



# Legislative UPDATE

December 23, 2016  
Number 47

## **Federal Court of Appeals: Home Rule Cities Can Enforce Solid Waste Franchises**

Last week, the federal Fifth Circuit Court of Appeals upheld a home rule city's authority to enforce an exclusive solid waste franchise, including as it relates to temporary construction "rolloff" dumpsters. In *Republic Waste Services v. Texas Disposal Systems*, the court concluded that a home rule city's authority trumps ambiguous language in the Health and Safety Code.

For decades, Texas cities have been authorized to provide – or contract with a private company to provide – exclusive garbage collection services within their city limits. In 2007, during the closing hours of the Eightieth Legislative Session, the legislature passed a bill that called that authority into question. House Bill 1251 amended Section 364.034 of the Texas Health and Safety Code to eliminate city authority to enter into exclusive solid waste franchises for the collection of grit or grease trap waste. That provision was detrimental to a handful of cities, but most others were not negatively affected by it. More troubling at the time was the addition of subsection (h) to Section 364.034, which provides that:

*This section does not apply to a private entity that contracts to provide temporary solid waste disposal services to a construction project.*

Some solid waste haulers believed that the new provision was intended to exclude temporary construction dumpsters from an exclusive municipal franchise agreement. City officials, legislators, and homebuilders debated the issue for years.

More recently, Texas Disposal Systems began providing construction dumpsters in the City of San Angelo. It did so believing that the service was exempt from the city's exclusive franchise with Republic Waste. Republic Waste disagreed. Republic, pursuant to a provision in the franchise agreement, sued Texas Disposal Systems to enforce the franchise.

In September 2015, a federal district court ordered that Texas Disposal Systems could offer temporary construction dumpsters because of the subsection (h) “carve out” mentioned above. Republic appealed the order.

The federal Fifth Circuit Court of Appeals overturned the district court. It reasoned that the authority for an exclusive franchise derives from the City of San Angelo’s home rule authority, and that the statutory “carve out” doesn’t preempt that power with unmistakable clarity. The opinion is “per curiam,” which means it has little precedential value. And the opinion merely sent the case back to the district court for further proceedings on the facts. Nevertheless, it is a good one for the City of San Angelo.

It is likely that legislation will be introduced on the subject, and League staff will carry out the directive in the 2017-2018 TML Legislative Program to “oppose legislation that would limit a city’s authority to enter into an exclusive solid waste franchise.”

## **Fort Worth Court of Appeals: General Law Authority Over Sex Offenders**

Last week, the Fort Worth Court of Appeals decided that a registered sex offender’s lawsuit against the City of Krum’s residency restrictions can move forward. In *City of Krum v. Taylor Rice*, the court issued a [one-page order](#) stating that the trial court properly denied the general law city’s claim that the court is without jurisdiction to hear the case. (A [dissenting opinion](#) argued that the case is moot because the sex offender in question is prohibited by his probation conditions from residing within 1,000 feet of places where children commonly gather.)

In November 2015, at least 46 general law cities received a letter from [Texas Voices for Reason and Justice](#) (TVRJ), a “statewide criminal-justice advocacy group” that represents sex offenders, asking those cities to repeal their sex offender residency restriction ordinances (SORROs). The TVRJ letters demanded that the cities repeal their SORROs by December 19, 2015, and threatened a lawsuit against any city that did not.

In the face of that threat, at least 13 cities chose to repeal their ordinances. TVRJ followed through with its threat by filing lawsuits against several of the remaining cities, including the Cities of Alvarado, Argyle, Fulton, Hickory Creek, Krum, Meadows Place, Oak Point, Ponder, West Lake Hills, and Westworth Village.

The substance of the sex offenders’ claims – that general law cities have no authority to enact a SORRO – is largely based on a March 2007 [opinion](#) from the Texas attorney general’s office. The petitions allege that, because they are incorporated under the general laws, and no general law expressly delegates the authority to enact a sex offender residency restriction ordinance, the defendant cities are not authorized to enact one.

Of course, attorney general opinions are not binding on courts. Moreover, the three-sentence conclusions in the one cited by TVRJ should be treated as dicta because the purpose of the

opinion wasn't to opine on general law authority, and it provides essentially no analysis as to the question of general law authority to enact a SORRO.

