit authority to operate HOV lanes.

A regional transit authority created under Chapter 463, Transportation Code, must file certain documents related to the process of establishing the regional transit authority (public hearing notices and minutes, election results, and order declaring the creation of the authority) with TxDOT and the Texas Comptroller of Public Accounts.

Impact on TxDOT

HB 71 would have no immediate direct impact to TxDOT other than that TxDOT would need to amend the definition of “authority” in its administrative rules to include a regional transit authority created under the new Chapter 463, Transportation Code.

A regional transit authority would not be eligible for state funds. If the regional transit authority becomes eligible for federal funds, the regional transit authority would apply directly to the Federal Transit Authority and not go through TxDOT. The regional transit authority would have to report financial and operating data to TxDOT through the on-line reporting system, known as PTN-128. As noted above, the regional transit authority executive committee would also file with TxDOT a certified

copy of the results of the election to establish the regional transit authority.

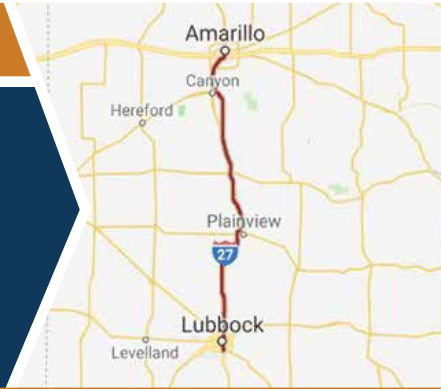
If the regional transit authority creates a rail system subject to Title 49, United States Code, Chapter 53 (Public Transportation), the regional transit authority would be subject to regulation under TxDOT's State Safety Oversight Program (Chapter 455, Subchapter B, Texas Transportation Code).

However, if the regional transit authority establishes a commuter rail service subject to Federal Railroad Administration regulations, then the regional transit authority would not be subject to state safety oversight.

If the regional transit authority started or assumed existing bus service subject to applicable federal regulations, then the regional transit authority would have the option to participate in TxDOT's Public Transportation Agency Safety Plan (as required by federal statute) or establish its own safety plan.

Effective Date: May 24, 2019

LOCAL TRANSPORTATION



Relating to a study by the Texas Department of Transportation of the Ports-to-Plains corridor, including an evaluation of the feasibility of certain improvements to Interstate Highway 27.

Author: Representative Four Price (R–Amarillo)
 Sponsor: Senator Charles Perry (R–Lubbock)

Summary

House Bill 1079 requires TxDOT to conduct a comprehensive feasibility study of the costs and “logistical matters” associated with extending Interstate Highway 27 (I-27) along the entirety of the Ports-to-Plains Corridor as defined by Section 225.069, Transportation Code.

HB 1079 requires TxDOT, in conducting the study, to hold quarterly public meetings on a rotational basis in Amarillo, Laredo, Lubbock, and San Angelo to gather public feedback on improvements or expansions to the Ports-to-Plains Corridor.

HB 1079 requires TxDOT to establish a Ports-to-Plains Advisory Committee (advisory committee) to assist TxDOT in conducting the study. The advisory committee would be composed of a county judge or designee from each county along the route and a mayor or designee from Amarillo, Big Spring, Carrizo Springs, Dalhart, Del Rio, Dumas, Eagle Pass, Eldorado, Lamesa, Laredo, Lubbock, Midland, Odessa, San Angelo, Sonora, Sterling City, Stratford, and Tahoka. The bill requires the advisory committee to meet at least twice each year on a rotational basis in Lubbock and San Angelo. HB 1079 requires TxDOT to incorporate reports submitted by the newly-created advisory committee.

HB 1079 requires TxDOT, in coordination with the advisory committee, to establish corridor segment committees for each geographic segment of the corridor, as determined by TxDOT. The segment committees will be composed of:

- volunteers who may represent cities, counties, metropolitan planning organizations, ports, chambers of commerce, and economic development corporations along the corridor;
- the trucking industry;
- TxDOT representatives; and
- other interested parties.

Each segment committee would be responsible for submitting a report to the full advisory committee providing input for the feasibility study. These segment reports must include:

1. an examination of the ability of the energy industry to transport products to market;
2. an evaluation of the economic development impact of the corridor, including if the improvement or expansion of the corridor would create employment opportunities;
3. a determination of whether improvements or expansion of the corridor would relieve traffic congestion in that respective segment;
4. an examination of freight movement along the corridor;
5. a determination and prioritization of improvements and expansion of the corridor that are warranted to promote safety and mobility;
6. a determination of the areas that are preferable and suitable for interstate designation;
7. an examination of project costs related to the improvement or expansion of the corridor; and

8. an assessment of federal, state, local, and private funding sources for a project improving or expanding the corridor.

Each segment committee must submit its report to the full advisory committee by June 30, 2020. Not later than October 31, 2020, the full advisory committee must review and compile the segment committee reports for submission to TxDOT.

The bill requires TxDOT to submit a report on the results of the feasibility study to the governor, the lieutenant governor, the speaker of the house of representatives, and the chairs of the House and Senate Transportation Committees no later than January 1, 2021. The provisions of HB 1079 expire August 31, 2021.

Impact on TxDOT

TxDOT would contract with a third party to assist and conduct the feasibility study portion of HB 1079, with an approximate cost of \$3 million. In addition to the study, TxDOT estimates up to an additional \$1 million in costs for the meeting logistics (facility rental, scheduling, etc.), meeting preparation (agenda, presentation, reports, etc.), travel (TxDOT and consultant staff), and multiple report preparation efforts for each segment committee, the advisory committee, public meeting summaries, and other reports requested by the committees.

Effective Date: June 10, 2019

LOCAL TRANSPORTATION

Relating to the removal of certain counties from the Texas emissions reduction plan.

Author: Representative Geanie Morrison (R-Victoria)

Sponsor: Senator Lois Kolkhorst (R-Brenham)



Summary

The Texas Commission on Environmental Quality (TCEQ) administers the Texas Emissions Reduction Plan, as authorized by Chapter 386, Health and Safety Code. The purpose of the Texas Emissions Reduction Plan is to provide financial incentives to eligible businesses, individuals, and local governments in a nonattainment county or in a near nonattainment county to reduce air emissions from polluting vehicles and equipment.

The state imposes a certificate of title fee of \$33 for vehicles registered in counties designated as nonattainment. The \$33 fee is also imposed in counties that are near nonattainment (identified as “affected counties” in Section 386.001(2), Health and Safety Code). The fee is \$28 for vehicles titled in all other counties. For each registered vehicle in a nonattainment county or in an affected county, \$20 of the \$33 fee goes to the Texas Mobility Fund in accordance with Section 501.138(b-1), Transportation Code.

The Environmental Protection Agency previously designated Victoria County as a nonattainment area. However, on April 30, 2004, the Environmental Protection Agency re-designated Victoria County as an attainment area and approved its maintenance plan on March 7, 2007. Victoria County has remained in attainment status for all national ambient air quality standards since that date. House Bill 1627 removes Victoria County from the list of “affected counties.”

Since Victoria County is no longer an “affected county” under this statute, citizens and entities

registering their vehicles in Victoria County will no longer pay the additional \$5 fee for each vehicle title.

Impact on TxDOT

Section 501.138(b-2), Transportation Code, requires that an equal amount of fee revenue from the deposit of vehicle certificate of title fees to the Texas Mobility Fund must go to the Texas Emissions Reduction Plan Fund. Section 49-k(f), Article III, Texas Constitution, protects the Texas Mobility Fund’s ability to pay for the debt service on its outstanding bond debt by requiring the state to substitute any loss to the fund with a dedicated, alternative fund source. Section 501.138(b-2), Transportation Code, further requires TxDOT to deposit non-constitutionally dedicated State Highway Fund dollars in the Texas Emissions Reduction Plan Fund in an amount that is equal to the share of vehicle title certification fees deposited in the Texas Mobility Fund.

Pursuant to HB 1627, applicants for a vehicle certificate of title in Victoria County will pay a \$28 title fee rather than the previous \$33 title fee. As a result, the Texas Comptroller of Public Accounts (comptroller) will deposit \$5 per vehicle less in certificate of title fees to the Texas Mobility Fund and TxDOT will remit \$5 less per vehicle to the Texas Emissions Reduction Plan Fund from the State Highway Fund.

According to the Texas Department of Motor Vehicles, Victoria County residents paid certificate of title fees for 92,184 registered vehicles in fiscal year 2018. TxDOT anticipates that the comptroller

will deposit approximately \$461,000 less in certificate of title application fees to the Texas Mobility Fund each year as a result of this bill. On the other hand, the State Highway Fund will retain an estimated \$461,000 each fiscal year that would have otherwise been transferred to the Texas Emissions Reduction Plan Fund.

The bill negatively impacts the Texas Mobility Fund by reducing revenues required for deposit in the Texas Mobility Fund under Section 501.138(b-2), Transportation Code. However, the bill results in a positive impact to the State Highway Fund's non-constitutionally dedicated revenue.

Effective Date: May 23, 2019

LOCAL TRANSPORTATION

Relating to relief from local matching funds requirements for certain counties.

Author: Senator Kirk Watson (D–Austin)

Sponsor: Representative John Cyrier (R–Lockhart)



Summary

The 75th Texas Legislature (1997) created the Economically Disadvantaged County Program and gave the Texas Transportation Commission the ability to adjust the minimum local matching fund requirements for eligible local governments. Section 222.053, Transportation Code, defines an economically disadvantaged county as a county that, in comparison to other counties in the state, has below average per capita taxable property value, below average per capita income, and above average unemployment. TxDOT identifies the counties that meet all three of the above criteria using data obtained from the Texas Comptroller of Public Accounts on an annual basis. These counties are eligible for the program during the fiscal year in which TxDOT has determined that they are eligible. Since TxDOT updates the list every fiscal year, a county may be eligible one year and not the next year or vice versa.

Most highway projects involve four project components that carry a particular cost and participation ratio. The four components are preliminary engineering, construction engineering and construction, right of way, and eligible utility adjustments. A city within an economically disadvantaged county receives an adjustment equal to the adjustment for the county in which it is located, with the possibility of up to 10 additional percentage points based on its population and the existence of an economic development sales tax. An adjustment cannot exceed 95 percent in total (including percentage points for economic development sales tax) or be less than 15 percent. Local governments must apply for their local match discount on a project by project basis.

Senate Bill 2168 modifies the Economically Disadvantaged County Program. SB 2168 amends Section 222.053, Transportation Code, to allow an additional, separate criteria to be used to determine a county's eligibility to be classified as an economically disadvantaged county. Under the new separate criteria, a county is also defined as economically disadvantaged if the county meets the standard criteria within the last six years and was named in a federal disaster declaration no less than 5 times within the same time period. If a county meets this requirement, the adjustment to the local match shall be the highest adjustment rate set for the county in the last year the county was eligible for the program.

Impact on TxDOT

TxDOT would annually have to determine which counties are eligible under the new criteria and include them in the Economically Disadvantaged County Program. Because the list changes annually and TxDOT cannot predict which counties will qualify under the new disaster criteria, an impact cannot be determined.

Effective Date: June 10, 2019



MARITIME



MARITIME

Relating to the funding of certain ship channel improvements; authorizing the Texas Transportation Commission to issue revenue bonds.

Author: Representative Joseph D. “Joe” Deshotel (D–Beaumont)

Sponsor: Senator Brandon Creighton (R–Conroe)



Summary

Chapter 56 (Funding of Ship Channel Improvements), Transportation Code, establishes the Ship Channel Improvement Revolving Fund. To date, the Texas Legislature has not appropriated funds to capitalize the fund since its creation in 2017. House Bill 3850 adds Section 56.004, 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. HB 3850 also amends Section 56.002(b), Transportation Code, to require any revenue bond proceeds authorized under Section 56.004, Transportation Code, to be credited to the Ship Channel Improvement Revolving Fund.

HB 3850 also amends Section 56.003(a), Transportation Code, to focus the purpose of the revolving loan program on enhancing the financing capabilities of entities responsible for the local share of qualified channel deepening and widening projects. The modified section further requires the Texas Transportation Commission to use money from the fund to provide revenue or security for:

1. low-interest loans;
2. longer repayment loan terms; and
3. flexible loan repayment terms, including loan structures similar to a line of credit and authorized prepayment of loans prior to the maturity date.

It is unclear whether Section 56.004 provides sufficient authority to the Texas Transportation Commission to issue revenue bonds secured by

funds in the Ship Channel Improvement Revolving Fund or to use those funds for payment of the bonds. In addition, the use of funds detailed in Section 56.003 does not provide the Texas Transportation Commission the specific authority to use money in the fund as a source of revenue or security for the payment of revenue bonds issued.

Impact on TxDOT

The Texas Transportation Commission will be required to adopt rules to implement the new provisions for the enhancement of financing capabilities. TxDOT anticipates no significant operational or fiscal impact. Because the Ship Channel Improvement Revolving Fund has not yet been capitalized and there is no revenue currently available to pledge for bonding purposes, it should be emphasized that it is not anticipated that the Texas Transportation Commission would issue bonds for purposes of the Ship Channel Improvement Revolving Fund until the fund is capitalized or has a reliable funding source.

Effective Date: June 14, 2019

MARITIME

Relating to the maritime port plans, reports, and programs prepared by the Port Authority Advisory Committee.

Author: Senator Brandon Creighton (R–Conroe)

Sponsor: Representative Joseph D. “Joe” Deshotel (D–Beaumont)



Summary

Section 55.006, Transportation Code, establishes the Port Authority Advisory Committee with members appointed by the Texas Transportation Commission, the lieutenant governor, and the speaker of the house of representatives. The Port Authority Advisory Committee provides a forum for the exchange of information between the Texas Transportation Commission, TxDOT, and Port Authority Advisory Committee members representing the port industry in Texas and others who have an interest in ports. The Port Authority Advisory Committee's advice and recommendations provide the Texas Transportation Commission and TxDOT with a broad perspective regarding ports and transportation-related matters to be considered in formulating policies concerning the Texas port system.

Previously, the biennial report on Texas maritime ports required under Section 55.007, Transportation Code, was very similar to the biennial Port Capital Program required by Section 55.008, Transportation Code. Sections 55.007 and 55.008, Transportation Code, when taken together, were unclear and redundant on what the Port Authority Advisory Committee should report regarding Texas' maritime ports. In practice, the biennial report on Texas maritime ports was very similar to the biennial Port Capital Program.

Senate Bill 1959 clarifies Sections 55.007 and 55.008, Transportation Code, to expressly permit the Port Authority Advisory Committee to submit a single report called the Port Mission Plan, along with other relevant information, to the governor,

the lieutenant governor, the speaker of the house of representatives, and the Texas Transportation Commission.

