



Legislative UPDATE

December 14, 2018
Number 39

TML Board of Directors Adopts 2019-2020 Legislative Program

On December 7, the TML Board of Directors finalized the League's 2019-2020 Legislative Program. In setting the program, the Board recognized that local decisions should be made locally, and the TML's highest priority goal for 2019-2020 will be the defeat of legislation deemed detrimental to cities. As a practical matter, adoption of this position means that the beneficial bills will be sacrificed, as necessary, in order to kill detrimental bills.

During the 2017 session, more than 6,500 bills or significant resolutions were introduced; more than 2,000 of them would have affected Texas cities in some substantial way. In the end, over 1,200 bills or resolutions passed and were signed into law; almost 300 of them impacted cities in some way.

The number of city related bills as a percentage of total bills filed rises every year. Twenty years ago, around 17 percent of bills filed affected cities in some way. By 2017, that percentage had almost doubled to 30 percent. In other words, almost a third of the legislature's work is directed at cities, and much of that work aims to limit municipal authority.

There is no reason to believe that the workload of the 2019 session will be any lighter; it may be greater. Thus, the TML approach to the 2019 session is guided by principles that spring from a deeply-rooted TML legislative philosophy:

- The League will vigorously oppose any legislation that would erode the authority of Texas cities to govern their own local affairs.
- Cities represent the level of government closest to the people. They bear primary responsibility for provision of capital infrastructure and for ensuring our citizens' health and safety. Thus, cities must be assured of a predictable and sufficient level of revenue and must resist efforts to diminish their revenue.
- The League will oppose the imposition of any state mandates that do not provide for a commensurate level of compensation.

The board considered approximately 50 initiatives that had been recommended by the membership-at-large. The [adopted program](#) serves as a roadmap to League staff and others involved in legislative activities on behalf of cities.

To help city officials communicate the League's policy goals to local civic groups, businesses, and their legislators, the League has prepared a messaging campaign called "[Our Home, Our Decisions](#)."

Our Home, Our Decisions: Property Taxes

The Texas Municipal League's "Our Home, Our Decisions" campaign has been a resounding success. The goal of the campaign is to raise awareness about the State of Texas eroding the ability of Texans to have a voice in developing local solutions to local problems that affect their neighborhoods and their communities.



In addition to previously-developed components of the campaign, a new explanatory video about the real cause of high property taxes in Texas (the state's failure to adequately fund schools) is now available.

The materials are suitable for any public use, but they will likely be of greater interest to city residents who are already actively engaged in civic affairs through membership in business, professional, social, charitable, and neighborhood organizations and individuals who serve on city boards and commissions.

All of the components, as well as a document with tips on how to use them, are available at www.tml.org/ourhomeourdecisions.

Please feel free to modify all or parts of the materials to suit your city's needs. If you have questions about the materials or want additional advice on how to use them, contact legislative@tml.org.

Interim Report:

House Committee on Government Transparency and Operation

On November 1, 2018, the House Committee on Government Transparency and Operation released its [interim report](#). A summary of the charges and the committee's recommendations relevant to cities are provided below.

Charge: Examine the role of technology in disaster preparedness and the response to Hurricane Harvey and future natural disasters. Review and make recommendations to drive innovation and efficiency and evaluate whether there are any regulatory impediments to collaboration between the public and private sectors.

Recommendations:

- Encourages state and local entities to create better systems for quicker disaster relief, including embracing and leveraging the wide network of technology assets at private companies. The state of Texas should encourage emergency management officials to forge partnerships with innovative technology companies so they can better complement state and local efforts.
- Encourages the state to coordinate its resources and use its authority to aid local governments in the planning process to better incorporate the private sector and its resources.

Charge: Review Texas' open meeting laws and related government decision-making policies. Determine if the formal processes prevented the efficient delivery of assistance during Hurricane Harvey. Make recommendations on maintaining the current standards of accountability without limiting government-provided aid during disaster events.

Recommendations: Explore the following amendments to Chapter 551 of the Government Code (the Open Meetings Act):

- Explicitly state that the county judge, as emergency manager, can communicate with individual commissioners during state or federally declared disasters in order to gather or disseminate information pertinent to individual precincts.
- Explicitly allow commissioners court members to ask questions on conference/video calls with any county official, even if a quorum is present, during times of state or federally declared disasters.
- Modify the posting requirements for emergency meetings in the event the physical location where notice must be posted is inaccessible due to a catastrophe.
- Allow a good faith attempt to comply with the posting requirements of the act to be sufficient when failure to comply is due to the inability to access the posting locations because of a catastrophe.
- Allow teleconferencing at an alternative location if the regular meeting location is inaccessible due to a cause outside of the governmental body's control.

Interim Report: **House Select Committee on Opioids and Substance Abuse**

On November 12, 2018, the House Select Committee on Opioids and Substance Abuse released its [interim report](#). The report analyzes substance abuse with a specific emphasis on opioids and how to address the problem. It also includes a discussion of how substance abuse affects cities.

One of the issues with opioid addiction is a potential crisis related to communicable diseases, such as diseases spread by needles. Because of this concern, some cities have considered opening clean injection sites where healthcare professionals provide drug users with sterile instruments. The report recommends increasing awareness among communities regarding safe needle disposal practice and associated resources available to patients. It also recommends considering pros and cons of counties' and cities' abilities to fund syringe exchange services programs and similar harm reduction initiatives.

The state currently provides grants to local entities to equip first-responders, law enforcement, hospitals, treatment providers, and individuals with access to opioid antagonists, which can be used to treat opioid overmedication or overdose. The report recommends considering additional options for funding and equipping first responders, schools, and possibly households with a naloxone product (an opioid antagonist).

Another committee charge relates to the impact of opioids and other substances on the scope of work for law enforcement, first responders, and hospital emergency department personnel. For example, fentanyl (a synthetic opioid) is dangerous for law enforcement because contact with as little as two milligrams can be a lethal dose. It can be absorbed by the body through touching it or breathing it in. Because of that, the report recommends creating a state policy for law enforcement handling and field testing of powdered substances that requires law enforcement agencies to adopt best practices to ensure the safety of officers who may have direct contact with these substances. It also recommends enhancing the punishment levels in criminal statutes for the use, possession, manufacturing and/or distribution of fentanyl.

Some interesting local facts were provided to the committee:

- A Nacogdoches Police Department representative said that 85 percent of all crime is related to narcotics. The street population in Nacogdoches has significantly increased, and almost all of the street population is engaged in substance abuse. This has caused quality of life issues and costs to tax payers.
- Kerrville has 10 substance use treatment facilities and 19 sober group living homes. According to the special crimes unit, 80 percent of the individuals encountered are from the rehabilitation community. Heroin and methamphetamine are the most prevalent substances abused.
- The Houston Fire Department transported 3,227 non-alcohol drug overdoses from June 1, 2017 until June 1, 2018; 219 were heroin overdoses, and 274 were opioid overdoses. The

city collects only 40 percent of EMS billings, so these transports represent a large cost to city taxpayers.

