

The logo for the Texas Municipal League, featuring a green square with a white star in the center. The words "Texas", "Municipal", and "League" are stacked vertically in white text within the square.

Legislative UPDATE

November 23, 2016
Number 43

Building Permits in the ETJ Part II: Home Rule Authority?

The Texas Supreme Court, in the case of *Town of Lakewood Village v. Bizios*, recently held that a general law city does not have the authority to require building permits in its extraterritorial jurisdiction (ETJ). The City of McKinney is now in a legal battle over the same authority. The difference? McKinney is a home rule city.

The McKinney case arose when the developer of a massive recreational vehicle park in the city's ETJ refused to obtain building permits or pay fees to the city. As part of that dispute, the developer argued that it had already obtained the appropriate permits from the county.

The city contends that the statutorily-required ETJ subdivision agreement with the county controls the dispute. That agreement granted the city "exclusive authority to review and approve plats and 'related permits' for conformance with the city's subdivision ordinance and related development ordinances" in the ETJ. The city believes that the agreement makes the county's permits void and confers authority on the city.

The case is currently in district court in Collin County. Like the *Bizios* dispute, the McKinney case will likely turn into an embroiled battle. Not just between a city and a developer, but also between the city and its county.

It's that Time of Year Again: **Mandatory Eminent Domain Reporting**

[Senate Bill 1812](#), passed during the 2015 legislative session, requires cities to annually fill out a [web-based form](#) with the comptroller relating to each city's statutory eminent domain authority. (The failure to fill out the form could result in a \$1,000 penalty against a city.)

The first annual entry was due last February. The next reporting period is open now and the second annual entry is due by February 1, 2017. The second entry is, for most cities, just an update of previously-filed information, including whether the city exercised its eminent domain authority in the preceding calendar year by filing a condemnation petition under Section 21.012, Property Code.

Of course, any city that never filled out the form as required should do so now. Detailed instructions on doing so are available in this [previous article](#).

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. 301 (Larson) – Property Appraisal: would provide that: (1) if the appraised value of property in a tax year is lowered as a result of an agreement between the property owner and the appraisal district or as a result of a protest or appeal, the chief appraiser may not increase the appraised value of the property in the following tax year by an amount that exceeds the sum of five percent of the appraised value of the property in the tax year in which the appraised value of the property is lowered and the market value of all new improvements to the property; and (2) number (1), above, does not apply to an increase in the appraised value of property as a result of: (a) the property no longer being eligible for appraisal as agricultural use or agricultural land, timber land or restricted use timber land, recreational, park, or scenic land, or public access airport property; or (2) the expiration of a ten percent limitation on the appraisal of a residence homestead. (See **H.J.R. 30**, below.)

H.B. 302 (Goldman) – Property Tax Exemption: would entitle a person to a property tax exemption for a mineral interest the person owns that has a taxable value of less than \$2,000.

H.B. 320 (Canales) – Property Tax Exemption: provides that an additional tax imposed on land appraised as qualified open-space land when a change in use of the land occurs is equal to the difference between the taxes imposed on the land for each of the two years preceding the year in which the change of use occurred.

H.B. 345 (Canales) – Revenue Cap: would: (1) lower the property tax rollback rate from eight percent to five percent; (2) require the comptroller to annually determine an inflation rate based on the amount computed by determining the percentage change in the consumer price index for the preceding calendar year as compared to the consumer price index for the calendar year preceding that calendar year; and (3) provide that if the inflation rate exceeds five percent in a given year, the rollback tax rate shall be calculated by a taxing unit using the lower of the inflation rate or eight percent.

H.B. 376 (Metcalf) – Appraisal Cap: would reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **H.J.R. 33**, below.)

H.B. 379 (Bernal) – Sales Price Disclosure: would provide that: (1) a person may not have recorded in the county clerk’s office an instrument conveying real property under a contract for sale unless the instrument discloses the sales price of the property; (2) the purchaser of any property for which an instrument is recorded in violation of (1), above, is liable to the state for a civil penalty for each violation in an amount equal to five percent of the sales price of the property; (3) the attorney general or the county or district attorney for the county in which the property is located may bring suit to recover a penalty under (2), above; and (4) an instrument conveying only a mineral interest in real property is not required to include the sales price of the interest.