The new two-year Maritime Port Mission Plan will define the goals and objectives of the Port Authority Advisory Committee concerning the development of maritime port facilities and an intermodal transportation system. The plan must include projects or studies submitted to the Port Authority Advisory Committee by any maritime port and recommendations for:

1. the construction of transportation facilities connecting any maritime port to another transportation mode; and
2. the efficient, cost-effective development of transportation facilities or maritime port facilities for the purpose of: enhancing international trade; enhancing security; promoting cargo flow; increasing cruise passenger movements; increasing maritime port revenues; and providing economic benefits to the state.

Impact on TxDOT

SB 1959 will result in greater clarity and less staff time working on reporting requirements and provide a singular more coherent review and assessment of Texas' port system.

Effective Date: May 21, 2019



OVERSIZE/OVERWEIGHT (OS/OW) VEHICLES & COMMERCIAL VEHICLES



OS/OW VEHICLES & COMMERCIAL VEHICLES

Relating to the inclusion of information about oversize and overweight vehicles in the curriculum of driver education and driving safety courses.

Author: Representative Ina Minjarez (D–San Antonio)

Sponsor: Senator Charles Perry (R–Lubbock)



Summary

House Bill 105 adds Section 1001.1092, to Chapter 1001, Education Code, which governs the Driver and Traffic Safety Education Program. Section 1001.1092, Education Code, requires the Texas Commission of Licensing and Regulation to adopt rules requiring the inclusion of information relating to methods of safely operating a motor vehicle near an oversize or overweight vehicle, including safe following distances and safe passing methods. Providers of driver and traffic safety education programs must include the information in the curriculum of each driver education and driving safety course.

Impact on TxDOT

TxDOT anticipates no operational or fiscal impact.

Effective Date: September 1, 2019

OS/OW VEHICLES & COMMERCIAL VEHICLES

Relating to liability for certain damage caused by vehicles exceeding maximum height limitations; creating a criminal offense.

Author: Representative Brooks Landgraf (R–Odessa)

Sponsor: Senator Robert Nichols (R–Jacksonville)



Summary

House Bill 799 amends Section 621.207(c), Texas Transportation Code, to add that the owner of a vehicle is strictly liable for any damages to a bridge, underpass, or similar structure that is caused by the height of the vehicle. Strict liability (or liability without fault) is liability that does not depend on proof of negligence or intent to do harm but that is based instead on a duty to compensate the harms proximately caused by the activity or behavior subject to the liability rule.

However, the bill does provide exceptions to the imposed strict liability if:

1. the vehicle was stolen;
2. the actual vertical clearance of the structure was less than that posted;
3. the vehicle was operated under the direction of law enforcement; or
4. the vehicle was operating in compliance with a permit.

HB 799 also amends Section 621.504, Transportation Code, to provide the same exceptions to the criminal offense (Class C or B misdemeanor) if a person operates or attempts to operate a vehicle over or on a bridge or through an underpass or similar structure unless the height of the vehicle, including load, is less than the vertical clearance of the structure as shown by the records of TxDOT.

The bill also increases the offense to a Class B misdemeanor, punishable by a fine up to \$500, and/or confinement in a county jail for a term not to

exceed 30 days if the person was not in compliance with all applicable license and permit requirements at the time of the offense.

Changes were made to other statutes regarding liability for damage caused by the movement of an oversize or overweight vehicle to ensure damage caused by the vehicle height are all processed under Section 621.207, Transportation Code.

Impact on TxDOT

TxDOT has a current claims process for seeking reimbursement for damages to TxDOT controlled state property caused by third parties. If TxDOT cannot recover directly from a third party or its insurance company, TxDOT seeks recovery by civil action through the Office of the Attorney General of Texas. While HB 799 does not change TxDOT's current process or ability to seek reimbursement for damages when a highway facility, such as a bridge, underpass, or similar structure is damaged by a third party, the enhanced criminal penalties that include potential jail time for violating a permit requirement might result in more awareness of issues involving vehicle height.

Effective Date: September 1, 2019

OS/OW VEHICLES & COMMERCIAL VEHICLES

Relating to the route designation for the issuance of a permit for the movement of oversize and overweight vehicles in certain counties.

Author: Representative Ed Thompson (R–Pearland)

Sponsor: Senator Lois Kolkhorst (R–Brenham)

**Summary**

House Bill 3460 amends Section 623.219, Transportation Code, to allow a port authority contiguous to the Gulf of Mexico or a bay or inlet opening into the gulf with a population of not more than 200,000 that is adjacent to a county already covered by Section 623.219 (the Port of Palacios), to establish a heavy haul corridor to and from the entrance of the port along four sections of roadway on State Highways 35, 60, and 71 and Farm to Market Road 521 in Matagorda County and to administer the issuance of permits for the movement of oversize or overweight vehicles carrying cargo on state highways located on the described routes.

Under current law governing port authority permits, a port authority may collect a fee for permits issued in an established corridor, with fees not to exceed \$120 per trip. A port authority may retain administrative costs, which may not exceed 15 percent of the fees collected. A port authority shall remit the fees, less administrative costs, to TxDOT for deposit to the State Highway Fund for use in maintaining roads on the designated corridor.

Impact on TxDOT

TxDOT estimates a nominal increase in pavement consumption due to the added number of miles where 125,000-pound loads are allowable. However, this cost will be offset by the collection of permit fees. Therefore, TxDOT anticipates no significant operational or fiscal impact.

The Texas Transportation Commission will be required to adopt rules to establish the corridor.

Effective Date: June 14, 2019

OS/OW VEHICLES & COMMERCIAL VEHICLES

Relating to height limitations for certain vehicles transporting seed cotton or cotton.

Author: Senator Charles Perry (R–Lubbock)

Sponsor: Representative Ken King (R–Canadian)

**Summary**

Senate Bill 688 amends Section 622.101, Transportation Code, to grant an additional exemption to a truck-tractor and semitrailer combination transporting seed cotton or cotton to operate on a highway or road at no higher than 14 feet, 6 inches. Previously, only a single vehicle transporting seed cotton, cotton, chile pepper modules, or cotton burrs could run at 14 feet, 6 inches.

Impact on TxDOT

Because single vehicles can already operate at a height no higher than 14 feet, 6 inches, TxDOT anticipates no additional operational or fiscal impact from the exemption adding truck-tractor and semitrailer combinations at the current allowed height.

Effective Date: September 1, 2019



RAIL



RAIL

Relating to the movement of pedestrians in front of, under, between, or through rail cars at a railroad grade crossing.

Author: Representative Matt Krause (R–Fort Worth)

Sponsor: Senator Kelly Hancock (R–North Richland Hills)



Summary

Previously, there was no explicit laws to prohibit the movement of pedestrians in front of, under, between, or through the cars of moving or stationary trains at an at-grade rail crossing. Federal Railroad Administration statistics indicate that 1,050 pedestrian rail trespass casualties (fatalities + injuries) occurred nationwide in 2018. Texas ranked second in the nation, accounting for 82 casualties (including 36 fatalities and 46 injuries).

House Bill 2775 amends Chapter 552, Transportation Code, to add Section 552.011 that prohibits a pedestrian from moving in front of, under, between or through the cars of a moving or stationary train at an at-grade rail crossing.

Impact on TxDOT

While TxDOT anticipates no operational or fiscal impact, HB 2775 may help to improve safety at rail crossings across Texas.

Effective Date: September 1, 2019



RIGHT OF WAY



RIGHT OF WAY

Relating to the coordination of certain broadband projects by the Texas Department of Transportation.

Author: Representative Charles “Doc” Anderson (R–Waco)

Sponsor: Senator Charles Perry (R–Lubbock)



Summary

House Bill 2422 amends Chapter 201, Transportation Code, to add Subchapter H-1, (Coordination of Broadband Installation).

HB 2422 adds new Section 201.672, Transportation Code, which requires TxDOT to provide notice on TxDOT’s website of ongoing and planned highway construction projects that include voluntary joint trenching opportunities in the state’s right of way for broadband providers. The bill allows a broadband provider to collaborate with TxDOT to deploy broadband conduit or other broadband facilities in the state right of way.

HB 2422 requires TxDOT to give special consideration to projects that are likely to improve access to broadband for rural or underserved communities and, to the extent practicable, assist political subdivisions in taking advantage of voluntary joint trenching opportunities.

HB 2422 adds new Section 201.673, Transportation Code, requiring TxDOT to annually submit a report to the legislature on:

1. the actions taken by TxDOT in carrying out this bill; and
2. any costs or cost savings to the state and private entities associated with voluntary joint trenching opportunities.

Impact on TxDOT

Federal and state laws, federal regulations, state rules, and TxDOT policies already have a complex legal framework for the mandatory and permissive location of utilities in TxDOT’s right of way. The acquisition of right of way or other property and utility location activities located near or on property impacted by a transportation project require close coordination between the state, cities, counties, utility companies, and other forms of local government. The best time to identify right-of-way acquisition and utility relocation issues is in the early phases of a transportation project.

TxDOT currently works with telecommunication providers in TxDOT rights of way and will incorporate the requirements of HB 2422 into TxDOT’s standard operating procedures. TxDOT will use existing resources and personnel to prepare and submit to the legislature the required report on the implementation of the new statutory authority, including identification of any costs or cost savings to the state and private entities associated with voluntary joint trenching opportunities.

TxDOT anticipates minimal, yet undetermined, fiscal impact. TxDOT will work to integrate the required voluntary joint trenching opportunity notice into current TxDOT website platforms, such as Project Tracker, that provide information on ongoing and planned highway construction projects.

Effective Date: September 1, 2019

RIGHT OF WAY

Relating to broadband service or facilities provided by an electric cooperative.

Author: Senator Robert Nichols (R–Jacksonville)

Sponsor: Representative John Kuempel (R–Seguin)



Summary

Senate Bill 14 adds Section 181.048, Utilities Code, to allow electric cooperatives and their affiliates to construct, operate, and maintain fiber optic cable and other facilities for providing broadband service over, under, across, on, or along real property, personal property, rights of way, and easements owned, held, or used by the cooperative. SB 14 defines broadband service for the purposes of this new section of the Utilities Code and addresses what the electric cooperatives can charge other broadband facilities to install on their poles.

SB 14 does not revise an electric cooperative's right to use public right of way but states that the cooperative may use an easement or other property-right owned, held, or used by the cooperative to provide electricity or other services to provide broadband service. SB 14 contains language to address the new rights of an electric cooperative.

Impact on TxDOT

SB 14 impacts TxDOT by broadening the type of facility that TxDOT must permit electric cooperatives to install within state right of way. Allowing one type of broadband service provider into TxDOT right of way at no cost may have the unintended consequence of giving all broadband service providers a right to utilize TxDOT right of way at no cost. A recent Federal Communications Commission Ruling (Federal Communications Commission ruling 18-133) prohibits states and local governments from discriminating against broadband service providers regarding the installation of broadband facilities.

When TxDOT needs to relocate or adjust any utilities before or during a highway project, TxDOT would have to arrange for the adjustment of the broadband cables and associated facilities owned by the electric cooperatives as well, adding to the complexity of the project.

Effective Date: June 7, 2019

RIGHT OF WAY

Relating to the use of land in the William Goodrich Jones State Forest.

Author: Senator Brandon Creighton (R–Conroe)

Sponsor: Representative Steve Toth (R–The Woodlands)



Summary

Senate Bill 345 adds Section 88.1085, Texas Education Code (The Texas A&M University System), to define the “Jones State Forest” as property owned by the state for the use and benefit of the Texas A&M University System to demonstrate reforestation work and forest management work under the Texas A&M Forest Service, consisting of approximately 1,722 acres in Montgomery County. SB 345 generally prohibits the enforcement of any statute, rule, policy, or ordinance with respect to the forest except those which protect and preserve the natural resources, air quality, or water quality of the forest. However, SB 345 provides an exception that TxDOT may, for the current operation or future expansion of FM 1488, use a state easement for a highway purpose and acquire additional interest in real property.

Impact on TxDOT

TxDOT plans to widen FM 1488, which runs through the forest, from two to four lanes, and its plan is still in the early stages of development. TxDOT may use any highway easements and acquire additional property for the expansion for the current operation or future expansion of FM 1488. SB 345 will impact TxDOT by limiting any future roadway work within the William Goodrich Jones State Forest to FM 1488 only.

Effective Date: September 1, 2019

RIGHT OF WAY

Relating to the height of outdoor advertising signs regulated by the Texas Department of Transportation.

Author: Senator Robert Nichols (R–Jacksonville)

Sponsor: Representative Terry Canales (D–Edinburg)



Summary

Senate Bill 357 amends Section 391.038, Transportation Code, to provide a maximum height of 60 feet for new or amended permitted commercial signs.

SB 357 clarifies that the person who holds a permit for a sign existing on March 1, 2017, may rebuild the sign at the same location where the sign existed on that date, only by obtaining a new or amended permit, at a height that does not exceed the height of the sign on March 1, 2017, or 85 feet, whichever is less. The amended permit requirement does not apply to the rebuilding of a sign if the permit holder rebuilds the sign due to damage caused by:

- wind or a natural disaster;
- a motor vehicle accident; or
- an act of God.

SB 357 states that a sign may not be higher than 60 feet, excluding a cutout that extends above the rectangular border of the sign, measured:

1. from the grade level of the centerline of the main-traveled way, not including a frontage road of a controlled access highway closest to the sign at a point perpendicular to the sign location; or
2. if the main-traveled way is below grade, from the base of the sign structure.

SB 357 includes an exemption from the maximum sign height for a sign within the boundaries of a political subdivision that is authorized by TxDOT

under rules adopted by the Texas Transportation Commission to exercise control over the signs within their jurisdiction (a certified city).

SB 357 adds provisions that apply to a licensed sign owner who has 100 permitted signs regarding sign height violations. SB 357 states that if a sign owner who has 100 or more permitted signs has a sign that violates the maximum sign height, the Texas Transportation Commission, after notice and an opportunity for a hearing before the Texas Transportation Commission, may deny that owner an application for a new sign permit, or renewals for existing signs.

Impact on TxDOT

The changes made by SB 357 to the current commercial sign program are not anticipated to have a significant impact to the program. Allowing the Texas Transportation Commission to deny future permits, with proper notice, to a person with over 100 or more permits that has a sign that is in violation of the height restrictions sets up a hearing process with the Texas Transportation Commission, as opposed to the State Office of Administrative Hearings (SOAH), which handles all other program enforcement issues under current law and rules. TxDOT will be required to set up a new process for the Texas Transportation Commission to take the action directing staff to deny future applications in applicable situations.

Section 391.038(c), Transportation Code (as amended by Senate Bill 312 85R, 2017), allows a person to rebuild certain grandfathered signs without obtaining a new or amended permit from

TxDOT, provided that the sign is rebuilt at the same location where the sign existed on March 1, 2017, and at a height that does not exceed the height of the sign on that date.