- The average cost of a patient admitted to a hospital intensive care unit with opioid-related issues was approximately \$90,000 in 2017. Additionally, workplace violence has increased in the emergency department for nursing staff based on the increase in opioid-related visits.

Based on the concerns of law enforcement, first responders, and hospital emergency department personnel, the report recommends considering a program for sharing of information among providers, first responders, and law enforcement to locate and treat victims, and to increase the identification and prosecution of the suppliers.

Finally, to combat the substance abuse problem, the report recommends reporting additional details in substance-specific criminal offenses, including more specific data for activity in jurisdictions and regions across the state, for better identification of “hot spots” of specific substance crises for more direct substance-specific resources to combat, treat, and prevent substance-related problems.

Interim Report: **Senate Natural Resources and Economic Development** **Committee**

The Senate Committee on Natural Resources and Economic Development has released its [interim report](#). A summary of the city-related charge and the committee’s recommendations relevant to cities are provided below.

Charge – Hotel Occupancy Tax: *Study and make recommendations regarding the collection and use of hotel occupancy taxes to increase transparency in the imposition, rate, and use of such taxes.*

Recommendations:

- Require disclosure and itemization of all hotel occupancy tax rates that would be imposed on a room charge in the reservation process and in finalized bills or receipts in order to increase transparency around HOT rates in advertising and billing.
- Expand the reporting requirement of S.B. 1221, passed during the 85th Regular Legislative Session, to all counties imposing the tax and for all allowable uses of local HOT revenue in order to increase transparency in collection and expenditure of hotel occupancy tax revenue.
- Explore increasing the use of return-on-investment criteria, impact threshold, or enforcement mechanisms on HOT legislation going forward in order to demonstrate the positive economic impact of the tax.

Interim Report: Senate Business and Commerce Committee

The Senate Business and Commerce Committee released its [interim report](#) last week. Of particular interest to cities are the following:

Charge: Study infrastructure security and energy restoration post weather events. Identify ways state government entities can help utilities more effectively stage pre-hurricane mobilization crews for managing resources before an event.

“The restoration efforts following Harvey’s landfall and progression along the Texas coast were effective. Aside from electric consumers whose homes were lost to the storm, there were few who faced long-term outages. Electric utilities engage in frequent planning and preparation scenarios, which proved to be reasonably effective. Several of the electric utilities that have adopted advanced metering systems were able to use that technology to more accurately pinpoint outages and restore power safely.”

Recommendations:

- Utilities would benefit from greater access to spare transformers and substations, due to the impact of flooding on electrical devices. In addition, communications between utilities and federal, state, and local leaders is critical, and it is appropriate to reassess the nomenclature used among all agencies to ensure those communications are accurate.
- The Texas Department of Emergency Management should develop a standardized credential for essential utility service providers to cross jurisdictional boundaries in federal and state declared disaster areas to speed essential service recovery efforts.
- The Legislature should consider expansion of the “Texas Move Over/Slow Down” law to include operating utility trucks that would require drivers to vacate the lane closest to the applicable vehicles, or slow down.

Charge: Examine local government regulations, including occupational licenses, as related to Hurricane Harvey and determine if any are a detriment to rebuilding efforts.

Recommendations:

- The Committee recommends the creation of Regional Recovery Directors to coordinate with the Texas Department of Emergency Management for essential service remediation (e.g., debris and waste removal) during a federal or state-declared state of emergency.
- The Committee recommends changing state law to allow automatic suspension of local Homeowners Association covenants and restrictive bylaws during the period of a federally or state-declared state of emergency and continuing through a recovery period of 1 year post-declaration.
- The Committee recommends revisions to state law offering “good Samaritan” protections to members of response teams requested by local officials following a disaster, without regard to the status of the declaration. This would increase recovery team membership, aiding reconstruction in the event of a natural disaster.

Charge: Free Market Electricity – Examine the competitive nature of the Texas retail electric system and what government competitive intrusions in the free energy markets may have in distorting those markets. Review the impact of competitive versus noncompetitive retail electricity markets across the state in terms of price and reliability. Consider the projected impact of establishing competitive electric retail markets statewide.

“The Committee took great interest in how revenues generated by a municipally owned utility may be used, either by the utility or the city. As described by Jaqueline Sargent, General Manager for Austin Energy, “rates are determined by a cost of service study that is then used to determine a base rate.” Cost of service, according to Ms. Sargent, does “include additional revenues for a general fund transfer.” General fund transfers are then based on a percentage of revenues somewhere between seven and 14 percent of overall revenues.

Little is known about how general fund transfer revenues are used by cities once they are redirected from a MOUs rate base to a city government. In recent years, the only transparency offered to general fund transfers has been during the instance of Austin Energy’s comprehensive rate proceeding before the Public Utility Commission in 2012.

For the public power segment general fund transfers seem to be a ubiquitous means of transferring cash to the city governments who own a utility. Each representative from a municipal utility testifying before the Committee stated that they made a general fund transfer to their governing city. The Committee finds that city governments owning large scale utilities have a discernible incentive to pass as much utility revenue through to city coffers as possible. These revenues can be used to fund policy initiatives completely outside the scope of the efficient operation of the utility or the affordability of the electricity they supply. Furthermore, a municipal utility's ratepayers are not always voters who are able object to rate increases through the local election process. The argument that city officials are accountable to their consumers through the electoral system is not true to the extent that it is for cooperatives whose consumers do elect their governing boards. As a result, those large municipal utilities under the direct governance of a city act as a tremendous revenue generator that is not subject to normal municipal appropriation processes. The Committee finds that this presents an inherent conflict of interest for a municipal government with access to the unlimited resources of an unregulated utility providing essential services to the public.”

Recommendations:

- The State of Texas should not be in the business of competing against private markets. Extenuating circumstances dictating a deviation from this policy can always be justified for a time, but a return to open markets free of government interventions should always be a goal that guides state policy. As such, the Committee recommends that the State Power Program (SPP) administered by the General Land Office of Texas be phased out over time dependent on the conditions and terms of contracts already entered into by the state and its counterparties.
- Furthermore, to hold the children of Texas harmless as the result of any policy decision made in regards to the SPP, the Committee recommends that all schools be exempted

from paying the Gross Receipts Tax when contracting for retail power within the ERCOT areas of Texas.

- To advance the accountability and transparency of Texas' largest municipal utilities that operate under the direct control of their city governments, a competitive threshold should be established in PURA for those municipal utilities reaching a service threshold of 200,000 customers or more. These customers should have a mechanism for appeal to the PUC for review of their bundled (fuel cost, transmission and distribution, and retail) rates.

Interim Report: Senate Select Committee on Election Security

On December 3, 2018, the Senate Select Committee on Election Security released its [interim report](#). A summary of the charge and the committee's recommendations are provided below.