The case now goes back to the trial court for further proceedings. In the meantime, H.B. 207 (Springer), H.B. 387 (Murphy), S.B. 76 (Nelson), and S.B. 197 (Nichols) have been filed. Those bills would clarify the authority of general law cities to enact reasonable residency restrictions. (Summaries of each are available in the [cumulative list](#) of bills filed, under the "Public Safety" Heading.) The 2017-2018 TML Legislative Program places the clarification of this authority in the League's priority category.

## **Payday Lending Clearinghouse Updates**

The League's "Payday Lending Clearinghouse" webpage, available at [www.tml.org/payday-updates](http://www.tml.org/payday-updates), includes information related to the regulation of payday and auto title lenders. It is updated from time-to-time to reflect recent developments. Interested city officials should note that the list of cities that have adopted regulations is expanding. An updated list is available on the webpage.

## **City-Related Bills Filed**

Each week, League staff summarizes in this section the city-related bills filed during the previous week. For a cumulative list of all city-related bills filed to date, click [here](#).

### **Property Tax**

**H.B. 586 (Bohac) – Appraisal Cap:** would reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **H.J.R. 43**, below.)

**H.B. 626 (Workman) – Property Tax Exemption:** would: (1) require the chief appraiser to accept and approve or deny an application for a residence homestead exemption after the deadline for filing it has passed if it is filed not later than two years after the delinquency date for the taxes on the homestead; and (2) require the chief appraiser to accept an approve or deny an application for a disabled veterans property tax exemption if the application is filed not later than five years after the delinquency date for taxes on the property.

**H.B. 643 (Phillips) – Property Tax Appraisal:** would define "wildlife management" for purposes of a property tax appraisal as actively using land in specific ways in accordance with standards developed by the Parks and Wildlife Department and the comptroller.

**H.J.R. 43 (Bohac) – Appraisal Cap:** would amend the Texas Constitution to authorize the legislature to reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **H.B. 586**, above.)

**S.B. 330 (Rodriguez) – Property Tax Appraisal:** would provide that land qualifies for appraisal as qualified open-space land if: (1) the land is currently devoted principally to agricultural use to the degree of intensity generally accepted in the area; (2) the land was devoted principally to agricultural use or to production of timber or forest products for the preceding year; and (3) the land is owned or managed by: (a) a veteran of the United States armed services; or (b) an individual who, at the time the owner filed an initial application for appraisal of the land, was less than 35 years of age and had not served as the principal operator of a farm or ranch for any period of more than 10 consecutive years.

**S.J.R. 1 (Campbell) – Property Tax Exemption:** would amend the Texas Constitution to provide that: (1) that the surviving spouse of a first responder who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse’s residence homestead so long as the surviving spouse has not remarried since the death of the first responder; and (2) that a surviving spouse who receives an exemption under (1) is entitled to receive an exemption from taxation of a property that the surviving spouse subsequently qualifies as the surviving spouse’s residence homestead in an amount equal to the dollar amount of the exemption from taxation of the first property for which the surviving spouse received the exemption in the last year in which the exemption applied so long as the surviving spouse has not remarried since the death of the first responder.

### **Sales Tax**

**H.B. 589 (Bohac) – Sales Tax Exemption:** would: (1) exempt from sales and use taxes the sale of an article of clothing, footwear, school supply, or school backpack that costs less than \$200 and is sold during certain timeframes (current law sets exemption amount at an item less than \$100); and (2) exempt the sale or storage, use, or other consumption of an e-reader, personal computer, or tablet computer from sales and use taxes if the device is purchased during a specified weekend preceding the beginning of the school year and not purchased over the Internet.

**H.B. 592 (Fallon) – Sales Tax Exemption:** would exempt from sales taxes a taxable item sold, leased, or rented within the boundaries of a United States military installation to a person who is a member of the United States armed forces on active duty if the sale, lease, or rental is made by a seller physically located at the installation.

### **Purchasing**

**H.B. 648 (Parker) – Collective Bargaining Organizations:** would provide that a governmental entity, including a city, awarding a public work contract funded with state money, including the issuance of debt guaranteed by this state, may not: (1) prohibit, require, discourage, or encourage a person bidding on the public work contract, including a contractor or subcontractor, from entering into or adhering to an agreement with a collective bargaining organization relating to the project; or (2) discriminate against a person described by (1) based on the person’s involvement

in the agreement, including the person's status or lack of status as a party to the agreement or willingness or refusal to enter into the agreement.