Current Federal Highway Administration regulations permit a non-conforming sign to remain “at its particular location for the duration of its normal life subject to customary maintenance” (Section 750.707(c), Title 23, Code of Federal Regulations). The intent of the Highway Beautification Act is to permit a non-conforming sign to continue in place until it is destroyed, is abandoned, or is discontinued or removed by the State. A non-conforming sign must “remain substantially the same as it was on the effective date of the State law or regulations” adopted to implement the Highway Beautification Act (Section 750.707(d)(5), Title 23, Code of Federal Regulations).

Any change (such as resurrecting a grandfathered sign without proper permitting control) is an improvement of a sign and may result in Federal Highway Administration finding that TxDOT is not providing effective control. Section 131(b), Title 23, United States Code, allows for a reduction of 10 percent of the State’s apportionment if the Federal Highway Administration finds that TxDOT is not providing effective control of outdoor advertising. SB 357 itself does not put TxDOT at any new or greater risk for loss of federal funds than prior law. In fact, the changes to Chapter 391, Transportation Code, concerning the rebuilding of a commercial sign in limited circumstances without a permit, puts TxDOT in a more compliant position than current state statute

Effective Date: September 1, 2019

RIGHT OF WAY

Relating to payment of costs related to the relocation of certain political subdivision utility facilities for state highway projects.

Author: Senator Pete Flores (R–Pleasanton)

Sponsor: Representative Armando “Mando” Martinez (D–Weslaco)



Summary

Many TxDOT projects require the relocation of utilities that exist on the state highway system. Section 203.092, Transportation Code, lists the instances in which the state is financially responsible for the relocation of those utilities. The relocation is at the expense of the state if:

1. the highway improvement project is part of the National System of Interstate and Defense Highways and the relocation is eligible for federal participation;
2. the utility company has a compensable property interest in the land needed for a highway improvement project; or
3. the highway segment was designated by TxDOT as a turnpike toll project before September 1, 2005.

Under Section 203.0921, Transportation Code, TxDOT may require the relocation of utilities that are not eligible for TxDOT payment or reimbursement under Section 203.092, Transportation Code. In these cases, the utility operators must either relocate the utilities on their own or reimburse TxDOT for moving the utilities. If utility operators have a short-term financial condition that prevents them from immediate payment or reimbursement, TxDOT and the utility may work out an agreement. If TxDOT moves the utility, the utility operator must reimburse TxDOT for the costs of removal plus six percent interest per year from the date of completion to the date of the final payment.

State Infrastructure Banks were authorized in 1995 as a part of the National Highway Designation Act to help accelerate needed mobility improvements through a variety of financial assistance options made to local entities through state transportation departments. Since Texas was chosen as one of the ten states to test the pilot program, the state legislature authorized TxDOT to administer the program in 1997. However, some cities, counties, and statutorily created utility districts are unable to afford the relocation of their utilities or qualify for a State Infrastructure Bank loan for utility relocation due to their inability to repay the loan obligation. The inability to pay for the relocation or otherwise qualify for a State Infrastructure Bank loan can delay the construction of a project. Ultimately, TxDOT must relocate the utilities at its expense and seek reimbursement from the utility, which is oftentimes an uncollectible debt.

Senate Bill 1512 amends Section 203.092, Transportation Code, to allow the relocation of utilities to be at the expense of the state if the Texas Transportation Commission determines that:

1. the utility is a political subdivision or is owned or operated by a political subdivision;
2. a financial condition would prevent the utility from being able to pay for the cost of relocation in full or in part at the time of relocation or, if paid at that time, the payment would adversely affect the utility’s ability to operate or provide essential services to its customers; and

3. the utility either:

- a. would not be able to receive a State Infrastructure Bank loan to finance the cost of the relocation and is otherwise unable to finance that cost; or
- b. is a political subdivision or is owned or operated by a political subdivision that:
 - i. has a population of less than 5,000; and
 - ii. is located in a county that has been included in at least five disaster declarations made by the president of the United States in the six-year period preceding the proposed date of the relocation.

TxDOT may not pay more than \$10 million in any fiscal year for relocation of utilities covered by SB 1512.

Impact on TxDOT

SB 1512 would provide greater efficiency to TxDOT and allow more timely delivery of important state projects. TxDOT estimates that TxDOT would spend approximately \$6.3 to \$10 million per year to pay for the relocation of the utility facilities owned by local political subdivisions that do not have the financial resources to fund the adjustment.

Effective Date: May 28, 2019

RIGHT OF WAY

Relating to the calculation of the ad valorem taxes imposed on property for the year in which the property is acquired by a governmental entity.

Author: Senator Juan “Chuy” Hinojosa (D–McAllen)

Sponsor: Representative Drew Darby (R–San Angelo)



Summary

To accelerate project development, TxDOT often seeks to enter into a possession and use agreement with a landowner before TxDOT fully acquires title to a parcel of land by deed or condemnation judgment or before TxDOT obtains a right of possession by court order in a condemnation proceeding. A possession and use agreement allows TxDOT to start aspects of project development and enter onto the land as necessary or agreed upon with the landowner. However, previously under Section 26.11(a), Tax Code, a landowner was still responsible for paying taxes on the property because a possession and use agreement is not considered a tax proration event that relieves a landowner of their tax obligation for the property.

This situation created hesitancy on the part of some landowners to execute a possession and use agreement with TxDOT because the landowner continued to be liable for property taxes until one of the later proration events occurs, even though the owner has forgone the right to use or possess the property.

Senate Bill 2083 amends Section 26.11(a), Tax Code, to make a possession and use agreement a proration event for tax liability purposes. SB 2083 makes the effective date of the possession and use agreement the date that is used to calculate the prorated amount of tax due by a landowner on a property acquired for public use under a possession and use agreement entered into under threat of condemnation.

Impact on TxDOT

SB 2083 removes the tax burden for the property owner from the full year to only the time the property owner was not under any acquisition status. TxDOT anticipates that this change may make it easier to negotiate future possession and use agreements with landowners and allow TxDOT to accelerate project development in those circumstances. There is no financial impact to TxDOT because TxDOT is not subject to ad valorem taxes.

Effective Date: June 10, 2019



STATE CONTRACTING



STATE CONTRACTING

Relating to certain government contracts with companies that boycott Israel.

Author: Representative Phil King (R–Weatherford)

Sponsor: Senator Brandon Creighton (R–Conroe)



Summary

House Bill 793 amends Chapter 2270, Government Code (Prohibition on Investing Public Money in Certain Investments). HB 793 specifically amends Section 2270.002, Government Code, which prohibits the state from contracting with a company that boycotts Israel or would boycott Israel during the term of the contract, to provide that the section would now only apply to contracts that:

1. are between a governmental entity and a company with ten or more full-time employees; and
2. have a value of \$100,000 or more that are to be paid wholly or partly from public funds of the governmental entity.

HB 793 also amends Section 2270.001, Government Code, to modify the definition of “company” to state that the term does not include a sole proprietorship.

Impact on TxDOT

HB 793 would have no significant operational or fiscal impact. TxDOT will update its current contract language related to the prohibition on contracting with companies that boycott Israel to exempt sole proprietorships and indicate that the prohibition would apply only to contracts that:

1. are between a governmental entity and a company with ten or more full-time employees; and
2. have a value of \$100,000 or more that are to be paid wholly or partly from public funds of the governmental entity.

Effective Date: May 7, 2019



STATE CONTRACTING

Relating to the procurement of interior design services by a governmental entity.

Author: Representative Dade Phelan (R–Beaumont)

Sponsor: Senator Royce West (D–Dallas)



Summary

House Bill 2868 amends Section 2254.002, Government Code, to add interior design to the list of professional services covered by Chapter 2254, Government Code (Professional and Consulting Services).

Impact on TxDOT

Currently, TxDOT processes most contracts for non-professional services, including interior design, through its purchase order process pursuant to the Purchasing Act (Chapter 2155, Government Code). HB 2868 requires state agencies to acquire interior design services under the Professional Services Act rather than under the Purchasing Act. TxDOT will have to modify the definition of professional services in the programs that use interior design services. The change will also require updates to TxDOT's Negotiated Contracts Policy Manual.

Effective Date: September 1, 2019

STATE CONTRACTING

Relating to oversight of and requirements applicable to state agency contracting and procurement.

Author: Senator Jane Nelson (R–Flower Mound)

Sponsor: Representative Charlie Geren (R–Fort Worth)



Summary

The Texas Legislature has worked over the past few sessions to enact contracting reforms. This session the focus of their continued effort was on enhancing state procurement oversight for major and high-risk contracts.

Senate Bill 65 amends Section 441.1855, Government Code (Retention of Contract and Related Documents), to require state agencies to retain an electronic contract solicitation document in the document's electronic form. The bill allows a state agency to print and retain the document in paper form only if the agency provides for the preservation, examination, and use of the electronic form of the document in accordance with all retention laws, including any formatting or formulas that are part of the electronic format of the document. Section 441.1855, Government Code, defines the terms "electronic document" and "contract solicitation document."

Chapter 2054, Government Code (Information Resources):

SB 65 amends Section 2054.003(10), Government Code, to change the definition of "major information resources project" to apply to projects whose development costs exceeds \$5 million (previously \$1 million).

SB 65 amends Section 2054.055(b), Government Code to delete requirements that DIR's report on the use of information resources technologies examine major information resources projects.

SB 65 amends Section 2054.1181, Government Code (Oversight of Major Information Resources

Project), to prohibit a state agency from amending contracts for the development or implementation of major information resources projects over \$10 million where the contract is either 10 percent over budget or the major information resources project is at least 10 percent behind schedule. SB 65 creates an exception to this prohibition by allowing the state agency to conduct a cost-benefit analysis with respect to canceling or continuing the project and to submit such analysis to the Quality Assurance Team.

SB 65 amends Section 2054.158, Government Code, to require the Quality Assurance Team to:

- develop and recommend policies and procedures to improve the development, implementation, and return on investment for state agency information resources technology projects;
- review a state agency's business case prepared for major information resources projects;
- make recommendations to improve the implementation of major information resources projects;
- review and provide recommendations on the final negotiated terms of a contract for the development or implementation of major information resources projects with a value of at least \$10 million; and
- provide a report to the governor, lieutenant governor, speaker of the House of Representatives, and presiding officer of the standing committee of each house of the legislature with primary jurisdiction over appropriations by December 1 of each even-numbered year that includes:

1. a performance indicator report;
2. a summary of any major issues identified in state agency reports;
3. an appendix containing any justifications that state agencies may have submitted to the Quality Assurance Team; and
4. any additional information that the Quality Assurance Team considers appropriate.

SB 65 requires the Texas Comptroller of Public Accounts (comptroller) to adopt rules for additional or reduced monitoring procedures for major information resources project contracts and associated state agency contracts during the various phases of the contract (solicitation development, contract formation and award, and contract management and termination). SB 65 allows the Quality Assurance Team to waive the authorized review for any project based on the team's Assurance of the project's associated risk.

SB 65 amends Section 2054.159, Government Code (Major Information Resources Project Monitoring), to require a state agency to respond to the Quality Assurance Team's requests for verification or validation reports on major information resources projects within 10 days of the agency's receipt of the request. The bill grants the Quality Assurance Team the authority to request any information to determine a major information resources project's potential risk.

SB 65 adds a new Section 2054.160, Government Code (Review of Contract for Major Information Resources Project), to require a state agency to submit the following information to the Quality Assurance Team for each contract for the development of a major information resources project with a value of at least \$10 million. The state agency must submit the following information for Quality Assurance Team the:

1. proposed terms of the contract before to the start of negotiations of the contract; and

2. final negotiated unsigned contract before execution for review by the Quality Assurance Team.

A state agency must either comply with Quality Assurance Team recommendations or submit a written explanation why the Quality Assurance Team recommendation is not applicable to the contract under review.

Before amending a contract "related" to a major information resources project, a state agency must notify the Quality Assurance Team, governor, and certain legislative officials if the:

1. total value of the amended contract exceeds the initial contract value by 10 percent or more; or
2. amendment requires the contractor to provide consultative services, technical expertise, or other assistance in defining project scope or deliverables.

Furthermore, new Section 2054.160, Government Code, requires a state agency to provide the Quality Assurance Team with a justification for any such amendment.

SB 65 amends Section 2054.303, Government Code (Business Case and Statewide Impact Analysis), to remove "major contracts" from the business case requirement. If the Office of the State Auditor (state auditor) has rated a state agency as "additional monitoring warranted" under new Section 2261.258, Government Code, the state agency must provide the Quality Assurance Team an analysis of the statewide impact of the project on the state's common information resources infrastructure, together with a technical architectural Assurance of the project (if requested by the Quality Assurance Team). After the Quality Assurance Team makes a recommendation on the business case for a major information resources project, the state agency must either comply with the recommendations or provide a written explanation to the Quality Assurance Team why the recommendation is not applicable to the major information resources project under review.

SB 65 amends Section 2054.304, Government Code (Project Plan), to remove major contracts from the requirements and to eliminate the requirement that state agencies file the project plan with the Quality Assurance Team before the solicitation for the major information resources project.

SB 65 amends Section 2054.305, Government Code (Procurement Plan and Method for Monitoring Contracts), to limit the requirement to contracts “for the development or implementation of a major information resources project” that exceed \$10 million. A state agency’s procurement and monitoring plan must be in line with the guide developed under Section 2262.051, Government Code.

SB 65 amends Section 2054.307, Government Code (Approval of Documents and Contract Changes), to require a state agency’s executive director or the executive director’s designee to approve each required document and, if the Department of Information Resources (DIR) requires the approval, any other required documents.

SB 65 amends Section 2102.005, Government Code (Internal Auditing Required), to require a state agency, in conducting the state agency’s internal auditing program, to consider methods for ensuring compliance with contract processes and controls and for monitoring agency contracts.

SB 65 amends provisions of Section 2155.089, Government Code (Reporting Vendor Performance), to require that, upon completion or otherwise termination of a contract that exceeds \$5 million in value, a state agency must review the vendor’s performance at least once each year during the term of the contract and at each key milestone identified for the contract. SB 65 requires the agency to report each review to the comptroller using the established tracking system. A state agency may not extend a vendor’s contract until after the agency reports the results of each vendor review.

SB 65 amends Section 2252.908(b), Government Code (Disclosure of Interested Parties), to add

contracts for services that would require a person to register as a lobbyist under Chapter 305, Government Code, to the list of contracts requiring the filing of a disclosure form.

Chapter 2254, Government Code (Professional and Consulting Services):

SB 65 amends Section 2254.029(a), Government Code, regarding the posting of information related to a major consulting services contract to require a state agency to post the information in the Electronic State Business Daily (or “ESBD”). SB 65 amends Section 2254.030, Government Code, and removes the requirement for state agencies to post information in the Texas Register within 20 days of entering into a major consulting service contract.