Charge: In light of recent election irregularities in Texas, review voting security protocols as well as the responsibilities and duties of members of the Electoral College. Specifically, examine the use of electronic voting systems and paper ballots, voting fraud and disenfranchisement occurring inside nursing homes and assisted living facilities, outside interference and manipulation of elections, and the voting requirements of presidential electors. Make recommendations to safeguard the integrity of elections, ensure the confidentiality and security of voting records, and ensure the will of the people is reflected through their ballot and carried out through their presidential electors.

Recommendations:

- The report concluded that there is no evidence that Texas' system was compromised during the 2016 election. But, as many governmental cybersecurity officials testified, on-going best practices will help minimize any future risk.
- The report encourages counties to move toward a goal of using direct-recording electronic voting systems with voter-verified paper audit trail (VVPAT) as soon as practicable.
- The report recommends the legislature look at all audit procedures in place in Texas, as well as those in other states, to evaluate how the state can use this valuable tool to build voter confidence.
- The report recommends that the legislature should decide whether the state should participate in the Interstate Voter Registration Crosscheck or in the Electronic Registration Information Center.

Interim Report: Senate Finance Committee

The Senate Finance Committee released its [interim report](#), which contains a number of city-related items. A summary of the relevant charges and the committee's recommendations are provided below.

Charge No. 1 – Hurricane Harvey Relief and Recovery Charges: Monitor all funds currently being used to address Hurricane Harvey relief and recovery. Identify ways to maximize the use of federal funds and ensure the efficient use of state funds. Evaluate the long-term impact of Hurricane Harvey on the Texas economy and the gulf coast region.

Recommendations:

- Continue to monitor the ongoing costs attributed to the impact of Hurricane Harvey and ensure that state agencies, institutions of higher education and other governmental entities are maximizing available federal resources, including reimbursement for damaged facilities.
- Encourage local governments to apply for available federal funding for rebuilding efforts, including HUD CDBG-DR funds, hazard mitigation grants, flood mitigation grants, and other federal assistance programs.
- Monitor the disbursement of hazard and flood mitigation funding to ensure there is a clear process for applicants and an appropriate cost-share between federal, state, and local governments.
- Continue to monitor Harvey’s impact on student population shifts and property value decline affecting local school districts. Review policies utilized during the interim to address these impacts and consider ways to streamline processes for future disasters.
- Implement a home single-inspector system for assessing storm-related damage. The inspection system should streamline government in a way that reduces burdens for homeowners and helps communities recover after a disaster.
- Improve public awareness of the National Flood Insurance Program. Better utilization of this program will help ensure families have the resources necessary to rebuild following a severe weather event.
- Consider ways to streamline agency reporting processes to improve the accuracy and availability of cost-related data for Hurricane Harvey and future disasters.
- Consider ways to better track the flow of Disaster Fund transfers, reimbursements, and balance updates.

Charge No. 8 - Trauma Funding: Review revenue sources currently funding the state’s trauma system and the impact of declining revenues and balances in General Revenue-Dedicated accounts. Evaluate the impact of statutory changes affecting trauma system funding, including efforts to eliminate the Driver Responsibility Program. Examine ways to ensure sustainability of the trauma system in Texas.

Recommendations: When considering changes to trauma revenue sources, such as the Driver Responsibility Program and red light cameras, the Legislature should identify permanent funding sources to sustain the state’s trauma system.

Charge No. 9 – Business Personal Property Tax: Evaluate the property tax as it applies to business personal property and the current \$500 exemption. Quantify the economic effect of taxing business personal property and determine whether the tax places Texas at a competitive disadvantage relative to other states. Evaluate the burden on taxpayers and local governments of

administering the property tax on business personal property and determine whether the current \$500 exemption should be increased.

Recommendations:

- Consider changing the current \$500 exemption by adjusting it upward to keep up with inflation.
- Continue studying options for reducing the business personal property tax burden on Texas businesses.

Charge No. 10 - Interest Rate Disparity: Evaluate the rate of interest charged on delinquent property taxes and delinquent state taxes, compared to the rate of interest paid on property tax refunds and state tax refunds. Evaluate the effect of interest rate disparity on the assessment decisions of governments and the payment decisions of taxpayers. Quantify the amount by which state and local governments profit from interest rate disparity. Identify best practices among other states regarding interest rates charged and paid. Recommend a plan and timeline to reduce interest rate disparity.

Recommendations:

- Consider ways to phase in tax-parity over time as the state budget allows.
- Direct the Comptroller to gather comparative data to determine the impact of interest rate disparities on tax levy challenges.

Interim Report on Hurricane Harvey Response: **Senate Committee on Intergovernmental Relations**

On December 3, 2018, the Senate Committee on Intergovernmental Relations released its [interim report](#) on the Hurricane Harvey response. A summary of the charges and the committee's recommendations relevant to cities are provided below.

Charge 1: Examine and report on ways to improve the coordinate of rebuilding housing and infrastructure following a natural disaster, including evaluating additional cost effective options for FEMA to utilize in providing direct housing assistance immediately following a disaster, creation of comprehensive lists of housing opportunities or web portals to disseminate information to survivors, ways to automatically waive local government regulations to facilitate building, and additional resources available for rebuilding efforts.

Recommendations – The legislature should consider:

1. Reforms that improve the state's response to disasters by building on a policy that better ensures the advanced positioning and access to recovery assets that would be essential in recovery, such as manufactured housing units, direct repair teams, and contracts.

2. Enhancing synchronization at the county and regional level by strengthening essential legal structures and arrangements (e.g., contracts, performance clauses, warranties on goods and services, remedies, recourse and alternative arrangement for non-compliance) and established better market price-points for contractors to do business with the state for response and recovery efforts.
3. Developing a Disaster Recovery Strike Team to better assist any community impacted by a disaster that lacks the capacity to accommodate and move quickly through the challenges confronted in recovery efforts.
4. Directing the appropriate state agency to work with local communities and interested parties to develop a qualified list of vendors similar to the General Land Office's list of vendors that is comprised of entities from each region.
5. Maximizing existing resources and work with state, regional, and local leaders to better assist communities to plan and establish protocols before disaster strikes so that they will be better equipped to undertake recovery and rebuilding efforts.
6. Developing infrastructure resiliency, including drafting recovery and reconstruction protocols and plans that would be activated after a disaster strikes.
7. Improving the state's effort to address the need for temporary housing after future disasters occur by supporting and instituting initiatives that increase the capacity, strengthen coordination, and streamline regulatory requirements in regions that are prone to be impacted by disaster.
8. Directing the appropriate state agencies to review their environmental permitting efforts and proactively work with FEMA and HUD before a disaster occurs to determine to what extent synchronization of permits prior to a disaster occurring could assist victims of a disaster streamline or shorten the delay that is currently experienced through the different layers of federal and state bureaucracy.
9. Requiring every state agency and local unit of government involved in response and recovery efforts and existing ongoing disaster programs to undertake an After-Action-Review, or Incident Critique, to better understand what was effective and what needs improvement and report their findings to the state so that the appropriate state agencies can develop short-and long-term plans to improve the state's recovery efforts.
10. Directing the appropriate state agencies, along with affiliated partners from the private and nonprofit sectors, to assess the short- and long-term needs stemming from the latest disasters along the Texas Gulf region and develop the appropriate recommendation and reforms so that the time frame in which victims of disasters return to normalcy is significantly improved.
11. Developing an expedited manner by which victims of natural disasters can clear clouded title issues in order to speed up reconstruction effort and overcome existing impasses in drawing down and accessing federal CDBG disaster recovery monies.
12. Offsetting future delays in disaster recovery by establishing the framework for an expedited hazard recovery process that builds on pre-disaster planning, increased coordination of local units of government and state partners, and temporary to permanent housing programs.
13. Requesting that its congressional delegation encourage the institution of reforms that ensure most cost-effective housing options are made available through federal funding streams in order to maximize resources, assistance, and effectiveness. This includes the reduction of waste and needless tax payer spending caused by federal regulations that fail