**S.B. 23 (Schwertner) – E-Verify:** would provide that a state agency may not award a contract for goods or services within this state to a contractor unless the contractor registers with and participates in the E-verify program to verify employee information. (A city could conceivably be considered a “contractor” of the state in certain situations.)

### **Elections**

**S.B. 363 (Perry) – Uniform Election Dates:** would: (1) provide that a general election held by a political subdivision other than a county may be held on the first Tuesday in March; and (2) eliminate the exception allowing other statutes to designate election days other than the uniform dates in May and November.

### **Open Government**

No open government bills were filed this week.

### **Other Finance and Administration**

**H.B. 580 (Dale) – Driver's Licenses/Personal Identification Certificates:** would provide that the Department of Public Safety would include the following statements on each limited term license: “This license is not acceptable for official federal purposes. This license is issued only as a license to drive a motor vehicle. This license does not establish eligibility for employment, voter registration, or public benefits.”

**H.B. 581 (Dale) – Driver's Licenses/Personal Identification Certificates:** would, among other things, create a limited term driver's license and personal identification certificate that: (1) is not acceptable for official federal purposes; and (2) does not establish eligibility for employment, voter registration, or public benefits.

**H.B. 582 (Dale) – Driver's Licenses/Personal Identification Certificates:** would: (1) delete references to “refugees or asylees lawfully admitted into the United States” from the various license expiration statutes, which include driver's license and personal identification certificates; and (2) require refugees or asylees lawfully admitted into the United States to give a full set of fingerprints with their application for a driver's license.

**H.B. 611 (Leach) – Immigration:** would create several new provisions in law related to the enforcement of federal and state immigration laws. Specifically, the bill would provide that:

1. a peace officer may not stop a motor vehicle or conduct a search of a business or residence solely to enforce a federal law relating to immigration, unless the officer is

- acting: (a) at the request of, and providing assistance to, an appropriate federal law enforcement officer; or (2) under the terms of an agreement between the law enforcement agency employing the officer and the federal government under which the agency receives delegated authority to enforce federal law relating to immigrants or immigration;
2. a peace officer may arrest an undocumented person only if the officer is acting to preserve the peace under his or her basic authority to enforce laws;
  3. if a person is arrested and is unable to provide proof of lawful presence in the U.S., not later than 48 hours after the person is arrested and before the person is released on bond, a law enforcement agency performing the booking process shall: (a) review any information available from the federal Priority Enforcement Program or a successor program; and (b) if information obtained under (a) reveals that the person is not a citizen or national of the U.S. and is unlawfully present in the U.S.: (i) provide notice of that fact to the judge or magistrate authorized to grant or deny the person's release on bail (the judge is then required to record the status in the court's records); and (ii) record that fact in the person's case file;
  4. a law enforcement agency that has custody of a person subject to an immigration detainer issued by Immigration and Customs Enforcement (ICE) shall: (a) provide to the judge or magistrate authorized to grant or deny the person's release on bail notice that the person is subject to an immigration detainer (the judge is then required to record the status in the court's records); (b) record in the person's case file that the person is subject to an immigration detainer; and (c) comply with, honor, and fulfill the requests made in the detainer; and
  5. if a criminal defendant is in the U.S. illegally and is to be confined to jail by a court judgment, the judge shall issue an order requiring the correctional facility to reduce the defendant's sentence by a period of not more than seven days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody.

The bill would prohibit certain city actions by providing that:

1. a "local entity" is defined to include, among others, a city, its officers, its employees, and other bodies that are part of a city, including the city police department and city attorney (but would exempt schools and hospitals, but not hospital peace officers);
2. a local entity shall not adopt, enforce, or endorse a policy under which the entity prohibits or discourages the enforcement of immigration laws;
3. a local entity shall not prohibit or discourage a person who is a commissioned peace officer, a corrections officer, a booking clerk, a magistrate, or a prosecuting attorney from doing any of the following: (a) inquiring into the immigration status of a person under a lawful detention or under arrest; (b) with respect to information relating to the immigration status, lawful or unlawful, of any person under a lawful detention or under arrest: (i) sending the information to or requesting or receiving the information from Citizenship and Immigration Services or ICE, including information regarding a person's place of birth; (ii) maintaining the information; or (iii) exchanging the information with another local entity or a federal or state governmental entity; (c) assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance; or (d) permitting a federal immigration officer to enter and

conduct enforcement activities at a municipal or county jail to enforce federal immigration laws; and

4. a local entity or a person employed by or otherwise under the direction or control of the entity may not consider race, color, language, or national origin while enforcing immigration laws except to the extent permitted by the United States or Texas Constitutions.