A political subdivision that enters or has entered into a contract for consulting services with a state agency, regardless of whether the term of the contract has expired, must prominently display on the political subdivision’s internet website the following information regarding contracts for services that would require a person to register as a lobbyist under Chapter 305, Government Code:

1. the execution dates;
2. the contract duration terms, including any extension options;
3. the effective dates;
4. the final amount of money the political subdivision paid in the previous fiscal year; and
5. a list of all legislation advocated for, on, or against by all parties and subcontractors to the contract, including the position taken on each piece of legislation in the prior fiscal year.

SB 65 amends Section 2254.031(a), Government Code, to require a state agency that intends to renew, amend, or extend a major consulting services contract to follow the posting requirements and the notice requirements to the Legislative Budget Board and Governor’s office applicable to the original contracts if the contract after renewal,

amendment or extension is a major consulting services contract.

Chapter 2261, Government Code (State Contracting Standards and Oversight):

The only portion of Chapter 2261 that applies to TxDOT is Subchapter F (Ethics, Reporting, and Approval Requirements for Certain Contracts).

SB 65 amends Section 2261.254(d), Government Code, to authorize the Texas Transportation Commission to delegate its approval and signature authority for contracts for the purchase of goods or services over \$1 million to the executive director or the deputy executive director of the agency, as opposed to only the executive director.

SB 65 adds new Sections 2261.258 and 2261.259, Government Code, to require the state auditor, prior to July 1 of each year, to assign one of the following ratings to each of the 25 largest state agencies in that state fiscal year as determined by the Legislative Budget Board:

- additional monitoring warranted;
- no additional monitoring warranted; or
- reduced monitoring warranted.

The state auditor, in assigning the required rating to a state agency, must consider the following information:

- results of an audit of the agency conducted by the state auditor under Chapter 321 (State Auditor), Government Code, or the agency's contracts and contract processes and controls conducted by the agency's internal auditors or by the state auditor;
- results of a purchase audit conducted by the comptroller under Section 2155.325, Government Code (Purchase Audit After Issuance of Warrant);
- information reported by the Quality Assurance Team relating to the agency's major information resources projects;
- information from the Contract Advisory Team

relating to reviews of the agency's contracts and contract solicitation documents;

- information relating to agency findings from a review of the agency conducted by the Legislative Budget Board and the Sunset Advisory Commission under the Texas Sunset Act;
- the agency's self-reported improvements to the agency's contracting processes; and
- any additional internal analysis provided by the agency.

On or before September 1 of each year, the state auditor must submit to the comptroller and to DIR a report that lists each state agency that was assigned a rating and, for agencies that were rated as requiring either additional or reduced monitoring, specify that additional or reduced monitoring, as applicable, is required during one or more of the following periods:

- contract solicitation development;
- contract formation and award; or
- contract management and termination.

The comptroller, in consultation with the Contract Advisory Team, and DIR, in consultation with the Quality Assurance Team must develop guidelines (by rule) for the additional or reduced monitoring of a state agency for any contract that falls under the monetary thresholds for review or monitoring by the Contract Advisory Team or the Quality Assurance Team.

The state auditor may request any information necessary from a state agency, the Contract Advisory Team, or the Quality Assurance Team to comply with the requirements of Section 2261.258, Government Code, and the agency or team, as applicable, must provide the requested information. The bill requires the state auditor, comptroller, and DIR to share information as necessary to fulfill their respective duties under this section. The state

auditor's new duties must be included in the state audit plan.

Under Section 2261.259, Government Code, a state agency that uses the centralized accounting and payroll system (CAPPs) or that uses an alternative computer software system for compliance requirements related to the procurement of goods or services may electronically submit to the comptroller using that system any required written justification, verification, notification, or acknowledgment.

Chapter 2262, Government Code (Statewide Contract Management):

SB 65 adds new Section 2262.053, Government Code (Contract File Checklist; Certification of Agency Compliance), to require each state agency to include in the contract file for each of its contracts a checklist to ensure the agency's compliance with state laws and rules relating to the acquisition of goods and services. The comptroller must develop and periodically update a model contract file checklist and make the checklist available for use by state agencies. The comptroller may adopt rules necessary to develop or update the model contract file checklist and prescribe the conditions under which a state agency's contract manager or procurement director shall make the required certification and authorize the delegation of certification authority. The bill requires the model contract file checklist to address each stage of the procurement process and to include, at a minimum, a description of the:

1. documents that state agencies must maintain during each stage of the procurement process in accordance with applicable state laws and comptroller rules; and
2. procedures and documents that state agencies must complete during the following stages of the procurement process:

- a. contract solicitation development;
- b. contract formation and award; and
- c. contract management.

A state agency may develop its own contract file checklist based on the procurement and contracting needs of that agency, provided that the agency's checklist is consistent with the comptroller's model contract file checklist and meets any requirements established by comptroller rule.

Before a state agency awards a contract to a vendor for the purchase of goods or services, new Section 2262.053, Government Code, requires a state agency's contract manager or procurement director to:

1. review the contents of the contract file for the contract, including the checklist, to ensure that all documents required by state law or applicable agency rules are complete and present in the file; and
2. certify in a written document in the contract file, the completion of the required review.

SB 65 authorizes a state agency's contract manager or procurement director to delegate the certification authority to a person in the agency's procurement office.

Section 2262.056, Government Code (Approval Required for Assignment of Services Contracts), defines "major information resources project" and "sensitive personal information." A vendor awarded a services contract by a state agency may not assign the vendor's rights under the contract to a third party unless the state agency approves the assignment. If the contract subject to the assignment is for a major information resources project or involves storing, receiving, processing, transmitting, disposing of, or accessing sensitive personal information in a foreign country, a state agency must notify the Legislative Budget Board at least 14 days before it rejects or approves a vendor's proposed assignment of rights.

Impact on TxDOT

TxDOT's existing document retention practices are not in compliance with the requirements to retain contract solicitation documents in electronic document form. TxDOT will need to revise its document retention procedures to comply with SB 65. Under TxDOT's current policy, TxDOT retains documents in the contract file as pdf documents, which do not contain formatting, formulas, or other metadata. It does not appear that the bill, as drafted, would require a change in this policy.

The change to increase the information resources project contracts subject to the Quality Assurance Team review from \$1 million to \$5 million in value may reduce compliance cost and delays associated with the Quality Assurance Team review process.

For any major information resources project that the Quality Assurance Team deems to be sufficiently over budget or behind schedule, TxDOT would have an additional information submittal requirement. TxDOT would need to revise its contract reporting procedures accordingly to include the submission of a cost-benefit analysis to support the contract decision. Time spent to run Quality Assurance Team compliance could result in increased project costs. In addition, the word "cancel" is ambiguous in Section 2054.1181(j)(2); it refers to cancelling the project, but there are other options, such as cancelling the contract and resoliciting rather than continuing the project under the current contract. TxDOT will work with the Quality Assurance Team to seek clarification of this term and its application under the new statutory language. The lack of a time frame for the Quality Assurance Team response in amendments to Section 2054.158 (b)(4), Government Code, creates the potential for delay in projects, which could entail additional cost.

Amendments made to Section 2054.159, Government Code will impact TxDOT by requiring TxDOT to specifically provide the Quality Assurance Team with additional information on major information resources projects for review and comment. TxDOT must produce some information

within a 10-day time frame. This section may delay amendment to a contract meeting these criteria. There is concern that the turnaround time for a report is too short and, as written, would require additional staff to meet aggressive timelines. TxDOT can manage the production of project and contract information as long as the response time is reasonable.

Amendments made to Section 2054.160, Government Code, codify in statute the existing Quality Assurance Team procedures for review and approval of major information resources project with a value of at least \$10 million.

TxDOT must file Project Delivery Framework documents for all IT—related contracts over \$1 million. The amendments to Section 2054.301, Government Code, may benefit TxDOT by eliminating the requirement to file such documentation for IT—related contracts over \$1 million that do not otherwise meet the requirements of a major information resources project.

The amendments to Section 2054.303, Government Code, will require the Quality Assurance Team to comment on TxDOT information resource project business cases, and TxDOT must now implement any Quality Assurance Team recommendations or explain why the recommendations are not applicable.

The amendments to Section, 2054.304, Government Code, eliminate any requirement to file the project plan for major contracts before the contract solicitation. This change will prove useful for solicitations that call on the contractor to propose a solution to an information technology problem in the absence of a project plan at the time of the contract solicitation.

The changes to Section 2054.305, Government Code, will limit the size of major information resources projects requiring an acquisition plan in the Contract Management Guide. However, this document is fairly generic and these revisions should not require a significant change in the TxDOT process.

TxDOT is already including contracts in the TxDOT Internal Audit annual risk Assurance so amendments to Section 2102.005, Government Code will have minimal impact.

New reporting requirements established by the amendments to Section 2155.089, Government Code, may create additional work and require TxDOT to modify reporting procedures. Also, the new requirements prevent agencies from renewing contracts until the agencies have submitted the required reports.

Under the amendments to Section 2252.908, Government Code, TxDOT will be required to obtain the disclosure form from the vendor if TxDOT needs to enter into a contract with a person required to register as a lobbyist.

The amendment to Section 2254.029, Government Code, is a favorable change for TxDOT as the provision moves the publication of notices regarding the procurement and awarding of major consulting contracts from the Texas Register to the Electronic State Business Daily.

The amendments to Section 2254.031, Government Code, may add some compliance responsibilities whenever TxDOT amends or extends small consulting contracts and adds value to the contracts. TxDOT will need to incorporate the requirements in internal process guidance documents.

The new requirements in Section 2261.254, Government Code, would be modest, but favorable, as they would allow TxDOT greater flexibility in the approval of the procurement of goods and services over \$1 million.

New Sections 2261.258 and 2261.259, Government Code, require the state auditor to assign a rating to TxDOT regarding the risk or need for contract monitoring. If TxDOT receives a rating that additional or reduced monitoring is required during contract solicitation development, contract formation and award, or contract management and termination, then the new guidelines regarding the additional or reduced monitoring of TxDOT will apply. The comptroller will

develop guidelines for contracts that fall under the monetary thresholds for review or monitoring by the Contract Advisory Team, and DIR will develop guidelines for contracts that fall under the monetary thresholds for review or monitoring by the Quality Assurance Team.

Under the new monitoring Assurance process, TxDOT, as one of the 25 largest state agencies, would need to develop a process for, and devote staff to, collecting favorable information to self-report to achieve the most favorable rating possible. TxDOT would also need to devote added time and resources to respond to state auditor requests for information related to the rating process.

The comptroller and DIR will each adopt their own rules relating to the Contract Advisory Team and the Quality Assurance Team contract monitoring. Having two separate sets of rules administered by two different state agencies creates the possibility of conflicting or inconsistent regulations, which could create compliance problems, particularly with respect to contracts subject to both Contract Advisory Team and the Quality Assurance Team. It will be important for TxDOT to submit appropriate comments in the rulemaking process to address any inconsistencies in the proposed rules.

New Sections 2262.053 and 2262.056, Government Code, do not apply to TxDOT contracts for highway construction, highway engineering, or TxDOT contracts that are subject to section 201.112, Government Code (dealing with contract claims). For all other TxDOT contracts, TxDOT will need to review current processes for awarding contracts department-wide for compliance with the required process. Also, TxDOT would need to update policy and procedures to incorporate the use of contact compliance checklists. TxDOT will review the comptroller rules on delegation of authority and adjust TxDOT policy accordingly.

comptroller rules on delegation of authority and adjust TxDOT policy accordingly.

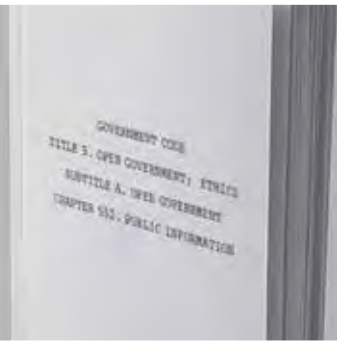
Effective Date: September 1, 2019

STATE CONTRACTING

Relating to the disclosure of certain contracting information under the public information law.

Author: Senator Kirk Watson (D–Austin)

Sponsor: Representative Giovanni Capriglione (R–Southlake)



Summary

Chapter 552, Government Code (Public Information Act), requires governmental bodies to disclose information relating to official business to the public upon request unless that information is excepted from disclosure. Section 552.104, Government Code, allows an exception from disclosure for information that, if released, would give advantage to a competitor or bidder. Section 552.110, Government Code, allows an exception from disclosure for trade secrets or commercial or financial information if disclosure would cause substantial competitive harm to the person providing the information to the governmental body.

Senate Bill 943 expands the public disclosure requirements related to government contracts under the Public Information Act. The bill excepts information from disclosure if a governmental entity demonstrates that release of the information would harm its interests by providing an advantage to a competitor or bidder in a particular ongoing competitive situation or in a particular competitive situation that was set to reoccur or if there was a specific and demonstrable intent to enter into the competitive situation again in the future.

SB 943 defines “trade secrets” and provides an exception from the requirements of Section 552.021, Government Code (Availability of Public Information), if it is demonstrated based on specific factual evidence that the information is a trade secret. SB 943 provides an exception to disclosure of commercial or financial information if specific factual evidence demonstrates that disclosure would cause substantial competitive

harm to the person providing the information to the governmental body.

SB 943 excepts from disclosure certain information that a vendor, contractor, or potential vendor or contractor submitted to a governmental body in response to a request for a bid, proposal, or qualification if the vendor or contractor demonstrated that disclosure of the information would give an advantage to a competitor by revealing an individual approach to work, organizational structure, staffing, internal operations, processes, or pricing information. The contractor, vendor, or potential vendor or contractor could assert this exception only for the purpose of protecting its interests.

SB 943 adds and authorizes a requestor to file suit for a writ of mandamus compelling a governmental body or an entity to comply with the requirements of Chapter 552, Government Code.

Under new Subchapter J (Additional Provisions Related to Contracting Information), Chapter 552, Government Code, Section 552.371, Government Code (Certain Entities Required to Provide Contracting Information to Governmental Body in Connection with Request), requires nongovernmental entities that executed a contract with a governmental body that had a stated expenditure of at least \$1 million in public funds or that resulted in the expenditure of at least \$1 million in public funds in a fiscal year to be subject to certain recordkeeping and disclosure requirements. New Section 552.372, Government Code, requires a contract to require the nongovernmental entity to preserve contracting

information according to the records retention requirements applicable to the governmental body, produce contracting information when requested by the governmental body, and, after the contracting period has ended, either provide the governmental body all contracting information or retain the contracting information itself for the governmental body's records retention period. A governmental body must provide a specified statement in bid documents and the contract regarding termination of the contract for non-compliance with the Subchapter J. A governmental body cannot accept a bid from an entity that violates Subchapter J, unless the entity has taken adequate steps to ensure future compliance.