- to take into account the plight of disaster victims and concerned local officials trying to assist them acquire temporary housing that transitions into permanent housing more effectively, including allowing for more effective utilization of multifamily housing.
14. Consider building on the existing 10-year affordability term on CDBG disaster related housing, both rental and single-family, and continue to assist victims of disasters ensure that their housing continues to be affordable.
 15. Building on the success of S.B. 521 of the 78th Legislative Regular Session and develop a mechanism to enable innovative disaster recovery housing solutions, like a direct housing single-family model in the Rio Grande Valley known as RAPIDO, which attempts to maximize federal disaster relief dollars by utilizing a cost-effective temporary-to-permanent building strategy to efficiently house disaster victims.
 16. Consider supporting legislative efforts, such as S.B. 1376 and S.B. 1673 by Senator Lucio from the 84th and 85th Legislative Regular Sessions, respectively, that give local units of government the necessary authority to begin pre-planning and working with the appropriate state agencies to vet their post disaster recovery plans in order to better assist Texans who are victims of a natural disaster
 17. Ensuring that all homes that participate in the GLO's Partial Repair and Essential Power for Sheltering (PREPS) program go through a post-recovery evaluation with informed consent of final inspection criteria with the homeowner.
 18. Requiring state agencies in charge of disaster recovery begin engaging in future disaster housing recovery options for temporary short- and long-term housing that will enable local and regional officials to become better engaged. Negotiation with federal counterparts is recommended to be implemented for disaster regions with the goal of providing transparency, flexibility, stability, resiliency, and greater choice to Texans and their families.
 19. Encouraging the state's lead disaster recovery agency maximize engagement with FEMA and HUD so that eligibility requirements set forth after a disaster are well-aligned with the needs of Texans who are victims of disaster.
 20. Requiring that all state agencies involved in disaster recovery efforts be part of an advisory entity that will meet to develop and design a one-step web portal with all necessary assistance information for disaster victims and help maintain the portal. The web portal should be developed in a manner that protects confidential information, including information protected under HIPAA or other similar laws.
 21. Directing the appropriate state agencies to undertake a housing-needs assessment so that policy is made to better understand the nature of housing needs (single and multi-family) in order to be more effective immediately after a disaster.
 22. Directing the appropriate state agency to develop an information campaign in regions of the state that are prone to disasters that provides residents with a better understanding of FEMA, clarifies any misconceptions that FEMA may be an insurance company, and explains, with the assistance of the Texas Department of Insurance, the importance of flood insurance.
 23. Developing a permanent disaster hotline for local government officials to get immediate help and consistent information in order to prevent delays in paperwork.
 24. Waiving local permitting fees in regions of the state covered by a state declaration of disaster.

25. Automatically waive any regulations that may impede a local unit of government from addressing the debris removal or control of vectors (i.e. mosquitos and other organisms that carry disease). Such regulations should be implemented in a manner that does not negatively impact federal reimbursements.
26. Updating state code that requires the installation of arc fault interrupters in order to facilitate cost-effective building efforts once a disaster declaration has been issued.
27. Requesting its congressional delegation to amend the appropriate federal statute to provide for an emergency procurement process that can waive existing procurement regulations that lead to delays in reconstruction efforts.
28. Codifying the use of council of governments (COGs) in regions of the state that are prone to natural disasters and institute initiatives that encourage greater collaboration, regionalism, and cooperation in order to improve the state response to future disasters and build regional capacity.
29. Strengthening the local capacity of COGS in disaster-prone regions by assisting them in the initial hiring of public assistance firms that can assist local units of government work with FEMA, including handling paperwork and associated accounting.
30. Instituting a statutory framework that fosters greater regional cooperation and partnership in development to maximize existing resources and assets so that regions can become more resilient and be better assisted in their disaster recovery efforts. The state should also consider building partnerships with nonprofits and private foundations in these efforts.

Charge 2: Monitor the distribution of federal disaster relief funds related to housing and infrastructure, including community development block grant (CDGB) funds, to ensure the timely dissemination of monies by state entities to local governments for reconstruction efforts. Develop recommendations for any statutory changes necessary to improve the efficiency of disaster recovery efforts, maximize housing and infrastructure funds, and ensure cooperation between private and government partners.

Recommendations – The legislature should consider:

1. Assisting local units of government in disaster-prone areas build their capacity so that they are better equipped in accessing recovery monies, including consulting local governments prior to designing any program and before entering negotiations with the federal government on finalizing program restrictions. In this regard, initiatives that Texas takes to the federal government for approval are more responsive to the operational needs of local government by being custom built around the capacity and capability of local governments (e.g., taking into account their resources such as upfront cash flow, or the lack thereof, which is needed in a program reimbursement design) so that program delivery and assistance to victims of disaster are provided without delay which could have been easily avoided.
2. Establishing the necessary statutory and programmatic framework for future disaster recovery that is built on the state having a pre-established, state-administered environmental review process and a pre-arranged “block grant” approach with executed memorandums of understandings with local units of government and nonprofit partners, which can be activated immediately after a disaster declaration has been issued.

3. Encouraging local governments in disaster-prone regions to engage in pre-disaster planning, and determine what type of post-disaster housing recovery system would best meet the needs of their local communities, including prioritization of temporary and multifamily housing options.
4. Assisting local units of government in disaster-prone areas in addressing their lack of recovery staffing for future disasters by providing resources that would facilitate the initial hiring and training of local permanent disaster coordinators that would be trained and familiar with recovery efforts before the next disaster occurs.
5. Establishing a permanent, statewide official who will be responsible for the coordination of all disaster recovery efforts.
6. For disaster-prone regions, establishing a minimum statewide standard in disaster recovery efforts, including: (a) minimum levels of resources and capacity that should be maintained in advance of disasters and that engenders faster, more efficient deployment of resources and recovery efforts; (b) minimum levels of expertise and knowledge in disaster planning, response, and recovery management, and grant application process expertise; (c) hiring and maintaining emergency management local directors within local jurisdictions; (d) facilitating increased regional cooperation and collaboration that maximizes the use of existing local assets and expertise; and (e) providing on-going disaster training in response and recovery efforts.
7. Providing greater training in grant application management of regional COGs in disaster-prone areas.
8. Establishing a state coordinator to assist smaller and rural units of government manage contractors and execute contractors on their behalf.
9. Creating a revolving loan fund similar to the fund administered by the Texas Water Development Board that rural and small units of government in disaster-prone areas may borrow necessary funds from to address initial cash flow needs.