H.B. 382 (Murphy) – Property Tax Exemption: would exempt from property taxation the real property owned by a person that is leased to an open-enrollment charter school if: (1) the real property is used exclusively by the school for education functions; (2) the real property is reasonably necessary for the operation of the school; (3) the property owner certifies by affidavit to the school that the rent for the lease of the real property will be reduced by a commensurate amount; (4) the property owner provides the school with a disclosure document stating the amount by which the taxes on the real property are reduced due to the exemption and the method to be implemented to ensure that the rent charged reflects the reduction; and (5) the rent charged for the lease of the real property reflects the reduction in the amount of property taxes due to the exemption through a monthly or annual credit against the rent. (See **H.J.R. 34**, below.)

H.J.R. 30 (Larson) – Property Appraisal: would amend the Texas Constitution to authorize the legislature to limit the maximum appraised value of property for ad valorem tax purposes in a tax year to 105 percent, or a greater percentage, of the appraised value of the property for the preceding tax year if in the preceding tax year the owner of the property disputed the appraisal of the property and the appraised value was lowered as a result. (See **H.B. 301**, above.)

H.J.R. 33 (Metcalf) – 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. 376**, above.)

H.J.R. 34 (Murphy) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from property taxation any real property that is leased for use as an open-enrollment charter school for educational purposes. (See **H.B. 382**, above.)

S.B. 172 (Nichols) – Appraisal Cap: would: (1) reduce the property tax appraisal cap on homesteads from ten percent to five percent; (2) authorize a county commissioners court to call an election to increase the homestead appraisal cap for all taxing jurisdictions in the county back to some percentage between six and ten; and (3) prohibit a subsequent election from occurring for ten years after such an election is held. (See **S.J.R. 19**, below.)

S.B. 175 (Nichols) – Property Tax Appraisal: would provide that land owned by a deployed member of the armed services remains eligible for appraisal as qualified open-space land, even if the land ceases to be devoted principally to agricultural use to the degree of intensity generally accepted in the area, if the service member intends to use the land in that manner upon returning to the property.

S.B. 240 (Creighton) – Property Tax Exemption: would exempt from property taxes a residence homestead that was donated to a disabled veteran by a charitable organization at some cost to the disabled veteran in the form of a cash payment, a mortgage, or both in an aggregate amount that is not more than 50 percent of the good faith estimate of the market value of the residence homestead made by the charitable organization as of the date the donation is made. (See **S.J.R. 23**, below.)

S.J.R. 19 (Nichols) – Appraisal Cap: would amend the Texas Constitution to permit the legislature to: (1) reduce the property tax appraisal cap on homesteads from ten percent to five percent; and (2) authorize a county commissioners court to call an election to increase the homestead appraisal cap for all taxing jurisdictions in the county back to some percentage between six and ten. (See **S.B. 172**, above.)

S.J.R. 23 (Creighton) – Property Tax Exemption: would amend the Texas Constitution to provide that the legislature may provide that a partially disabled veteran is entitled to an exemption from property taxation of a percentage of the market value that is equal to the percentage disability of the disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization for less than the market value of the residence homestead. (See **S.B. 240**, above.)

Sales Tax

H.B. 343 (Canales) – Sales Tax Exemption: would exempt from sales taxes the sale, lease, or use of an otherwise taxable item sold to, or used by, a disabled veteran or the surviving spouse of a disabled veteran.

H.B. 350 (Canales) – Sales Tax Exemption: would exempt the sale, use, or consumption of college textbooks from sales taxes during two seven-day periods, one beginning in August and one beginning in January.

H.B. 410 (Springer) – Sales Tax Exemption: would exempt certain feminine hygiene products from the sales tax.

S.B. 129 (Garcia) – Sales Tax Exemption: would exempt certain feminine hygiene products from the sales tax.

S.B. 133 (Creighton) – Sales Tax Exemption: would exempt firearms and hunting supplies from sales taxes during the last full weekend in August.

S.B. 162 (Rodriguez) – Sales Tax Exemption: would exempt certain feminine hygiene products from the sales tax.

Purchasing

H.B. 89 (P. King) – Israel: would provide that neither a state nor a political subdivision may enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract. (Companion bill is **S.B. 134** by **Creighton**.)