SB 943 requires a governmental body to notify the entity within three business days of receiving a Public Information Act request for contracting information in possession of the entity. The bill sets out time frames as well as required communications and notifications between the governmental body and the contracting entity. SB 943 does not penalize a governmental body if the governmental body makes a good faith effort to obtain public information in the possession of the contracting entity and the contracting entity failed to provide the information to the governmental body within certain deadlines.

SB 943 requires a governmental body to notify a contracting entity when they violate Subchapter J. The bill authorizes a governmental body to terminate the contract if the entity does not cure the violation. The bill identifies the conditions by which a governmental body may terminate a contract as well as those conditions an entity may take to demonstrate adequate steps to ensure future compliance. New Section 552.376, Government Code, provides that Subchapter J does not create a cause of action to contest a bid for or the award of a contract with a governmental body.

Impact on TxDOT

SB 943 clarifies that contracting information is public and subject to release. Generally, contracting information already is releasable, but the bill will make it less likely that parties to a contract will be able to withhold contracts, contracting terms, and contractor performance documents, which may include contractor evaluations, from release when requested. Furthermore, the contractual parties will not be able to withhold these types of contracting information due to a third party's interest. However, the statute continues to allow parties to a contract to withhold properly redacted information in contracts per Section 2261.253, Government Code (Required Posting of Certain Contracts; Enhanced Contract and Performance Monitoring).

SB 943 overturns the Texas Supreme Court decision in *Boeing v. Paxton*, which allowed third parties to raise Section 552.104, Government Code, as a justification for withholding contract information. Under the new statute, only governmental bodies may withhold information under Section 552.104, Government Code.

SB 943, as it relates to confidential proprietary information, primarily impacts third parties as it is the third parties' information that is affected, and only third parties will be able to assert Section 552.1101, Government Code (Exception: Confidentiality of Proprietary Information).

TxDOT will update its notice statement to third parties under Section 552.305, Government Code, once the attorney general notice form is updated.

SB 943 requires TxDOT to request the information from third-party contractors in writing within three business days. However, the bill allows TxDOT an additional three business days to request an attorney general ruling for information in the contractor's possession. This will allow TxDOT an extra three days to request an attorney general ruling for contractor-held information but also will place an additional burden on TxDOT to provide

notice to the contractor within the time frame, which is not currently required, outside of complying with the Public Information Act in general.

SB 943 makes it clear that TxDOT will not be penalized or need to release excepted information if a contractor does not provide information in the contractor's possession within the prescribed timelines. SB 943 bill also makes it clear that TxDOT must still comply with the 10-day and 15-day deadlines under Section 552.301 (Request for Attorney General Decision) for information in TxDOT's possession.

TxDOT will update its bid and contract processes for contracts of at least \$1 million. SB 943 requires TxDOT to provide notice if the contractor fails to comply with Subchapter J, Chapter 552, Government Code. The bill's provision relating to termination of contract for noncompliance may have no impact if TxDOT does not choose to terminate a contract. TxDOT will need to revise the TxDOT Procurement Policy Manual and internal procedures based on rules adopted by the Texas Comptroller of Public Accounts. SB 943 will necessitate revisions to TxDOT's existing alternative delivery documents to enforce the new disclosure requirements for TxDOT and contracting entities.

Effective Date: January 1, 2020

STATE CONTRACTING

Relating to invoices and payments under certain state contracts for outside legal services.

Author: Senator Robert Nichols (R–Jacksonville)

Sponsor: Representative Trent Ashby (R–Lufkin)



Summary

Previous Section 2251.021(a)(3), Government Code, stated that a payment by a governmental entity under a contract is overdue on the 31st day after the governmental entity receives an invoice for the goods or service. Under Section 402.0212, Government Code, state agencies must obtain approval from the Office of the Attorney General of Texas for a contract for legal services provided by outside counsel. Section 402.0212(b), Government Code, requires the Office of the Attorney General of Texas to review an invoice under the contract to determine whether the invoice is eligible for payment.

There was concern that the Section 2251.021(a)(3), Government Code, prompt payment requirements created a problem for agencies with contracts and invoices for outside legal counsel due to the review requirements outlined in Section 402.0212, Government Code. Not only was the agency required to submit the invoice to the Office of the Attorney General of Texas for approval of payment, the agency also had to submit the invoice to the Texas Comptroller of Public Accounts, which issues the warrant for payment. The 30-day payment deadline may not have left enough time for a review of the invoice if the agency did not submit it for approval within an appropriate amount of time or submits incomplete information.

Senate Bill 1370 amends Section 2251.021, Government Code, to allow a total of 45 days from the date the agency receives an invoice for payment under a contract for legal services described in Section 402.0212, Government Code.

SB 1370 amends Section 402.0212, Government Code, to detail the process for the attorney general review of invoices under a contract for legal services. The bill requires:

1. a state agency with such an invoice to submit the invoice to the attorney general not later than the 25th day after the date the agency receives the invoice; and
2. the attorney general to review the invoice only to determine whether the legal services for which the agency is billed were performed within the term of the contract and are within the scope of the legal services authorized by the contract and are therefore eligible for payment.

SB 1370 requires that an invoice to the attorney general contain a written certification that the contracted outside counsel performed the legal service billed within the term and scope of the contract and that those legal services are reasonably necessary to fulfill the purpose of the contract. To certify an invoice, a state agency must determine that the following items are supported by proper documentation and submitted to the agency under the requirements of the contract:

1. the amount and types of expenses billed;
2. the rates for legal services; and
3. the number of billed hours.

SB 1370 requires a state agency that rejects or disputes the initial invoice to notify the attorney or law firm providing the invoice and request a corrected invoice not later than the 21st day after the date the agency receives the invoice.

If the attorney general rejects or disputes an invoice and certification submitted by a state agency, the attorney general must notify the agency that the invoice is not eligible for payment. The bill authorizes a state agency to submit a corrected invoice and certification.

Impact on TxDOT

TxDOT can meet the submission requirements and deadlines set out in the bill without the need for significant procedural changes.

Effective Date: September 1, 2019



TOLLS & TOLL OPERATIONS



TOLLS & TOLL OPERATIONS

Relating to financial reporting requirements of a toll project entity.

Author: Representative Jared Patterson (R–Frisco)

Sponsor: Senator Angela Paxton (R–McKinney)



Summary

House Bill 803 adds Section 372.054, Transportation Code, to create additional reporting requirements for toll project entities. Section 372.001, Transportation Code, defines a toll project entity as an entity authorized by law to acquire, design, construct, finance, operate, and maintain a toll project, including:

- TxDOT under Chapter 228, Transportation Code;
- a regional tollway authority under Chapter 366, Transportation Code;
- a regional mobility authority under Chapter 370, Transportation Code; or
- a county under Chapter 284, Transportation Code.

No later than the 180th day after the last day of the toll project entity’s fiscal year, the entity must prominently place on the entity’s website a report on the entity’s financial data, including:

1. the final maturity of all bonds issued by the entity for a toll project or system;
2. the previous fiscal year’s toll revenue for each toll project;
3. an accounting of total revenue collected and expenses incurred by the entity for the previous fiscal year, such as debt service, maintenance and operation costs, any other miscellaneous expenses, and any surplus revenue; and
4. a capital improvement plan with proposed or expected capital expenditures over a period of time determined by the entity.

HB 803 does not require a toll project entity to include in a report information concerning a toll project that is the subject of a Comprehensive Development Agreement (CDA) entered into by the toll project entity except for the name and cost of the project and the termination date of the agreement.

In addition to the required information, the toll project entity has the option to publish:

1. any money deposited by the entity in a debt service reserve fund as required by bondholder agreements; and
2. graphs or tables from the audited financial report or annual continuing disclosure report to comply with the required reporting requirements.

HB 803 also requires the toll project entity to publish the required financial information separately from the certified audited financial report.

Impact on TxDOT

TxDOT does not anticipate a significant impact to meet the reporting requirements of HB 803. TxDOT currently publishes the required financial information for the Central Texas Turnpike System (CTTS) and the Grand Parkway Transportation Corporation (GPTC) on TxDOT’s website. TxDOT’s website also includes links to the MSRB Electronic Municipal Market Access (EMMA) website. TxDOT submits financial information for those projects for posting on EMMA. TxDOT currently publishes these reports six months after the end of the fiscal year.

For all other toll roads owned and operated by TxDOT (DFW Connector, SH 183 Midtown Express, IH 35 East Managed Lanes, IH 30 Tom Landry, and

IH 635 East Express Lanes), this information is not currently published online. TxDOT will update its reporting requirements accordingly and will publish all required information.

Effective Date: September 1, 2019



Find a current map of Toll Roads and Bridges at www.txdot.gov keyword search "Toll Roads and Toll Bridges Map".

TOLLS & TOLL OPERATIONS

Relating to payment for the use of a highway toll project.

Author: Senator Charles Schwertner (R–Georgetown)

Sponsor: Representative Terry Canales (D–Edinburg)



Summary

Senate Bill 198 adds Subsection 228.057(i), Transportation Code, to require TxDOT to provide electronic toll collection customers the option of authorizing automatic payment of tolls through the withdrawal of funds from the customer's bank account.

SB 198 amends Chapter 372, Transportation Code (Provisions Applicable to More than One Type of Toll Project), to add the following five new sections to Subchapter B (Toll Project Operation).

Section 372.054, Transportation Code, requires and electronic toll tag customer using a transponder to:

1. activate and mount the transponder in accordance with the procedures provided by the toll project entity;
2. provide to the toll project entity accurate license plate and customer contact information; and
3. update the information as necessary.

Section 372.055, Transportation Code:

- prohibits a toll project entity from sending an invoice or a notice of unpaid tolls to the registered owner of a vehicle soliciting payment of a toll or any related administrative fee unless the entity first determines, for a customer using a transponder, whether there is an active electronic toll collection customer account that corresponds with the transponder;
- requires that if the customer has complied with Section 372.054 the toll project entity must satisfy an unpaid toll, at the standard electronic

toll collection rate and without imposition of a fee, from an active electronic toll collection customer account if the account corresponds to a transponder issued by the entity and if the account contains sufficient funds;

- authorizes the toll project entity to send an invoice or notice for payment to collect an unpaid toll and related costs if the account has insufficient funds or the customer's failure to comply with Section 372.054 prevents satisfaction of the unpaid toll from the customer account; and
- requires the toll project entity to send to the customer to whom the transponder was issued a notice stating that the transponder is not working correctly and must be replaced if a toll project entity discovers that a transponder issued by the entity did not work correctly more than 10 times in a 30-day period. (A toll entity is not required to send additional notice to an electronic collection customer if the toll entity has sent notice to the customer and the customer does not replace the transponder.)

Section 372.056, Transportation Code, provides that an invoice or notice of unpaid tolls must clearly state that the document is a "bill" and that the recipient is expected to pay the amount indicated.

Section 372.057, Transportation Code, authorizes a toll project entity to provide an invoice or notice to a person by email if the person has provided an email address to the entity and has elected to receive notice electronically or by first class mail. The section also excuses a toll entity from sending an invoice or notice by first class mail or email if the entity does not have access to the contact

information provided in the electronic toll collection customer account.

Section 372.058, Transportation Code, authorizes the sharing of confidential customer information between toll entities for purposes of customer service, toll collection, enforcement, or reporting requirements. The section also requires that a contract between toll entities for the collection of tolls must:

1. specify who will be responsible for making determinations of the customer account under Section 372.055, sending all notices, and taking other actions; and
2. include terms to ensure that customers do not receive invoices from more than one entity for the same transaction.

Impact on TxDOT

TxDOT anticipates no significant fiscal impact. The effective date of the bill allows time for TxDOT to build new billing requirements into TxDOT's new back office toll operations system. Allowing customers an option of authorizing automatic payment of tolls through the withdrawal of funds from their bank account adds another viable method of payment.

Prohibiting a toll project entity from sending an invoice or a notice of unpaid tolls to the registered owner of a vehicle soliciting payment of a toll or any related administrative fee unless the entity first determines whether there is an active electronic toll collection customer account that corresponds with the transponder will require development and time as it requires toll entities to send image-based transactions to one another to ensure there is not an active tag account at another entity.

TxDOT will need to modify the current statements to include the required language indicating that the statement is a "bill" and clarifying that payment is expected. The current statement indicates "this is your statement" and does not mention a bill, with the exception of indicating a balance due.

SB 198 will allow TxDOT and other toll project entities to enter into an information sharing contract under the requirements of Section 372.058, Transportation Code. TxDOT will analyze any such agreements as necessary.

TxDOT would pay any associated implementation costs from Enterprise Funds, partially reimbursed by Central Texas Turnpike System (CTTS) and Grand Parkway Transportation Corporation (GPTC) system (toll) revenue. The Enterprise Funds are outside the state treasury and appropriations.

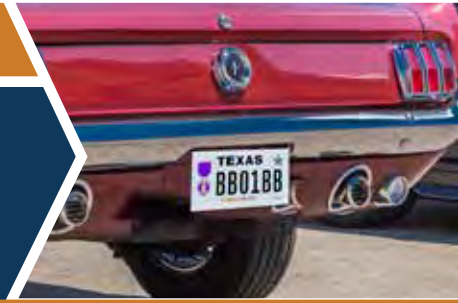
Effective Date: September 1, 2020

TOLLS & TOLL OPERATIONS

Relating to vehicles eligible for veteran toll discount programs.

Author: Senator Robert Nichols (R–Jacksonville)

Sponsor: Representative Trent Ashby (R–Lufkin)



Summary

Senate Bill 1091 amends Section 372.053, Transportation Code (Veteran Discount Program), to limit eligibility of the program to “no more” than two electronic toll transponders per qualified applicant and one extra (a third) transponder for a qualified participant demonstrating a hardship, as determined by the tolling entity. The Veteran Discount Program includes free or discounted use of an entity’s toll project by an electronic toll collection customer whose account relates to a vehicle registered to one of the following qualified specialty license plates:

- Congressional Medal of Honor;
- Air Force Cross (Legion of Valor);
- Distinguished Service Cross (Legion of Valor);
- Army Distinguished Service Cross (Legion of Valor);
- Navy Cross (Legion of Valor);
- Purple Heart; and
- disabled veterans.

Impact on TxDOT

TxDOT currently waives tolls on several Texas toll roads (listed below) for eligible veterans, who must be in a vehicle registered in Texas and displaying a qualified specialty license plate.