Charge 3: Review and recommend option to expedite debris removal, including cutting unnecessary regulation and streamlining the process.

Recommendations – The legislature should consider:

1. Establishing pre-disaster removal contracts with reputable bidders who the state can have pre-qualified and bonded in order to ensure that price gauging or overpromising do not occur after a disaster.
2. Developing a debris removal plan of specific types of debris only found along the Gulf Coast (e.g., boats) so that the removal of that debris is undertaken in a more expedited manner. State agencies may be encouraged to work with the Texas Department of Insurance and private insurance providers to address the myriad of paperwork that is engendered when trying to address debris that may or may not be insured (e.g., boats with insurance).
3. Providing TCEQ the necessary statutory framework and authority after a disaster declaration has been issued to allow Type IV construction and demolition landfills to be authorized through a registration or permit-by-rule process, rather than through the traditional permit process.

Charge 4: Identify and report on existing disaster training opportunities available for local officials and make recommendations for training programs that equip them to efficiently interact with state and federal agencies during times of disaster.

Recommendations: The legislature should consider:

1. Addressing the need that exists in less populous counties for regular technical training, information, mentoring, and assistance by establishing initiatives that will help local leaders establish a standard knowledge on how to prepare for and respond to a disaster, and better assist local governments to successfully qualify for federal and state aid.
2. Establishing an initiative that builds on the regional networks of regional COGs and undertake regular weekly webinars to provide video-based and online training for disaster response and recovery efforts.
3. Working with the regional COGs in an outreach campaign to encourage local and regional officials to undertake FEMA certification.
4. Establishing minimum criteria of training that local emergency management coordinators should undergo, and encourage basic standardization of education, training, and experience, including a state set curriculum, so that local emergency coordinators are better prepared for future disasters.

City-Related Bills Filed

Property Tax

H.B. 470 (Paul) – Revenue Cap: would, among other things, for a taxing unit other than a school district with a population of 40,000 or more: (1) lower the property tax rollback rate from eight percent to four percent; and (2) require the taxing unit to hold a ratification election in order to adopt a tax rate that exceeds the four-percent rollback rate (as opposed to current law, which requires an election only after receipt of a petition from the citizens).

H.B. 483 (Phelan) – Appraisal District: would, among other things, provide that: (1) an appraisal district is governed by a board of five directors; (2) one director is elected from each of the four commissioners precincts of the county for which the appraisal district is established; (3) the county assessor-collector is a director by virtue of the person's office; (4) if the county assessor-collector is ineligible to serve pursuant to a contract, the appraisal district is governed by the four directors elected from the commissioners precincts and a director elected from the county at large; and (5) the directors other than the county assessor-collector are elected at the general election for state and county officers and serve two-year terms beginning on January 1 of odd-numbered years.

H.B. 490 (Shine) – Property Tax System: would impose major reforms on the property tax system. The bill would, among other things:

1. rename the “effective tax rate” and “effective maintenance and operations rate” the “no-new-revenue tax rate” and “no-new-revenue maintenance and operations rate,” respectively;
2. require the comptroller to appoint a property tax administration advisory board to make recommendations to the comptroller regarding state administration of property taxation and state oversight of appraisal districts and local tax offices;
3. require the comptroller to prescribe tax rate calculation forms to be used by the designated officer or employee of each taxing unit to calculate and submit the no-new-revenue tax rate and rollback tax rate for the taxing unit;
4. require the forms described in Section 3, above, to be in an electronic format and: (a) have blanks that can be filled in electronically; (b) be capable of being certified by the designated officer or employee after completion as accurately calculating the applicable tax rates and using values that are the same as the values shown in the taxing unit’s certified appraisal roll; and (c) be capable of being submitted electronically to the chief appraiser of each appraisal district in which the taxing unit is located;
5. provide that the designated officer or employee of a taxing unit may not submit the no-new-revenue tax rate and the rollback tax rate to the governing body of the taxing unit and the taxing unit may not adopt a tax rate until the designated officer or employee has accurately calculated the tax rates and has used values that are the same as the values shown in the taxing unit’s certified appraisal roll in performing the calculations;
6. by August 7 or as soon as practicable, require the chief appraiser of each appraisal district to deliver by regular mail or email to each owner of property located in the appraisal district a notice that the estimated amount of taxes to be imposed on the owner’s property by each taxing unit in which the property is located may be found in the property tax database maintained by the appraisal district;
7. authorize a property owner to seek an injunction prohibiting the taxing unit in which the property is taxable from adopting a tax rate if the assessor or designated officer or employee of the taxing unit, the chief appraiser of the applicable appraisal district, or the taxing unit, as applicable, has not complied with the computation, publication, or posting requirement;
8. provide that it is a defense in an action for an injunction under Section 7, above, that the failure to comply was in good faith;
9. prohibit the governing body of a taxing unit other than a school district from holding a public hearing on a proposed tax rate or a public meeting to adopt a tax rate until the seventh day after the date the chief appraiser of each appraisal district in which the taxing unit participates has: (a) delivered the notice described by Section 6, above; and (b) made the relevant tax rate information available to the public through the property tax database;
10. authorize a property owner to seek an injunction restraining the collection of taxes by a taxing unit in which the property is taxable if the taxing unit has not complied with truth-in-taxation requirements;
11. provide that it is a defense in an action for an injunction under Section 10, above, if the failure to comply was in good faith;
12. provide that an action to enjoin the collection of taxes must be filed not later than the 15th day after the date the taxing unit adopts a tax rate;