The bill would provide for a state-level complaint and enforcement process by providing that:

1. any person, including the federal government, may file a complaint with the attorney general if the person offers evidence to support an allegation that a local entity has adopted, enforced, or endorsed a policy under which the entity prohibits or discourages the enforcement of immigration laws or that the entity, by consistent actions, prohibits or discourages the enforcement of those laws.
2. if the attorney general determines that a complaint filed against a local entity is valid, the attorney general shall, not later than the 10th day after the date of the determination, provide written notification to the entity that: (a) the complaint has been filed; (b) the attorney general has determined that the complaint is valid; (c) the attorney general is authorized to file an action to enjoin the violation if the entity does not come into compliance on or before the 90th day after the date the notification is provided; and (d) the entity will be denied state grant funds for the state fiscal year following the year in which a final judicial determination is made.
3. not later than the 30th day after the day a local entity receives written notification of a complaint, the local entity shall provide the attorney general with a copy of: (a) the entity's written policies related to immigration enforcement actions; (b) each immigration detainer received by the entity from the Department of Homeland Security; and (c) each response sent by the entity for a detainer;
4. if the attorney general determines that a complaint filed against a local entity is valid, the attorney general may file a petition for a writ of mandamus or apply for other appropriate equitable relief and may recover reasonable expenses incurred in obtaining relief under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs; and
5. a local entity may not receive state grant funds if the entity adopts, enforces, or endorses a policy under which the entity prohibits or discourages the enforcement of immigration laws or, by consistent actions, prohibits or discourages the enforcement of immigration laws (the comptroller shall adopt rules to implement the bill uniformly among the state agencies from which state grant funds are distributed to a city).

Finally, the bill would provide that not later than January 1, 2018, each local law enforcement agency shall: (a) formalize in writing any unwritten, informal policies relating to the enforcement of immigration laws; and (b) update the agency's policies to be consistent with the bill and to include provisions prohibiting an agency officer or employee from preventing agency personnel from taking immigration enforcement actions described by the bill. (Companion bill is **S.B. 4** by **Perry**.)

**S.B. 295 (Hinojosa) – Capital Appreciation Bonds:** would exempt refunding bonds and capital appreciation bonds for the purposes of financing transportation projects from recently enacted limitations on the ability of local governments to issue capital appreciation bonds generally.

**S.B. 351 (Watson) – Disaster Recovery:** would establish a state disaster recovery fund and authorize grant awards from the fund to state or local governmental entities or a volunteer fire department that participates in disaster recovery in an area the governor declares to be in a state of disaster.

### **Municipal Courts**

**H.B. 608 (Dutton) – Magistrate:** would require a magistrate to release a defendant charged with a misdemeanor on personal bond, unless the magistrate makes and files an affirmative finding of fact that extenuating circumstances justify not releasing the defendant on personal bond.

**S.B. 326 (Burton) – Expunctions:** would allow a judge that grants a petition for expunction of a criminal record to order the fee be returned to the petitioner. (Companion bill is **H.B. 551** by Collier.)

**S.B. 342 (Perry) – Court Cost:** would increase from \$50 to \$75 the fee assessed in municipal court to pay for the services of a peace officer who has executed or processed an arrest warrant, capias, or capias pro fine.

### **Community and Economic Development**

**H.B. 616 (Leach) – Low Income Housing Tax Credits:** would eliminate the following as a criteria used by the Texas Department of Housing and Community Affairs to rank low income housing tax credit applications: “the level of community support for the application, evaluated on the basis of a written statement from the state representative who represents the district containing the proposed development site;” and (2) retain the requirement that the Department notify and receive comments from elected officials on low income housing tax credit applications in their area.

**H.B. 622 (Leach) – Economic Development Corporations:** would provide that an economic development corporation must comply with the same procurement process methods for the design and construction of projects and construction services with which its authorizing city must comply.