TxDOT toll roads in TxDOT’s veteran toll waiver program include:

- Central Texas Turnpike System (CTTS) – Austin

Metro Area, which includes (no lost revenue, incurred expenses):

- SH 130: Segments 1 through 4 of State Highway 130 (SH 130), from Interstate Highway 35 (IH 35) to United States Highway 183 (US 183);
- SH 45N;
- Loop 1: Northward from the non-tolled portion of Loop 1 at Parmer Lane to the SH 45N; and
- SH 45SE.
- Grand Parkway (SH 99) - Houston Metro Area (lost revenue, no incurred expenses):
 - Segments E, F-1, F-2, and G (between I-10 and US 59N on the west and northwest side of Houston) and a small portion of Segment D near I-10 and;
 - Segment I-2 (from Interstate 10 south to Fisher Road in Chambers County, east side of Houston).
- Dallas Toll Roads (lost revenue, no incurred expenses):
 - DFW Connector (SH 114/121);
 - I-30 Managed Lanes (from Sylvan Avenue in Dallas County to just west of Center Street in Tarrant County);
 - I-635E Express Lanes (HOV/express lanes on I-635 from US 75 to I-30); and
 - I-35E Managed Lanes (Span 18 miles from Denton County to Dallas County).

Current bond agreements for the Central Texas Turnpike System (CTTS) require repayment to the toll system of any waived tolls. Due to these bond agreements, mandating exemptions to certain license plate holders may be an impairment of the bond agreements for the system. The program under state law is permissive, and, if acted upon, the state must pay any lost toll revenues from the discounts to the toll system.

Based on the estimated number and distribution of qualified registered vehicles, TxDOT projects that limiting the eligibility to up to two (2) qualifying veteran plates could reduce the cost/loss of the program by up to five percent. Therefore, as a result of this bill TxDOT estimates the cost reductions shown on Figure 1. SB 1091 Fiscal Impact.

Historically, the funding used to cover the cost of the Veteran Discount Program has come from various sources, including surplus property and real property sales as well as concession payment funds.

Figure 1. SB 1091 Fiscal Impact presents only the estimated reduction in cost related to the program on the Central Texas Turnpike System. The Veteran Discount Program discount also applies to use of the other TxDOT toll roads listed above. However,

there are no bond agreement requirements to reimburse the cost of these discounted tolls on these roadways. There likely still would be a benefit from this bill on these roadways in terms of additional toll revenue that would result from the reduced number of plates qualifying for the discount.

SB 1091 would take the program from a plate-based to a tag-based transponder program. The bill will require TxDOT to establish an implementation plan for this transition, including a schedule and termination date for ending the qualified plate based program. The change in the program will require coordination and customer education with the users of the program to facilitate their receipt of the required tag-based transponder. TxDOT will also need to develop policies for the program specifying:

1. the limit on the number of tags (transponders) to be issued [one or two];
2. the guidelines for granting the extra hardship tag (transponder); and
3. the amount, if any, to be charged for the tags (transponders).

Effective Date: June 14, 2019

Figure 1. SB 1091 Fiscal Impact

Fiscal Year (FY)	Est. Current Cost	5% Est. Reduction	Est. TxDOT Cost (SB 1091)
FY 2020	\$9,285,000	(\$464,250)	\$8,820,750
FY 2021	\$11,142,000	(\$557,100)	\$10,584,900
FY 2022	\$13,370,400	(\$668,520)	\$12,701,880
FY 2023	\$16,044,480	(\$802,224)	\$15,242,256
FY 2024	\$19,253,376	(\$962,669)	\$18,280,707

TOLLS & TOLL OPERATIONS

Relating to the electronic transmission of an invoice or notice of toll nonpayment by a toll project.

Author: Senator Paul Bettencourt (R–Houston)

Sponsor: Representative John Raney (R–Bryan)



Summary

Senate Bill 1311 amends Chapters 284 (Causeways, Bridges, Tunnels, Turnpikes, Ferries, and Highways in Certain Counties), 370 (Regional Mobility Authorities), and 372 (Provisions Applicable to More than One Type of Toll Project), Transportation Code, to allow all Texas toll project entities to provide any toll invoice or notice required to be sent by first class mail as an electronic record:

1. if the recipient agrees to the electronic transmission; and
2. on terms acceptable to the recipient.

The toll entity must transmit the electronic record in a manner that does not inhibit the ability of the recipient to print or store the electronic record.

Impact on TxDOT

TxDOT currently has statutory authority to provide toll invoices via electronic means pursuant to Section 228.0545, Texas Transportation Code. SB 1311 will allow TxDOT to also send all other toll notices via electronic means, with the recipient's permission.

The ability to send all toll notices electronically may lead to cost savings and may enhance customer convenience.

Effective Date: September 1, 2019



TRANSPORTATION SAFETY & LAW ENFORCEMENT



TRANSPORTATION SAFETY & LAW ENFORCEMENT

Relating to highway maintenance or construction vehicles, certain service vehicles, and escort flag vehicles, including the use of certain lighting equipment on those vehicles.

Author: Representative James White (R–Hillister)

Sponsor: Senator Robert Nichols (R–Jacksonville)



Summary

Section 545.157(a), Transportation Code—the “Move Over, Slow Down” law, generally requires that an operator of a motor vehicle vacate the lane closest to the protected vehicle when driving on a highway with two or more lanes traveling in the direction of the protected vehicle or slow to a speed not to exceed 20 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or more, or five miles per hour when the posted speed limit is less than 25 miles per hour. House Bill 61 amends Section 545.157(a), Transportation Code, to add three types of vehicles to the list of vehicles currently protected by the law. These newly protected vehicles added by HB 61 include:

1. highway maintenance or construction vehicles when in use pursuant to a contract for highway projects awarded by TxDOT, when the vehicle is not separated from a roadway by a traffic control channelizing device and when the vehicle is using appropriate visual signals that comply with adopted state standards and specifications;
2. stationary vehicles used exclusively to transport municipal solid waste or recyclable material, as defined by Sections 361.003 and 361.421, Health & Safety Code, while being operated in connection with the removal or transportation of municipal solid waste or recyclable material from a location adjacent to the highway; and
3. service vehicles used by or for a utility, as defined by Section 203.091, Transportation

Code, and using visual signals that comply with adopted state standards and specifications.

HB 61 amends Section 547.001(2-b), Transportation Code, to change the definition of “highway maintenance vehicle” to read “highway maintenance or construction vehicle.” The bill adds the following equipment purposes and uses to the definition of highway maintenance or construction vehicle: guardrail repair, sign maintenance, temporary traffic-control device replacement or removal, and road construction. HB 61 also requires both contractor construction and highway maintenance vehicles and utility service vehicles to comply with the vehicle lighting standards adopted by TxDOT pursuant to Section 547.105, Texas Transportation Code.

HB 61 amends Section 547.105(a) and (b), Transportation Code, adding highway construction vehicles to the list of current vehicles that TxDOT is required to adopt standards and specifications:

1. that apply to lamps on the vehicles; and
2. for the use of flashing lights for identification purposes.

The bill amends Section 547.305(e) to prohibit highway construction vehicles from operating without lamps or not displaying lighted lamps in accordance with TxDOT’s standards and specifications.

HB 61 adds Section 547.305(e-3), Transportation Code, to authorize the equipping of escort flag vehicles with alternating or flashing blue and

amber lights. The bill adds Section 547.305(e-4), Transportation Code, to authorize any vehicle listed in Section 545.157(a) to be equipped with flashing blue lights. The bill defines the term “escort flag vehicle” as a vehicle that precedes or follows an oversize or overweight vehicle for the purpose of facilitating the safe movement of the oversize or overweight vehicle over roads.

Impact on TxDOT

The addition of new types of protected vehicles to the “Move Over, Slow Down” law will have no direct fiscal or operational impact on TxDOT. However, adding highway maintenance or construction vehicles operated by TxDOT contractors on TxDOT projects will help ensure that TxDOT contractors are afforded the same legal safety protections in TxDOT work zones as TxDOT employees performing the same type of work in the same or similar conditions.

TxDOT will review its current lighting standards adopted under Section 547.105, Transportation Code, and update them accordingly, if needed, to address the addition of contractor highway construction vehicles. TxDOT can absorb within existing resources any cost of implementing the bill provisions relating to the revision of the lighting standards.

All TxDOT fleet vehicles requiring lighting are currently covered under the current definition of highway maintenance vehicles. Therefore, no additional TxDOT fleet vehicles will need modifications to comply with the expanded definition of highway maintenance or construction vehicle.

Effective Date: September 1, 2019

TRANSPORTATION SAFETY & LAW ENFORCEMENT

Relating to information provided to minors during the driver's license application process.

Author: Representative Ina Minjarez (D–San Antonio)

Sponsor: Senator Judith Zaffirini (D–Laredo)



Summary

According to the National Highway Traffic Safety Administration, 3,166 persons died in distracted driving-related incidents in 2017. Under 521.145, Transportation Code, the Texas Department of Public Safety (TxDPS) is required to provide applicants for a driver license who are under 18 years of age with information regarding state laws relating to driving while intoxicated, driving by a minor with alcohol in his or her system, and implied consent.

House Bill 87 adds a requirement that TxDPS also provide an applicant who is under 18 years of age, and the cosigner with information relating to distracted driving.

Impact on TxDOT

TxDOT anticipates no fiscal or operational impact to TxDOT.

Effective Date: September 1, 2019

TRANSPORTATION SAFETY & LAW ENFORCEMENT

Relating to the placement of speed limit signs at the end of construction or maintenance work zones.

Author: Representative Andrew Murr (R–Junction)

Sponsor: Senator Charles Perry (R–Lubbock)



Summary

House Bill 339 adds Section 545.364, Transportation Code, to require an entity that sets a lower speed limit on a road or highway on the state system for a construction or maintenance work zone to place or require that a sign be placed at the end of the work zone indicating the speed limit after the work zone ends. A “construction or maintenance work zone” is defined in Section 472.022, Transportation Code, as a portion of a highway or street: (A) where highway construction or maintenance is being undertaken, other than mobile operations as defined by the Texas Manual on Uniform Traffic Control Devices; and (B) that is marked by signs: (i) indicating that it is a construction or maintenance work zone; (ii) indicating where the zone begins and ends; and (iii) stating: “Fines double when workers present.”

Impact on TxDOT

Current TxDOT traffic operations standards for construction and maintenance work zones require the installation of regulatory speed limit signs at the end of a work zone. TxDOT issues Barricade and Construction (BC) Standard Sheets to contractors and TxDOT employees to provide guidance for the placement of temporary traffic control devices, construction pavement markings, and work zone signs, including the placement of regulatory speed limit signs at the end of work zones. Standard Sheet BC-(2) includes the requirement for placement of construction and maintenance work zone speed limit signs by contractors. Standard Sheet BC-(3) illustrates the placement of speed limit signs indicating the speed limit after a work zone ends. HB 339 would codify this current TxDOT standard into state law.

Effective Date: September 1, 2019

TRANSPORTATION SAFETY & LAW ENFORCEMENT

Relating to the placement of warning signs in areas where the use of a wireless communication device is prohibited.

Author: Representative Sarah Davis (R–Houston)

Sponsor: Senator Judith Zaffirini (D–Laredo)



Summary

Section 545.425(b-1), Transportation Code, requires a municipality, county, or other political subdivision that enforces the prohibition of a wireless communication device while operating a motor vehicle within a school crossing zone in the local authority's jurisdiction to post a sign to inform the operator of a motor vehicle that:

1. the use of a wireless communication device is prohibited in the school crossing zone; and
2. the operator is subject to a fine if the operator uses a wireless communication device in the school crossing zone.

House Bill 771 amends Subsection 545.425, Transportation Code, to broaden the application of the law from applying only to a “municipality, county, or other political subdivision” to applying to a “local authority.” Section 541.002(3), Texas Transportation Code, defines a “local authority” as: (A) a county, municipality, or other local entity authorized to enact traffic laws under the laws of this state; or (B) a school district created under the laws of this state only when it is designating school crossing guards for schools operated by the district.

HB 771 further amends Section 545.425, Transportation Code, to require that TxDOT, rather than the Texas Department of Public Safety, adopt standards for the signs required under the statute.

HB 771 prohibits an operator of a school bus from using a wireless communication device while operating the school bus unless the bus is stopped. The bill provides that this prohibition does not apply to an operator using a wireless communication

device in the performance of duties and in a manner similar to a two-way radio.

Impact on TxDOT

TxDOT is the agency that adopts sign standards, and TxDOT's current sign standards govern the signs authorized under Section 545.425, Transportation Code.

Effective Date: September 1, 2019

TRANSPORTATION SAFETY & LAW ENFORCEMENT

Relating to the creation of a statewide alert system for missing military members.

Author: Representative Ana Hernandez (D–Houston)

Sponsor: Senator Jose Menendez (D–San Antonio)



Summary

House Bill 833 amends Chapter 411, Government Code, to establish a statewide alert system for certain missing military members.

HB 833 requires the Texas Department of Public Safety (TxDPS), with the cooperation of TxDOT, the office of the governor, and other appropriate law enforcement agencies in this state, to develop and implement a statewide “camo alert” to be activated on behalf of a missing military member who has elected to participate in the alert system and who suffers from a mental illness, including post-traumatic stress disorder or a traumatic brain injury.

HB 833 provides that the TxDPS public safety director is the statewide coordinator of the alert. The bill requires TxDPS to adopt rules and issue directives as necessary to ensure proper implementation of the alert; the bill sets forth the requirements of the rules and directives. HB 833 further requires the director to prescribe forms for use by law enforcement agencies in requesting activation of the alert system. HB 833 requires TxDPS to recruit public and commercial television and radio broadcasters, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the alert system.

HB 833 requires a local law enforcement agency to notify TxDPS if the agency receives, verifies, confirms, and believes certain information regarding a missing military member. The bill prescribes the steps that TxDPS must take when activating a camo alert.

HB 833 requires the alert to include:

1. all appropriate information that is provided to the law enforcement agency and that may lead to the safe recovery of the missing military member; and
2. a statement instructing any person with information related to the missing military member to contact a law enforcement agency.

The bill also establishes the requirements for the termination of an alert. The bill requires a law enforcement agency that locates a missing military member who is subject to an alert to notify TxDPS as soon as possible.

HB 833 requires a state agency (including TxDOT) participating in the alert system to cooperate with TxDPS and assist in developing and implementing the alert system and to establish a plan for providing relevant information to its officers, investigators, or employees, as appropriate, once the alert system has been activated.

HB 833 also requires TxDOT to establish a plan for providing relevant information to the public through its existing system of dynamic message signs located across the state.

HB 833 adds new Section 411.470, Government Code, stating that TxDOT is not required to use any existing system of dynamic message signs in a statewide alert system created under new Subchapter Q, Government Code (Camo Alert For Missing Military Members), if TxDOT receives notice from the United States Department of Transportation Federal Highway Administration

that the use of the signs would result in the loss of federal highway funding or other punitive actions taken against this state due to noncompliance with federal laws, regulations, or policies.

HB 833 provides that the statewide alert system for certain missing military members expires September 1, 2023.