S.B. 134 (Creighton) – Israel: this bill is the same as **H.B. 89**, above.

Elections

H.B. 273 (Gonzales) – Ballot Propositions: would require each proposition on the ballot to identify the name of the authority ordering the election on the measure and assign a number to the measure that corresponds to the order in which it is placed on the ballot.

H.B. 288 (Keough) – Early Voting: would provide that: (1) except as provided by (2), the period for early voting by personal appearance begins on the 10th day before election day and continues through the second day before election day; (2) for an election held on the May uniform election date and any resulting runoff election, the period for early voting by personal appearance begins on the seventh day before election day and continues through the second day before election day; (3) in a county with a population of 100,000 or more, early voting by personal appearance in a primary election or the general election for state and county officers shall be conducted at the main early voting polling place for at least 12 hours on each weekday of the early voting period; and (4) in an election ordered by a city, early voting by personal appearance at the main early voting polling place shall be conducted for at least 12 hours on one weekday (as opposed to potentially 12 hours on two weekdays under current law if the early voting period consists of six or more weekdays).

H.B. 365 (Springer) –Uniform Election Date: would require the secretary of state to conduct a study regarding the feasibility of implementing a single uniform election date held in November.

H.B. 384 (Murphy) – Voter Identification: would: (1) require each voter registration certificate issued by the state to contain a photograph of the voter to whom the certificate is issued; (2) require the secretary of state to establish methods to obtain a photograph of each registered voter for use on the voter's voter registration certificate, which includes requiring the secretary of state

to enter into agreements with the Department of Public Safety and other state agencies for assistance with assigning photographs to the appropriate voter's voter registration certificate; and (3) provide that a voter's voter registration certificate containing the voter's photograph is an acceptable form of photo identification for voting purposes.

H.B. 389 (Murphy) – Voter Registration: would: (1) provide that a person's residence, for purposes of registering to vote, is established at the first residence address in the following list that is applicable to the person: (a) the address stated on the person's driver's license; (b) the address stated on the person's personal identification card; (c) the address stated on a license to carry a concealed handgun; (d) the address where the person receives mail; (e) the address the person claims as a homestead; or (f) the registration address of a vehicle the person owns; (2) authorize a person who has no address to establish residence by executing an affidavit and filing it with the secretary of state; and (3) except from the provisions in (1) and (2), above: (a) a member of the armed forces; (b) a person enrolled as a full time student at an institution of higher education; (c) a person whose address is confidential as a crime victim; (d) a federal judge, state judge, or spouse of a federal judge or state judge whose driver's license includes the street address of a courthouse; and (e) a peace officer whose driver's license omits the officer's actual residence address.

S.B. 144 (Garcia) – Cell Phones: would allow a person who is occupying a voting station to use a mobile phone to access information that was downloaded or created on the phone before the person entered the polling place.

S.B. 148 (Garcia) – Election Interpreters: would: (1) allow an interpreter to be appointed by an election officer if the voter has not selected an interpreter; (2) provide that if selected by the voter, an interpreter may be any person other than the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs; and (3) provide that if appointed to serve as an interpreter by an election officer, an interpreter must be a registered voter of the county in which the voter needing the interpreter resides or a registered voter of an adjacent county.

S.B. 153 (Bettencourt) – Voter Identification: would provide that a person 70 years of age or older may use an acceptable form of identification that has expired for the purposes of voting if the identification is otherwise valid.

S.B. 167 (Rodriguez) – Voter Registration: would, among other things, provide: (1) that an election officer serving a polling place for early voting by personal appearance is a deputy voter registrar and has the same authority as a regular deputy registrar; (2) that a person who would be eligible to vote in an election but for the requirement to be a registered voter must be accepted during early voting by personal appearance for voting the ballot for the precinct of the person's residence as shown by the identification presented if the person: (a) submits a voter registration application that complies with state law to an election officer at the polling place; and (b) presents as proof of residence: (i) a Texas driver's license or personal identification card that states the person's current address on the day the person seeks to vote; or (ii) a utility bill addressed to the person dated not earlier than the 30th day before the date the person seeks to vote along with one of several types of permissible identification; (3) that an election officer

must make a copy of the proof of residence, attach it to the registration application, and return the original proof of residence to the voter; (4) that a person voting under (2), above, shall vote a provisional ballot; and (5) that the secretary of state may, by rule, designate additional documents that a person may offer to prove the person's residence to register and vote.