**H.B. 640 (Phillips) – Halfway Houses:** would provide that: (1) a city may regulate the location of a halfway house by ordinance if the city finds it necessary to promote the public health, safety or welfare; (2) the owner or operator of a halfway house must give notice to the city not less than 60 days before it begins operations; and (3) a city to sue for an injunction to prohibit a violation and person who violates the regulation commits a Class A misdemeanor.



**S.B. 341 (Perry) – Alcohol/Synthetic Marijuana:** would provide that a county judge shall deny an application for a retail dealer’s on-premise alcohol license if the applicant or applicants spouse has been recently convicted of an offense involving synthetic marijuana.

### **Personnel**

**H.B. 577 (Workman) – Criminal History Information:** would provide that a political subdivision may not adopt or enforce any ordinance or other local regulation that prohibits, limits, or otherwise regulates a private employer’s ability to request, consider, or take employment action based on the criminal history record information of an applicant or employee.

**H.B. 625 (J. Johnson) – Peace Officers:** would provide that: (1) every peace officer shall submit to a psychological examination once every 24 months; (2) the Texas Commission on Law Enforcement (TCOLE) shall promulgate rules that provide: (a) grounds for which a law enforcement agency may exempt a peace officer from the above requirement; and (b) procedures to ensure timely and accurate reporting by law enforcement agencies and persons licensed of the results of a psychological examinations; and (3) TCOLE shall suspend the license of a peace officer who fails to comply with the testing.

**H.B. 632 (Fallon) – Public Retirement Benefits:** would limit the amount of retirement benefits any member of a public retirement system, including the Texas Municipal Retirement System, may receive to an amount no larger than certain military salaries or certain federal deputy positions, regardless of the amount in the account or the years of service of the public official.

**S.B. 13 (Huffman) – Union Dues/Payroll Deductions:** would provide that: (1) the state or a political subdivision of the state may not deduct or withhold, or contract to deduct or withhold, from an employee’s salary or wages payment of dues or membership fees to a labor organization or other similar entity, including a trade union, labor union, employees' association, or professional organization; (2) item (1) does not affect the ability of the state or a political subdivision of the state to deduct or withhold from an employee’s salary or wages an amount for donation to a charitable organization determined to be eligible for participation in the state employee charitable campaign; (3) a city over 10,000 population is authorized to utilize payroll deductions for a member of the city’s police department (so long as the department is not subject to a collective bargaining or meet and confer agreement) and fire/emergency services departments; and (4) a meet and confer agreement may not contain a provision deducting or withholding payment of dues, fees, or contributions to a labor organization or other similar entity, including a trade union, labor union, employees’ association, or professional organization in violation of the bill.

### **Public Safety**

**H.B. 560 (Springer) – Licensed Carry:** would, among other things: (1) authorize a license holder to carry in many places that carrying is currently prohibited, such as any property owned by a governmental entity, in a bar, in a courtroom, or into the secured area of an airport; (2)

attempt to clarify that a license holder is prohibited from carrying a handgun only on the portion of: (a) any grounds or building on which an activity sponsored by a school or educational institution is being conducted; or (b) the premises of a polling place where voting or other election-related activities are occurring on the day of an election or during early voting; and (3) reduce the penalties that can be imposed when a license holder carries into an impermissible area.

**H.B. 590 (Bohac) – First Responders:** would provide that a first responder who in good faith provides roadside assistance is not liable for an act or omission that occurs while providing the assistance.

**H.B. 597 (Moody) – Graffiti:** would allow a court to defer proceedings for a defendant charged with a graffiti offense pending the defendant’s completion of a graffiti pretrial diversion program.

**H.B. 602 (Workman) – Driver Education:** would provide that the Texas Commission on Licensing and Regulation by rule shall require that one hour of instruction relating to law enforcement procedures for traffic stops, including information regarding appropriate interactions with law enforcement, be included in the curriculum of each driver education course.

**H.B. 606 (Springer) – Licensed Carry:** would provide that: (1) a person, including a business or other entity, who owns, controls, or manages property and who has authority to forbid the carrying of handguns on the property is immune from civil liability with respect to any claim that is based on the person’s failure to exercise the option to forbid the carrying of handguns by a license holder on the property by providing notice under the Penal Code; and (2) the bill does not limit the liability of a person for an injury caused by the person’s gross negligence.

**H.B. 628 (Howard) – E-Cigarettes and Cigarettes:** would raise the legal age to purchase tobacco products from 18 to 21 years of age.