Impact on TxDOT

HB 833 adds certain missing military members to the list of persons, under current law, whom law enforcement can ask TxDOT to activate dynamic message sign messages to alert the public of their disappearance. TxDOT will develop procedures in cooperation with TxDPS as TxDOT has done for Amber, Silver, and Blue alerts. For guidelines on all current missing persons alerts, please visit www.dps.texas.gov (keyword —“Alert Programs”).

Generally, when implementing Amber, Silver, and Blue alerts, TxDPS sends such messages to a TxDOT Traffic Management Center contractor and confirms receipt by phone. TxDOT distributes the alert information by email to TxDOT districts within a 200-mile radius. TxDOT requires confirmation of the email by phone before the alert goes up.

The inclusion of the language in Section 411.470, Government Code, provides an exception to protect the state from any potential loss of federal highway funds or other punitive actions related to the use of dynamic messaging signs for the statewide alert system.

Effective Date: September 1, 2019

TRANSPORTATION SAFETY & LAW ENFORCEMENT

Relating to the operation of golf carts, neighborhood electric vehicles, and off-highway vehicles; authorizing fees.

Author: Representative Drew Springer (R–Muenster)

Sponsor: Senator Lois Kolkhorst (R–Brenham)



Summary

House Bill 1548 amends various statutory provisions regarding the operation of off-highway vehicles, golf carts, and neighborhood electric vehicles. The bill amends Section 551.402, Transportation Code, to prohibit the Texas Department of Motor Vehicles (TxDMV) from registering a golf cart for operation on a highway regardless of whether any alteration has been made to it. The bill authorizes a person to operate a golf cart on a highway in a manner authorized by the subchapter only if the vehicle displays a license plate issued under Section 504.002, Transportation Code.

HB 1548 restricts the authorized operation of an unregistered off-highway vehicle, neighborhood electric vehicle, or golf cart on a highway as provided by the bill to a vehicle that displays a license plate and amends Section 504.002, Transportation Code, to authorize the TxDMV to charge an administrative fee, in an amount established by rule, for the cost of the license plate for the vehicle, to be deposited to the credit of the TxDMV fund. Such a license plate does not expire, and its use does not transfer to a subsequent vehicle owner.

HB 1548 does not affect the authority of a county, municipality, or TxDOT to prohibit the operation of a neighborhood electric vehicle or golf cart on a highway if the governing body of the county or municipality or TxDOT, as applicable, determines that the prohibition is necessary in the interest of safety. HB 1548 grants authority to a county, municipality, or TxDOT to prohibit the operation of

an unregistered off-highway vehicle on a highway if the governing body of the county or municipality or TxDOT, as applicable, determines that the prohibition is necessary in the interest of safety.

HB 1548 authorizes the additional operation of an unregistered off-highway vehicle on all or part of a highway that has a posted speed limit of not more than 35 miles per hour under the following circumstances if the:

- governing body of a municipality authorizes such operation in the corporate boundaries of the municipality; or
- commissioners court of a county authorizes such operation in the unincorporated area of the county (this provision is limited to Matagorda County).

HB 1548 requires golf carts, neighborhood electric vehicles, and off-highway vehicles that are operated at a speed of not more than 25 miles per hour to display a slow-moving-vehicle emblem. The bill removes certain restrictions on the operation of a neighborhood electric vehicle and golf cart and sets out provisions relating to the operation of the vehicles instead on a highway as authorized by a municipality or county, at an intersection, in the interest of safety, in a master planned community, on a public or private beach that is open to vehicular traffic, and on certain highways.

HB 1548 adds Chapter 551A (Off-Highway Vehicles) to the Transportation Code. New Section 551A.052, Transportation Code, prohibits the TxDMV from registering an off-highway vehicle for operation on a highway. New Section

551A.053, Transportation Code, authorizes the commissioners' court of Matagorda County to allow an operator to operate an unregistered off-highway vehicle on all or part of a certain highway.

New Section 551A.054, Transportation Code, authorizes TxDOT to prohibit the operation of an unregistered off-highway vehicle on a highway if TxDOT determines the prohibition is necessary in the interest of safety.

Impact on TxDOT

TxDOT anticipates minimal operational and fiscal impacts. HB 1548 consolidates and clarifies laws regarding various off-highway vehicles including neighborhood electric vehicles, golf carts, all-terrain vehicles, utility vehicles, and recreational vehicles.

The bill does not affect TxDOT's ability to prohibit neighborhood electric vehicles and golf carts on state highways for safety reasons. New Section 551A.054, Transportation Code, would authorize TxDOT to prohibit "off-highway vehicles" (which incorporates previous definitions of all-terrain vehicles, off-highway vehicles, recreational off-highway vehicles, and utility vehicles) from state highways for safety reasons.

Effective Date: June 14, 2019

TRANSPORTATION SAFETY & LAW ENFORCEMENT

Relating to prohibiting the use of photographic traffic signal enforcement systems.

Author: Representative Jonathan Stickland (R–Bedford)

Sponsor: Senator Bob Hall (R–Edgewood)



Summary

House Bill 1631 amends Chapter 707, Transportation Code (Photographic Traffic Signal Enforcement System), to prohibit photographic traffic signal enforcement systems by adding Section 707.020, Transportation Code, to prohibit a local authority from implementing or operating a photographic traffic signal enforcement system on a highway or street under jurisdiction of the authority. HB 1631 adds Section 707.021, Transportation Code, to prohibit a local authority from issuing a civil or criminal charge or citation for an offense or violation based on a recorded image produced by a photographic traffic signal enforcement system.

HB 1631 repeals multiple sections of code, including Section 707.004 (Report of Accidents), Transportation Code, which requires a local authority to report certain accident-related information to TxDOT. The bill provides that if, before May 7, 2019, a local authority had enacted an ordinance to implement a system and entered into a contract for the administration and enforcement of the system:

1. the local authority is authorized to continue to operate a system under the ordinance and under the terms of that contract until the expiration date specified in the contract as of May 7, 2019; and
2. that system and any proceeding initiated or civil or administrative penalty imposed after the effective date of this act are governed by the applicable law in effect immediately before the effective date of this act; the former law is continued in effect for that purpose.

If a contract for the operation and enforcement of a red-light camera system entered into before May 7, 2019, authorizes termination of the contract on the basis of adverse legislation, the local authority is not authorized to continue to operate the system.

HB 1631 prohibits the Texas Department of Motor Vehicles and a county assessor-collector from refusing to register a motor vehicle involved in a violation of Chapter 707 because of delinquent payment of a penalty imposed under that chapter.

Impact on TxDOT

TxDOT's responsibility under Chapter 707, Transportation Code, is to collect and publish on its website the reports under Section 707.004, which requires local authorities to compile, before and annually after the installation of red-light cameras, a written report of the number and type of traffic accidents that have occurred at the intersection.

Because HB 1631 allows local authorities to continue to operate a photographic traffic signal enforcement system under the ordinance and under the terms of their current contract until the expiration date specified in the contract as of May 7, 2019, the impacts of this bill will take effect as each local contract expires.

Because HB 1631 repeals Section 707.004, Transportation Code, TxDOT will no longer be required to collect and publish these annual reports. Also, TxDOT has amendments to Municipal Maintenance Agreements (an agreement with an incorporated city for authority to construct, reconstruct, maintain, control, supervise, and regulate the designated highways within the city's

limits and to establish the responsibilities of TxDOT and the city) with multiple cities permitting the installation of red-light cameras on state right of way. These amendments will become void, and those cities will have to remove any red-light cameras on state right of way.

Effective Date: June 2, 2019

TRANSPORTATION SAFETY & LAW ENFORCEMENT

Relating to the creation of a statewide alert system for certain missing adults and to a study of the alert system.

Author: Representative Greg Bonnen (R–Friendswood)

Sponsor: Senator Larry Taylor (R–Friendswood)



Summary

House Bill 1769 amends Chapter 411, Government Code, by adding Subchapter Q (Alert for Missing Adults), to establish a statewide alert system for missing adults. The bill requires the Texas Department of Public Safety (TxDPS), with the cooperation of TxDOT, the office of the governor, and other appropriate law enforcement agencies in the state, to develop and implement the statewide alert system.

HB 1769 provides that the TxDPS public safety director is the statewide coordinator of the alert system and authorizes TxDPS to adopt rules and issue directives as necessary to ensure proper implementation of the alert system. HB 1769 requires TxDPS to prescribe forms for use by local law enforcement agencies in requesting activation of the alert system. The bill further authorizes TxDPS to recruit public and commercial television and radio broadcasters, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the alert system.

HB 1769 requires a state agency participating in the alert system to:

1. cooperate with TxDPS and assist in developing and implementing the alert system; and
2. establish a plan for providing relevant information to its officers, investigators, or employees, as appropriate, once the alert system has been activated.

Section 411.465, Government Code, as added by HB 1769 requires TxDOT, in addition to its duties as a state agency, to establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across the state.

HB 1769 requires a local law enforcement agency to notify TxDPS if the agency receives a report, confirms the report, and believes sufficient information is available regarding a missing adult. TxDPS may modify the criteria as necessary for the proper implementation of the alert system.

HB 1769 sets forth requirements for the activation of an alert, including sending the alert to TxDOT. The alert shall include all appropriate information that may lead to the safe recovery of the missing adult, as determined by TxDPS, and a statement instructing any person with information related to the missing adult to contact a local or state law enforcement agency. The bill also establishes the requirements for the termination of an alert.

HB 1769 also adds new Section 411.470, Government Code, to provide that, notwithstanding Section 411.465(b), Government Code (described above), TxDOT is not required to use any existing system of dynamic message signs in a statewide alert system if it receives notice from the United States Department of Transportation Federal Highway Administration that the use of the signs would result in the loss of federal highway funding or other punitive actions taken against this state due to noncompliance with federal laws, regulations, or policies.

HB 1769 requires TxDPS to conduct a study on the effectiveness of this statewide alert system. The study must investigate whether the statewide alert system fulfills the purpose of which the alert system was created and whether the alert system should be modified or expanded. The bill requires TxDPS, not later than December 31, 2020, to submit to the governor, lieutenant governor, and speaker of the house of representatives a report containing the results of the study conducted, including recommendations for proposed legislation.

Impact on TxDOT

HB 1769 adds missing adults between 18 and 65 to those whom law enforcement can ask TxDOT to place on dynamic message signs. TxDOT will develop procedures in cooperation with TxDPS as TxDOT has done for Amber, Silver, and Blue alerts. For guidelines on all current missing persons alerts, please visit www.dps.texas.gov (keyword—“Alert Programs”).

Generally, when implementing Amber, Silver, and Blue alerts, TxDPS sends such messages to a TxDOT Traffic Management Center contractor and confirms receipt by phone. TxDOT distributes the alert information by email to TxDOT districts within a 200-mile radius. TxDOT requires confirmation of the email by phone before the alert goes up.

The inclusion of the language in Section 411.470, Government Code, provides an exception to protect the state from any potential loss of federal highway funds or other punitive actions related to the use of dynamic messaging signs for the statewide alert system.

Effective Date: September 1, 2019

TRANSPORTATION SAFETY & LAW ENFORCEMENT

Relating to the placement of a slow-moving-vehicle emblem.

Author: Representative Brad Buckley (R–Salado)

Sponsor: Senator Pete Flores (R–Pleasanton)



Summary

Section 547.001, Transportation Code, defines a slow-moving vehicle and Section 547.703, Transportation Code, requires a slow-moving vehicle to display and mount a slow-moving vehicle emblem on the vehicle.

House Bill 2290 amends Section 547.703, Transportation Code, to remove the reference to a specific height of the emblem, and instead requires the display and mounting of a slow-moving-vehicle emblem at a height that does not impair the visibility of the emblem.

Section 547.001, Transportation Code, defines a “Slow-moving vehicle” as:

(A) a motor vehicle designed to operate at a maximum speed of 25 miles per hour or less, not including an electric personal assistive mobility device, as defined by Section 551.201; or

(B) a vehicle, implement of husbandry, or machinery, including road construction machinery, that is towed by:

(i) an animal; or

(ii) a motor vehicle designed to operate at a maximum speed of 25 miles per hour or less.

Impact on TxDOT

TxDOT will review its fleet of vehicles and equipment to make any necessary modifications to any slow-moving vehicles in TxDOT’s fleet. Minimal impact is anticipated.

Effective Date: September 1, 2019

TRANSPORTATION SAFETY & LAW ENFORCEMENT

Relating to the classification and operation of mopeds and certain motorcycles.

Author: Representative Matt Krause (R–Fort Worth)

Sponsor: Senator Kirk Watson (D–Austin)



Summary

House Bill 3171 amends numerous provisions in Title 7, Transportation Code (Vehicles and Traffic), to include both electric and internal combustion engine powered mopeds in the statutory definition of the term moped. HB 3171 removes the requirement that operators of such mopeds obtain a specialized Class M motorcycle license. Instead, moped operators would only have to obtain a standard Class C driver license. HB 3171, therefore, has the effect of removing an additional \$8 fee under a re-designated Section 521.421(g), Transportation Code, associated with the requirement for the specialized Class M motorcycle license for operators of a moped. As a result of this change, only applicants for licenses to operate a motorcycle will pay the additional \$8 fee. Section 521.427, Transportation Code, requires the deposit of a portion of this fee to the credit of the Texas Mobility Fund.

HB 3171 also amends Section 522.029(f), Transportation Code, by modifying the commercial driver license fee for a person operating a moped. Currently, a commercial driver license fee is \$60 with an additional \$8 fee if the license includes the authorization to operate a motorcycle or moped. The change to Section 522.029(f), Transportation Code, removes the additional \$8 to operate a moped. These fees are required to be deposited to the credit of the Texas Mobility Fund.

Impact on TxDOT

Article 4, Section 4.01 of HB 3171 provides a dedicated, alternate source of revenue to replace the lost revenues in the Texas Mobility Fund in compliance with Section 49-k, Article III, Texas Constitution. HB 3171 requires the Texas Comptroller of Public Accounts (comptroller) to determine whether any transfer of money for deposit to the Texas Mobility Fund is necessary to comply with Section 49-k, Article III, Texas Constitution, which requires the legislature to dedicate a substitute source of revenue of equal or greater value to offset the loss of Texas Mobility Fund revenues that are pledged to the payment of Texas Mobility Fund bonds. If a transfer is needed, the comptroller shall transfer the amount determined to be necessary from the general revenue fund to the Texas Mobility Fund from the state general revenue fund.

Effective Date: September 1, 2019

TRANSPORTATION SAFETY & LAW ENFORCEMENT

Relating to the process for establishing speed limits on roads near certain schools.

Author: Representative Matt Krause (R–Fort Worth)

Sponsor: Senator Eduardo A. “Eddie” Lucio, Jr. (D–Brownsville)



Summary

House Bill 3871 adds Section 545.355(b)(2) (B), Transportation Code, to authorize a county commissioners court to create a school zone by declaring a lower speed limit of not less than 20 miles per hour on a county road or highway that is located within 500 feet of an elementary, secondary, or open-enrollment charter school or an institution of higher education, if approved under Section 545.357, Transportation Code.