13. provide that a property owner is not required to pay the taxes imposed by a taxing unit on the owner's property while an action filed by the property owner to enjoin the collection of taxes imposed by the taxing unit on the owner's property is pending;
14. provide that, if a property owner pays the taxes and subsequently prevails in an action, the property owner is entitled to a refund of the taxes paid, together with reasonable attorney's fees and court costs and is not required to apply to the collector for the taxing unit to receive the refund;
15. allow a taxing unit with a low tax levy to post notice of the proposed tax rate prominently on the home page of the Internet website maintained by the taxing unit, if applicable, in lieu of mailing notice or publishing notice in the newspaper;
16. require the chief appraiser of each appraisal district to create and maintain a property tax database that: (a) is identified by the name of the county in which the appraisal district is established instead of the name of the appraisal district; (b) contains information that is provided by designated officers or employees of the taxing units that are located in the appraisal district in the manner required by the comptroller; (c) is continuously updated as preliminary and revised data become available to and are provided by the designated officers or employees of taxing units; (d) is accessible to the public; and (e) is searchable by property address and owner to the extent allowed by law;
17. require the property tax database to include, with respect to each property listed on the appraisal roll for the appraisal district: (a) the property's identification number; (b) the property's market value; (c) the property's taxable value; (d) the name of the each taxing unit in which the property is located; (e) for each taxing unit other than a school district in which the property is located: (i) the no-new-revenue tax rate; and (ii) the rollback tax rate; (f) for each school district in which the property is located: (i) the tax rate to maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year; and (ii) the rollback tax rate; (g) the tax rate proposed by the governing body of each taxing unit in which the property is located; (h) for each taxing unit other than a school district in which the property is located, the taxes that would be imposed on the property if the unit adopted a tax rate equal to: (i) the no-new-revenue tax rate; and (ii) the proposed tax rate; (i) for each school district in which the property is located, the taxes that would be imposed on the property if the unit adopted a tax rate equal to: (i) the tax rate to maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year; and (ii) the proposed tax rate; (j) for each taxing unit other than a school district in which the property is located, the difference between the amount calculated for the no new taxes tax rate and the proposed tax rate; (k) for each school district in which the property is located, the difference between the amount calculated to maintain the same amount of state and local revenue per weighted student the district received in the school year beginning in the preceding year and the proposed tax rate; (l) the date and location of each public hearing, if applicable, on the proposed tax rate to be held by the governing body of each taxing unit in which the property is located; (m) the date and location of the public meeting in which the tax rate will be adopted to be held by the governing body of each taxing unit in which the property is located; and (n) for each taxing unit in which the property is located, an e-mail address at which the taxing unit is capable of receiving written comments regarding the proposed tax rate of the taxing unit;

18. require the property tax database to provide a link to the Internet website used by each taxing unit in which the property is located to post the budget and tax rate information required by Section 22, below;
19. require the officer or employee designated by the governing body of each taxing unit in which the property is located to calculate the no-new-revenue tax rate and the rollback tax rate for the taxing unit to electronically incorporate into the database: (a) the information described by Subsections e, f, g, l, and m of Section 17, above; and (b) the tax rate calculation forms at the same time the designated officer or employee submits the tax rates to the governing body of the taxing unit;
20. require the chief appraiser to make the information described in Section 19, above, available to the public not later than the third business day after the date the information and forms are incorporated into the database;
21. require each taxing unit to maintain an Internet website or have access to a generally accessible Internet website that may be used for the purposes of posting tax rate and budget information; and
22. require each taxing unit to post on its Internet website the following information in a format prescribed by the comptroller: (a) the name of each member of the governing body of the taxing unit; (b) the mailing address, e-mail address, and telephone number of the taxing unit; (c) the official contact information for each member of the governing body of the taxing unit, if different from the information described by Subsection b; (d) the taxing unit's budget for the preceding two years; (e) the taxing unit's proposed or adopted budget for the current year; (f) the change in the amount of the taxing unit's budget from the preceding year to the current year, by dollar amount and percentage; (g) for a taxing unit other than a school district, the amount of property tax revenue budgeted for both maintenance and operations and debt service, respectively, for: (i) the preceding two years; and (ii) the current year; (h) the tax rate for both maintenance and operations and debt service, respectively, adopted by the taxing unit for the preceding two years; (i) the tax rate for both maintenance and operations and debt service, respectively, adopted by the taxing unit for current year; and (j) the most recent financial audit of the taxing unit.

H.B. 491 (Shine) – Appraisal Review Boards: would, among other things: (1) authorize the board of directors of an appraisal district established in a county with a population of less than 120,000 to elect to allow the local administrative district judge to appoint the members of the appraisal review board under certain circumstances; (2) require an appraisal review board for an appraisal district established in a county with a population of 120,000 or more to establish a checking account with the appraisal district's depository for the sole purpose of paying: (a) the per diem for members of the appraisal review board; (b) actual and necessary expenses incurred in the performance of board functions; and (c) compensation for auxiliary appraisal review board members; and (3) require the appraisal office to provide clerical assistance to the appraisal review board, including assisting the board with the scheduling and arranging of hearings.

H.B. 492 (Shine) – Property Tax Exemption: would, among other things:

1. define “qualified property” for purposes of a property tax exemption under Section 2, below, to mean property that: (a) consists of tangible personal property used for the production of income or an improvement to real property; (b) is located in an area declared by the governor to be a disaster area following a disaster; (c) is at least 15 percent damaged by the disaster, as determined by the chief appraiser; and (d) for tangible personal property used for the production of income, is the subject of a rendition statement or property report filed by the property owner that demonstrates that the property had taxable situs in the disaster area for the tax year in which the disaster occurred;
2. provide that a person is entitled to an exemption from taxation by a taxing unit of a portion of the appraised value of qualified property that the person owns if the exemption is adopted by the governing body of the taxing unit in the manner provided by law for official action by the body;
3. require an exemption adopted under Section 2, above, to: (a) specify the disaster to which the exemption pertains; and (b) be adopted not later than the 60th day after the date the governor first declares territory in the taxing unit to be a disaster area as a result of the disaster;
4. require the governing body of a taxing unit that adopts an exemption under Section 2, above, to provide notice of the adoption of the exemption to the chief appraiser of each appraisal district in which the taxing unit participates, the assessor for the taxing unit, and the comptroller not later than the seventh day after the date the governing body adopts the exemption;
5. upon receiving an application for the exemption, require the chief appraiser to determine whether any item of qualified property that is the subject of the application is at least 15 percent damaged by the disaster and assign to each such item of qualified property a damage assessment rating of Level I, Level II, Level III, or Level IV, as appropriate;
6. provide that the amount of the property tax exemption is determined by multiplying the appraised value, determined for the tax year in which the disaster occurred, by: (a) 15 percent if the property is assigned a Level I damage assessment rating; (b) 30 percent if the property is assigned a Level II damage assessment rating; (c) 60 percent if the property is assigned a Level III damage assessment rating; or (d) 100 percent if the property is assigned a Level IV damage assessment rating;
7. provide that, if a person qualifies for the exemption after the beginning of the tax year, the amount of the exemption is calculated by multiplying the amount determined under Section 6, above, by a fraction, the denominator of which is 365 and the numerator of which is the number of days remaining in the tax year after the day on which the governor first declares the area in which the person’s qualified property is located to be a disaster area;
8. provide that, if a person qualifies for the exemption after the amount of the tax due on the qualified property is calculated and the effect of the qualification is to reduce the amount of the tax due on the property, the assessor for each taxing unit that has adopted the exemption shall recalculate the amount of the tax due on the property and correct the tax roll;
9. provide that if the tax bill has been mailed and the tax on the property has not been paid, the assessor shall mail a corrected tax bill to the person in whose name the property is listed on the tax roll or to the person’s authorized agent;

10. provide that if the tax on the property has been paid, the tax collector for the taxing unit shall refund to the person who paid the tax the amount by which the payment exceeded the tax due;
11. provide that no interest is due on an amount refunded under Section 10, above;
12. provide that the property tax exemption for property damaged in a disaster expires as to an item of qualified property on January 1 of the first tax year in which the property is reappraised; and
13. repeal the existing state statute authorizing reappraisal of property damaged in a disaster area.