**H.B. 638 (Workman) – Drones:** would, with certain exceptions, make it an offense to operate a drone over or near a corrections facility, including a municipal jail.

**H.J.R. 46 (Howard) – Cannabis:** would amend the Texas Constitution to authorize the Texas legislature to authorize and regulate the possession, cultivation, and sale of cannabis in Texas.

**S.B. 294 (Hinojosa) – School Law Enforcement:** would provide that: (1) school district peace officers, security personnel, and other employees and peace officers may not use a stun gun or Taser to subdue a student on school property or while attending a school-sponsored or school-related activity off of school property; and (2) if the student possesses a weapon that the person sees, and the person believes that the student poses an imminent risk of causing bodily injury to another student, the person may use a stun gun or Taser to subdue the student.

## **Transportation**

**S.B. 346 (Watson) – Transportation:** would provide that an operator of a vehicle facing a steady red signal at a traffic-actuated electric traffic-control signal may proceed if the signal fails to register the vehicle in a reasonable period of time after one complete cycle.

**S.B. 361 (Nichols) – Transportation Network Companies:** would: (1) provide that a city ordinance or policy related to a Transportation Network Company (TNC) or TNC driver that contradicts or is otherwise inconsistent with the bill is void and has no effect; (2) provide that TNC drivers are not common, contract, or motor carriers; (3) require that TNCs and drivers maintain required insurance; (4) permit passengers to share a digitally prearranged ride if the passengers consent to sharing the ride; (5) require a TNC to disclose to passengers the fare calculation method and provide an option to receive an estimated fare; (6) require a TNC to provide the driver's first name and picture and the make, model, and license plate number of the driver's vehicle; (7) prohibit a driver from receiving payment other than through the digital network and require a TNC to provide a receipt to the passenger; (8) require a TNC to implement an intoxicating substance policy that prohibits a driver from working under any amount of intoxication; (9) provide requirements on driver eligibility; (10) require a TNC to conduct a local, state, and national criminal background check that includes the use of: (a) a commercial multistate and multijurisdictional criminal records locator, and (b) the national sex offender registry database; (11) require a TNC to obtain and review a potential driver's driving record; (12) prohibit a TNC from permitting an individual to operate as a driver on the company's digital network if the individual: (a) has been convicted of more than three moving violations in the last three years, or (b) has been convicted of fleeing or attempting to elude a police officer, reckless driving, or driving without a valid driver's license in the last three years; (13) prohibit a driver logged in to a digital network from soliciting or providing rides other than through the digital network; (14) mandate certain vehicle requirements; and (15) require a TNC to adopt a nondiscrimination policy.

## **Utilities and Environment**

**H.B. 605 (Workman) – Water Rights Applications:** would require an applicant for a new or amended water right to submit an economic impact study that assesses how approval or denial of the new or amended water right will economically impact affected communities.

**H.B. 614 (Leach) – Water Rights:** would: (1) amend the Texas Commission on Environmental Quality's (TCEQ) review of an application for a water right, including adding a requirement that the executive director determine whether the applicable water conservation and drought contingency plans of the applicant are adequate; and (2) prohibit the TCEQ from referring an issue regarding a water right application to the State Office of Administrative Hearings, unless the issue is a disputed question of fact and is relevant and material to a decision on the application.

**H.B. 623 (Leach) – Water District Appointments:** would provide that a director of a conservation and reclamation district (e.g., the North Texas Municipal Water District), who is appointed by the governing body of a municipality, serves at the pleasure of the governing body and may be removed by the governing body at any time without cause.

**H.B. 642 (Phillips) – Railroad Commission:** would change the name of the Texas Railroad Commission to the Texas Energy Commission. (See **H.J.R. 47**, below.)

**H.B. 645 (Lucio) – Water Wells:** would require a groundwater conservation district to consider the service needs of the retail public utility, which includes a city, that serves the territory where production is regulated by the district in regulating production of groundwater based on tract size or acreage.

**H.J.R. 47 (Phillips) – Railroad Commission:** would amend the Texas Constitution to change the name of the Texas Railroad Commission to the Texas Energy Commission. (See **H.B. 642**, above.)

**S.B. 347 (Watson) – Regional Water Planning Groups:** would make each regional water planning group subject to the Public Information and Open Meetings Acts.

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