Section 545.357 currently requires TxDOT, on request of the governing body of a school or institution of higher education, to hold a public hearing at least once each calendar year to consider prima facie speed limits on highways in the state highway system that are near public or private elementary or secondary schools or institutions of higher education. HB 3871 adds open-enrollment charter schools to the entities who may request a hearing.

HB 3871 requires the commissioners court, municipal governing body, or the Texas Transportation Commission, as applicable and on the request of the governing body of a school or institution of higher education and following a public hearing held under this section, to conduct an engineering and traffic investigation for the highway or road that is the subject of the request. The bill provides that on review of the results of the investigation, the commissioners court, municipal governing body, or the Texas Transportation Commission has the same authority and discretion to alter prima facie speed limits as provided by Sections 545.353, 545.355, or 545.356, Transportation Code, as applicable. The bill also

authorizes the governing body of a school or institution of higher education, following each public hearing held under this section, to make only one request under this subsection for an engineering and traffic investigation.

Impact on TxDOT

HB 3871 aligns the speed limit process for areas near schools to the Texas Transportation Commission’s existing speed limit authority in Section 545.353, Transportation Code, and requires a traffic and engineering study.

The bill authorizes a governing body to make only one request for a study after each hearing. The language does not otherwise affect the Texas Transportation Commission’s existing authority or discretion to change prima facie speed limits under Section 545.353, Transportation Code.

Effective Date: September 1, 2019

TRANSPORTATION SAFETY & LAW ENFORCEMENT

Relating to human trafficking signs at certain transportation hubs.

Author: Senator Carol Alvarado (D–Houston)

Sponsor: Representative Senfronia Thompson (D–Houston)

**Summary**

Senate Bill 1219 adds Section 402.0351, Government Code, to require the attorney general to require and enforce posting of signage for services and assistance available to victims of human trafficking in buses, bus stops, trains, train stations, safety rest areas, and airports.

SB 1219 requires the attorney general, by rule, to prescribe the design and content of the sign, the manner for displaying the sign, and any exceptions to the posting requirements. SB 1219 requires the attorney general to consult with TxDOT when adopting the rules regarding the design and content of the sign, which must include in both English and Spanish the telephone number and internet website of the National Human Trafficking Resource Center and the key indicators that a person is a victim of human trafficking.

Impact on TxDOT

TxDOT only has direct oversight of Texas' 80 safety rest areas. Due to unknown posting requirements from the attorney general, TxDOT is unable to ascertain a fiscal impact.

Effective Date: September 1, 2019

TRANSPORTATION SAFETY & LAW ENFORCEMENT

Relating to training by the Texas Department of Transportation on the recognition and prevention of smuggling and trafficking of persons.

Author: Senator Jose Rodriguez (D–El Paso)

Sponsor: Representative Evelina “Lina” Ortega (D–El Paso)



Summary

Senate Bill 1593 adds Section 201.407, Transportation Code, to require TxDOT to develop and make available to employees of TxDOT a training course on the recognition and prevention of smuggling and trafficking persons. The bill requires TxDOT, in collaboration with the Office of the Attorney General of Texas, to establish the content of the training developed. Finally, SB 1593 requires TxDOT, on the date an employee begins employment with TxDOT, to provide notice to the employee of the availability of the training.

Impact on TxDOT

TxDOT began requiring all new hires to take Human Trafficking training within 30 days of hire in December 2018. TxDOT advises all new employees of their mandatory training requirements on their first day of employment during new employee orientation. The video training course is mandatory for new employees and is not a recurring requirement. TxDOT structured the Human Trafficking training around the attorney general's existing human trafficking resources.

In addition to the required training, TxDOT is making all employees aware of the importance of recognizing signs of human trafficking with the distribution of information on human trafficking. On April 12, 2019, TxDOT's executive director sent a video message to all TxDOT employees that detailed TxDOT's efforts regarding human trafficking and encouraged employees to be aware of the issue.

TxDOT anticipates a minimal fiscal impact unless, after consulting with the Office of the Attorney General of Texas, there is a need to design, develop, and implement new training, which would incur new costs.

Effective Date: September 1, 2019



TRANSPORTATION TECHNOLOGY



TRANSPORTATION TECHNOLOGY

Relating to the operation of personal delivery and mobile carrying devices.

Author: Senator Kelly Hancock (R–North Richland Hills)

Sponsor: Representative Brooks Landgraf (R–Odessa)



Summary

Senate Bill 969 creates Chapter 552A, Transportation Code (Devices Subject to Pedestrian Laws). It provides for the operation of a personal delivery or mobile carrying device in a pedestrian area or on the side or shoulder of a highway. The bill provides that a personal delivery or mobile carrying device operated in compliance with this subchapter is not considered to be a vehicle.

SB 969 sets forth who can operate a personal delivery device. When a personal delivery device operated by a business entity is engaged, the business entity is considered to be the operator of the device solely for the purpose of assessing compliance with applicable traffic laws. However, when a personal delivery device operated by a business entity is engaged and an agent of the entity controls the device outside the scope of the office or employment, the agent is considered to be the operator of the device. SB 969 provides that a person is not considered to be the operator of a device solely because the person requests a delivery or service provided by the device or dispatches the device.

SB 969 provides that a person operating a mobile carrying device is considered to be the operator of the device for purposes of assessing compliance with applicable traffic laws.

A personal delivery or mobile carrying device operated under Chapter 552A must:

1. operate in a manner that complies with the provisions of this subtitle applicable to pedestrians, unless the provision cannot by its nature apply to the device;

2. yield the right-of-way to all other traffic, including pedestrians;
3. not unreasonably interfere with other traffic, including pedestrians;
4. if operated at nighttime, display and use appropriate lights;
5. comply with any applicable local authority regulations;
6. not transport hazardous materials in a quantity requiring placarding by a regulation issued under the Hazardous Materials Transportation Act; and
7. be monitored or controlled as provided by Section 552A.0003, Transportation Code.

SB 969 requires that a mobile carrying device remain within 25 feet of the operator while the device is in motion.

Section 552A.0006(a), Transportation Code, authorizes a personal delivery or mobile carrying device to be operated only:

1. in a pedestrian area at a speed of 10 miles per hour or less; or
2. on the side of a roadway or the shoulder of a highway at a speed of 20 miles per hour or less.

SB 969 authorizes a local authority to establish a maximum speed of less than 10 miles per hour, but not less than seven miles per hour, for a personal delivery or mobile carrying device operated in a pedestrian area in a jurisdiction of the local authority if the authority determines that a maximum speed of 10 miles per hour is unreasonable or unsafe for that area.

SB 969 requires that a personal delivery device or a mobile carrying device be equipped with a braking system that enables the device to come to a controlled stop and be equipped with certain lighting when operated at nighttime. In addition, the bill requires that a personal delivery device operated under the chapter be equipped with a marker that clearly states the name and contact information of the owner and a unique identification number.

SB 969 authorizes a local authority to regulate the operation of a personal delivery or mobile carrying device on a highway or in a pedestrian area in a manner not inconsistent with SB 969. The bill does not affect the authority of a local authority's peace officers to enforce the laws of this state relating to the operation of a personal delivery or mobile carrying device.

The bill requires a business entity that operates a personal delivery device to maintain an insurance policy that includes general liability coverage of not less than \$100,000 for damages arising from the operation of the device.

Impact on TxDOT

This legislation allows electrically powered delivery devices (personal delivery or mobile carrying device, as defined by the legislation) to be operated on sidewalks and roadways similar to pedestrian access. Where there are no sidewalks or it is not accessible, these devices would be authorized to use the left side of the roadway going against traffic. Bicycles and other powered scooter-type vehicles are required to go with traffic, under the current law.

While this bill would have a minimal direct impact on TxDOT operations today, TxDOT, its design contractors, and local partners should consider the use of these devices when designing sidewalks and urban roadways in the future. The operation of these vehicles on shoulders may present new safety concerns that TxDOT may need to address in the future. TxDOT will evaluate and monitor the rollout of these technologies and their uses on the transportation system and update engineering and safety standards as appropriate.

Effective Date: June 10, 2019



HIGHWAY NAMING & DESIGNATIONS



HIGHWAY NAMING & DESIGNATIONS

The following highway designations passed as legislation during the 86th Regular Legislative Session (2019):

	Bill	Designation	Highway	Location	Bill Author/ Sponsor
1	HB 23	Officer Rodney T. Holder Memorial Highway	State Loop 322	Taylor County	Rep. Stan Lambert Sen. Dawn Buckingham
2	HB 310	John L. Horn Memorial Parkway	Segment of FM 1570	Hunt County	Rep. Dan Flynn Sen. Bob Hall
3	HB 519	Barbara Jordan Memorial Parkway	Segment of SH 288	Harris County	Rep. Shawn Thierry Sen. Borris L. Miles
4	HB 540	Officer David Sherrard Memorial Highway	Segment of US 75	Richardson	Rep. Jeff Leach Sen. Angela Paxton
5	HB 587	Game Warden Justin Hurst Memorial Highway	Segment of SH 71	Wharton County	Rep. Phil Stephenson Sen. Lois Kolthorst
6	HB 635	Commissioner El Franco Lee Memorial Highway	Segment of US 59	Harris County	Rep. Harold Dutton Sen. Borris L. Miles
7	HB 693	Trooper Damon Allen Memorial Highway	Segment of US 84	Freestone County	Rep. Cody Harris Sen. Charles Schwertner
8	HB 884	Carolyn and John David Crow Memorial Parkway	Segment of SH 6-R	Brazos County	Rep. John Raney Sen. Charles Schwertner
9	HB 1039	Constable Darrell Lunsford Memorial Highway	Segment of US 59	Garrison	Rep. Travis Clardy Sen. Robert Nichols
10	HB 1249	Trooper Damon Allen Memorial Highway	Segment of US 84	Limestone County	Rep. Kyle Kacal Sen. Charles Schwertner
11	HB 1779	Sergeant Tom Sitton Memorial Highway	Segment of SH 21	Nacogdoches County	Rep. Travis Clardy Sen. Robert Nichols
12	HB 1810	Governor Coke R. Stevenson Memorial Highway	Segment of US 377	Kimble County	Rep. Andrew Murr Sen. Charles Perry
13	HB 1821	Richard Overton Memorial Highway	Segment of State Loop 111	Travis County	Rep. Sheryl Cole Sen. Kirk Watson
14	HB 1837	Titus County World War II Veterans Memorial Highway	Segment of US 67	Titus County	Rep. Cole Hefner Sen. Bryan Hughes
15	HB 1838	Titus County Korean War Veterans Memorial Highway	Segment of US 271	Titus County	Rep. Cole Hefner Sen. Bryan Hughes
16	HB 1856	Honorable Teel Bivins Memorial Highway	Segment of US 287	Moore County	Rep. Four Price Sen. Kel Seliger
17	HB 1858	Deputy Sheriff Raymond Bradley Jimmerson Memorial Highway	Segment of US 259	Nacogdoches County	Rep. Travis Clardy Sen. Robert Nichols
18	HB 1969	Bataan and Corregidor Veterans Memorial Highway	Segment of SH 7	Nacogdoches County	Rep. Travis Clardy Sen. Robert Nichols
19	HB 2167	Dell Ross Caliborne Memorial Highway	Segment of US 62	Seminole	Rep. Dustin Burrows Sen. Kel Seliger
20	HB 2331	Irvin "Butch" Hill Memorial Highway	Segment of US 385	Seagraves	Rep. Dustin Burrows Sen. Kel Seliger

HIGHWAY NAMING & DESIGNATIONS

	Bill	Designation	Highway	Location	Bill Author/ Sponsor
21	HB 2351	Nick S. Lingo Memorial Highway	Segment of FM 196	Lamar County	Rep. Gary VanDeaver Sen. Bryan Hughes
22	HB 2571	George P. Mitchell Memorial Highway	Segment of IH 45	Montgomery County	Rep. Steve Toth Sen. Brandon Creighton
23	HB 2577	Bob Ford Memorial Highway	Segment of US 180	Gaines County	Rep. Dustin Burrows Sen. Kel Seliger
24	HB 2615	Waco Police Sgt. Bobby Vicha Memorial Highway	Segment of US 84	McLennan County	Rep. Kyle Kacal Sen. Brian Birdwell
25	HB 2809	Deputy Sheriff Shane Detwiler Memorial Highway	Segment of SH 99	Chambers County	Rep. Mayes Middleton Sen. Brandon Creighton
26	HB 3029	Henry Gallegos, Sr., Memorial Highway	Spur 16	El Paso County	Rep. Joe Moody Jose Menéndez
27	HB 3471	Sgt. Chris Kelley Memorial Highway	Segment of US 79	Hutto	Rep. James Talarico Sen. Charles Schwertner
28	HB 3671	Corporal David Anthony Gentry Memorial Bridge	Segment of SH 6	Knox County	Rep. James Frank Sen. Charles Perry
29	HB 3780	David Nelson Memorial Highway	Segment of FM 41	Lubbock County	Rep. Dustin Burrows Sen. Charles Perry
30	HB 4211	Loop JUNO	State Loop 480	Maverick County	Rep. Poncho Nevarez Sen. Robert Nichols
31	HB 4727	D.R. "Tom" Uher Memorial Highway	Segment of SH 35	Matagorda County	Rep. Greg Bonnen Sen. Lois Kolkhorst
32	HB 4762	Pete Salinas Trail	Segment of FM 716	Duval County	Rep. Ryan Guillen Sen. Judith Zaffirini
33	SB 228	Corporal Roel Garcia Memorial Highway	Segment of US 281	Brooks County	Sen. Chuy Hinojosa Rep. Ryan Guillen
34	SB 497	Trooper Carlos Ray Warren Memorial Highway	Segment of SH 71	Travis County	Sen. Judith Zaffirini Rep. Eddie Rodriguez
35	SB 575	Trooper Jerry Don Davis Memorial Highway	Segment of US 84	Lubbock County	Sen. Charles Perry Rep. Dustin Burrows
36	SB 1134	Master Sergeant Jonathan J. Dunbar Memorial Parkway	Segment of FM 734	Austin	Sen. Kirk Watson Rep. Gina Hinojosa
37	SB 1221	William B. Travis Heritage Trail	Segment of RM 150	Hays County	Sen. Donna Campbell Rep. John Cyrier
38	SB 2024	Trooper Tom Nipper Memorial Highway	Segment of IH 35	Bell County	Sen. Dawn Buckingham Rep. Hugh Shine
39	SB 2156	First Cavalry Division Veterans Highway	Segment of IH 14	Bell County	Sen. Dawn Buckingham Rep. Hugh Shine



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