(See **H.J.R. 34**, below.)

H.B. 493 (Shine) – Property Tax Exemption: this bill is substantially the same as **H.B. 492**, above, with additional language that would: (1) entitle a taxing unit that adopts the exemption to a disaster exemption assistance payment from the state if the taxing unit pays a refund to a person as a result of an exemption granted for certain property damaged by a disaster; and (2) require the taxing unit to submit an application to the comptroller for the disaster exemption assistance payment not later than April 1 of the year following the tax year for which the disaster exemption assistance payment is sought. (See **H.J.R. 35**, below.)

H.J.R. 34 (Shine) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to provide that a person who owns property located in an area declared by the governor to be a disaster area is entitled to a temporary property tax exemption by a political subdivision of a portion of the appraised value of that property if the exemption is adopted by the governing body of the political subdivision. (See **H.B. 492**, above.)

H.J.R. 35 (Shine) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to: (1) provide that a person who owns property located in an area declared by the governor to be a disaster area is entitled to a temporary property tax exemption by a political subdivision of a portion of the appraised value of that property if the exemption is adopted by the governing body of the political subdivision; and (2) authorize the use of state money to reimburse a political subdivision for a refund paid by the political subdivision to a person as a result of the exemption authorized by (1), above. (See **H.B. 493**, above.)

Sales Tax

No city-related sales tax bills were filed this week.

Purchasing

No city-related purchasing bills were filed this week.

Elections

No city-related elections bills were filed this week.

Open Government

No city-related open government bills were filed this week.

Other Finance and Administration

H.B. 477 (Murphy) – Local Debt: would:

1. require the document ordering an election to authorize a political subdivision to issue debt obligations to distinctly state the aggregate amount of the outstanding interest on debt obligations of the political subdivision as of the date the election is ordered, which may be based on the political subdivision's expectations relative to variable rate debt obligations;
2. require the ballot for a measure seeking voter approval of the issuance of debt obligations by a political subdivision to specifically state: (a) a general description of the purposes for which the debt obligations are to be authorized; (b) the total principal amount of the debt obligations to be authorized; and (c) that taxes sufficient to pay the principal of and interest on the debt obligations will be imposed;
3. require a political subdivision with at least 250 registered voters to specifically state on the ballot the estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead with an appraised value of \$100,000 to repay the debt obligations (based upon assumptions made by the governing body of the political subdivision);
4. require the political subdivision to identify in the debt obligation order the major assumptions made in connection with the statement in Section 3, above, including: (a) the amortization of the political subdivision's debt obligations, including outstanding debt obligations and the proposed debt obligations; (b) changes in estimated future appraised values within the political subdivision; and (c) the assumed interest rate on the proposed debt obligations;
5. require a political subdivision with at least 250 registered voters to prepare a voter information document for each proposition to be voted on at the election;
6. require the voter information document to be posted: (a) on election day and during early voting in a prominent location at each polling place; (b) not later than the 21st day before the election, in three public places in the boundaries of the political subdivision holding the election; and (c) during the 21 days before the election, on the political subdivision's website;
7. authorize a political subdivision to include the voter information document in the debt obligation election order;
8. require the voter information document to distinctly state: (a) the language that will appear on the ballot; (b) the following information formatted as a table: (i) the principal of the debt obligations to be authorized; (ii) the estimated interest for the debt obligations

to be authorized; (iii) the estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized; and (iv) as of the date the political subdivision adopts the debt election order: (A) the principal of all outstanding debt obligations of the political subdivision; (B) the estimated remaining interest on all outstanding debt obligations of the political subdivision, which may be based on the political subdivision's expectations relative to the interest due on any variable rate debt obligations; (C) the estimated combined principal and interest required to pay on time and in full all outstanding debt obligations of the political subdivision, which may be based on the political subdivision's expectations relative to the interest due on any variable rate debt obligations; and (D) any other information that the political subdivision considers relevant or necessary to explain the information required to be included in the voter information document;

9. require a political subdivision that maintains a website to provide the information in Section 8, above, on its website in an easily accessible manner beginning not later than the 21st day before election day and ending on the day after the date of the debt obligation election;
10. extend the timeframe to publish newspaper notice of intention to issue a certificate of obligation (CO) from 30 to 45 days before the passage of the ordinance;
11. require an issuer of COs that maintains a website to continuously post notice of intention to issue a CO on its website for at least 45 days before the passage of the CO issuance ordinance; and
12. require that the notice of intention to issue a CO include the following information: (a) the then-current principal of all outstanding debt obligations of the issuer; (b) the then-current combined principal and interest required to pay all outstanding debt obligations of the issuer on time and in full, which may be based on the issuer's expectations relative to the interest due on any variable rate debt obligations; (c) the maximum principal amount of the COs to be authorized; (d) the estimated combined principal and interest required to pay the COs to be authorized on time and in full; (e) the estimated interest rate for the COs to be authorized or that the maximum interest rate for the certificates may not exceed the maximum legal interest rate; and (f) the maximum maturity date of the COs to be authorized.

H.B. 494 (Deshotel) – Gambling: would authorize certain forms of gambling in coastal areas and provide that a portion of a gaming tax on the casinos be used to fund a catastrophic flooding assistance program and the Texas Windstorm Insurance Association. (See **H.J.R. 36**, below.)

H.J.R. 36 (Deshotel) – Gambling: would amend the Texas Constitution to authorize certain forms of gambling in coastal areas and provide that a portion of a gaming tax on the casinos be used to fund a catastrophic flooding assistance program and the Texas Windstorm Insurance Association. (See **H.B. 494**, above.)

Municipal Courts

H.B. 465 (White) – Fines, Fees, and Costs: would, among other things: (1) provide that, in determining a defendant's ability to pay, a court shall only consider the defendant's present ability to pay; (2) authorize a magistrate dealing with a person accused of a misdemeanor to

require the accused to give a bond, and remove the magistrate's authority to issue an arrest warrant for failure to appear; (3) require a court to hold a hearing to determine whether a fine or costs imposed by the court imposes an undue hardship when certain defendants notify the court that the defendant has difficulty paying the fine or costs; (4) limit when a court may issue a *capias pro fine*; (5) authorize a defendant to elect to perform certain community service in the county in which the defendant resides; (6) provide various things that a court may consider in determining that alternative methods of discharging a fine impose an undue hardship, and authorize a court to waive costs imposed on certain defendants if the defendant is indigent or has insufficient resources to pay the costs or was a child at the time of the offense; (7) provide that a defendant who voluntarily appears before a justice or judge to resolve an unpaid fine or cost may not be arrested, during or immediately before or after the appearance, on a warrant or *capias pro fine*; (8) allow a defendant to appear by phone or videoconference if a judge or justice determines appearing in person would impose an undue hardship; (9) provide that information about an outstanding warrant or fine provided by a city to the Texas Department of Motor Vehicles (DMV) or the county assessor-collector, and used to prohibit a person from registering a vehicle, expires after two years; (10) require that a city immediately notify the DMV that there is no cause to deny a person's driver's license renewal if certain fees have been paid and the denial or renewal is based on the person's previous failure to appear; and (11) limit the number of \$30 administrative fees DMV may impose on a person who fails to appear for a complaint or citation.

Community and Economic Development

H.B. 416 (Guerra) – Low Income Housing Tax Credits: would eliminate the written statement from the state representative who represents the district containing a proposed development site as a criteria used by the Texas Department of Housing and Community Affairs to rank low income housing tax credit applications.

H.B. 478 (Phelan) – Flood Projects: would, among other things: (1) require the Texas Water Development Board to adopt rules establishing criteria for flood control planning money that prioritizes counties with a median household income that is not greater than 85 percent of the median state household income; (2) define "flood control planning" to mean any work related to planning for flood protection, preparing applications for and obtaining regulatory approvals, activities associated with administrative or legal proceedings by regulatory agencies, and preparing engineering plans for structural and nonstructural flood mitigation and drainage; (3) create a flood infrastructure fund to make loans and grants to eligible political subdivisions; (4) provide that the fund consist of various sources of revenue including appropriations from the legislature, proceeds of general obligation bonds issued for the program, and repayments of loans made from the fund; and (5) require local governments to cooperate on large-scale flood planning and mitigation projects in order to receive loans and grants from the fund.

H.B. 499 (Button) – Tax Abatements: would extend the expiration date of the Property Redevelopment and Tax Abatement Act from September 1, 2019, to September 1, 2029. (Companion bills are **H.B. 360** by **Murphy** and **S.B. 118** by **West**.)

S.B. 226 (Fallon) – Monuments and Memorials: would: (1) define “monument or memorial” to include a permanent monument, memorial, or other designation, including a statue, portrait, plaque, seal, symbol, building name, park name, area name, or street name that honors an event or person of historical significance; (2) provide that a monument or memorial that has been located on city property for at least 20 years may be removed, relocated, or altered only by approval of a majority of voters of the city voting at an election held for that purpose, and prohibit the expenditure of public funds for any such removal, relocation, or alteration; (3) except from the prohibition in (2) the removal, relocation, or alteration of a monument or memorial that is necessary to accommodate construction, repair, or improvements to the monument or memorial or the surrounding property, and require that any permanent removal of the monument or memorial to be relocated to a prominent location; and (4) authorize the attorney general to enforce the prohibition in (2) through civil penalty and equitable relief.

Personnel

H.B. 495 (Deshotel) – Criminal History: would, with the exception of positions for which consideration of a criminal history record is required by law, prohibit an employer from: (1) including a question regarding an applicant’s criminal history record information on an initial employment application form; (2) inquiring into or considering an applicant’s criminal history record information before the employer has determined that the applicant is otherwise qualified and has conditionally offered the applicant employment or has invited the applicant to an interview; and (3) considering any criminal history record information regarding an offense that occurred or was alleged to have occurred more than seven years before the date of the employment decision.

S.J.R. 22 (Menendez) – Minimum Wage: would amend the Texas Constitution to provide that an employer shall pay an employee not less than the greater of \$10.10 an hour or the federal minimum wage (currently at \$7.25 per hour).

Public Safety

H.B. 482 (S. Thompson) – Misdemeanor Arrests: would (1) require law enforcement agencies to adopt a written policy for the issuance of citations for misdemeanor offenses, including traffic offenses that are punishable by fine only, which must include a procedure for a peace officer employed by the agency to verify a person’s identity and issue a citation to a person who fails to present proof of identification; (2) provide that a peace officer or any other person cannot, without a warrant, arrest an offender for a misdemeanor punishable by a fine only, with a few limited exceptions; (3) require that a peace officer charging a person with committing an offense that is punishable by a fine only shall, instead of taking the person before a magistrate, issue a citation to the person requiring certain information, including a written notice of the time and place the person must appear before a magistrate; (4) provide that a peace officer who is charging a person, including a child, with committing an offense for assault under Penal Code § 22.01(a)(2) or (3) may, instead of taking the person before a magistrate, issue a citation to the person that contains all of the information required in (3); (5) restrict a peace officer from

arresting, without a warrant, a person committing one or more misdemeanors punishable by fine only for violations of Transportation Code, Subtitle C – Rules of the Road; and (6) modify when a peace officer shall issue a written notice to appear to be only when the offense charged is a misdemeanor punishable by fine only and the person makes a written promise to appear in court.

Transportation

No city-related transportation bills were filed this week.

Utilities and Environment

H.B. 458 (Paul) – Water Utility Disconnection: would: (1) require a utility to send written notice of service disconnection to a city before disconnecting a nonsubmetered master metered multifamily property for nonpayment; (2) require the utility to mail notice to the customer; (3) provide that a city is not prohibited from adopting additional customer safeguards; and (4) provide that a city may provide the Texas Commission on Environmental Quality with an authorized representative to whom the required notice be sent.

H.B. 509 (Wilson) – Aggregate Production Operations: would (1) make the regulation of aggregate production operations subject to the jurisdiction of the Railroad Commission of Texas; (2) require that the Railroad Commission establish a process for coordinating the review and issuance of permits for aggregate production operations and coordinate and streamline the procedures in cooperation with the appropriate cities and other state agencies to the extent possible; (3) require that the Railroad Commission send notice of a permit application to planning agencies, sewage and water treatment authorities, special districts with jurisdiction over water, cities, and other political subdivisions with relevant jurisdiction at the proposed site; (4) require a period established by the Railroad Commission where a federal or state agency, a political subdivision, or any other affected person may submit written comments on the potential effects of the proposed aggregate production operation on the environment or economy of the locality of the operation; (5) allow for a federal or state agency, a political subdivision, or any other affected person to submit written objections within 30 days to a proposed aggregate production operation to the Railroad Commission, which will be made available to the public; (6) require that the Railroad Commission provide written notification to the applicant and each person who submitted an objection that the permit application for an aggregate production operation has been approved or denied; and (7) provide that the Railroad Commission may deny a permit for an aggregate production operation based on, among other things, a comment or objection submitted under (5), above.

TML member cities may use the material herein for any purpose. No other person or entity may reproduce, duplicate, or distribute any part of this document without the written authorization of the Texas Municipal League.