S.B. 173 (Campbell) – Uniform Election Date: would eliminate the May uniform election date.

S.B. 230 (Menendez) – Countywide Polling Place: would authorize the secretary of state to select any county to participate in the countywide polling place program.

S.B. 231 (Menendez) – Voter Registration: would require the voter registrar of each county to automatically register any county resident who is eligible to vote and: (1) is issued a Texas driver's license or a personal identification card by the Department of Public Safety (DPS); or (2) makes a change to a Texas driver's license or personal identification card issued by DPS.

S.B. 232 (Menendez) – Voter Registration: would, among other things, provide: (1) that an election officer serving a polling place for early voting by personal appearance is a deputy voter registrar and has the same authority as a regular deputy registrar; (2) that a person who would be eligible to vote in an election but for the requirement to be a registered voter must be accepted during early voting by personal appearance for voting the ballot for the precinct of the person's residence as shown by the identification presented if the person: (a) submits a voter registration application that complies with state law to an election officer at the polling place; and (b) presents as proof of residence a photo identification that states the person's current address on the day the person seeks to vote; (3) that an election officer must return the original proof of residence to the voter; (4) that a person voting under (2), above, shall vote a provisional ballot; and (5) that the secretary of state may, by rule, designate additional documents that a person may offer to prove the person's residence to register and vote.

Open Government

H.B. 349 (Canales) – Public Information: would provide that: (1) information relating to the receipt or expenditure of public or other funds by a governmental body for a parade, concert, or other event open to the general public and paid for in whole or part with public funds cannot be withheld under the competition or bidding exception of the Public Information Act; and (2) a contract provision that violates (1) is void.

Other Finance and Administration

H.B. 74 (Flynn) – U.S. Constitution: would: (1) create a state legislative committee to review whether a federal action violates the U.S. Constitution; and (2) provide that the Texas attorney general may represent the state or a political subdivision of the state if either refuses to participate in the implementation of a federal action.

H.B. 370 (Howard) – Ethics: would require the clerk or secretary in a city that makes personal financial disclosure statements (statements filed by certain officers in cities of 100,000 or more)

available to the public on the city's website redact the home address of the individual filing the statement before putting it on the website.

S.B. 110 (Huffines) – Term Limits: would: (1) require the governing body of a political subdivision to adopt term limits for each elected officer no later than January 1, 2018; and (2) require that the term limits in (1), above, not allow a person to serve longer than 12 years in office, regardless of whether the terms are consecutive and regardless of whether the office is in a different precinct or place.

S.B. 152 (Bettencourt) – Local Retirement Systems: would, among other things, provide that a city that is the sponsoring authority of a public retirement system that was created under a state statute, but is not a part of a statewide public retirement system, may adopt by ordinance or resolution provisions that prospectively supplement or supersede the operative provisions of the public retirement system.

S.B. 165 (Rodriguez) – Discrimination: would: (1) provide, with certain exceptions, that a person commits a discriminatory practice in violation of law if the person, because of sexual orientation or gender identity or expression of an individual, denies the individual full and equal accommodation in a place of public accommodation or otherwise discriminates against or segregates the individual based on sexual orientation or gender identity or expression; (2) authorize a person aggrieved because of a violation of law described in (1), above, to file a civil action in district court; and (3) add sexual orientation and gender identity or expression as a protected class in existing state anti-discrimination provisions.

S.B. 200 (Campbell) – Local Debt: would, among other things: (1) require the comptroller to create an Internet database, known as the Political Subdivision Public Information Warehouse, that contains information regarding all active political subdivisions in the state that are authorized to impose an ad valorem or sales and use tax to issue bonds, notes, or other obligations; (2) require the warehouse database to include the following information: (a) the name of the political subdivision; (b) the rate of any sales and use tax the political subdivision imposes; (c) various property tax rates for the most recent tax year; (d) the total amount of the political subdivision's debt, including the principal, interest, and year in which the debt would be paid; (e) the political subdivision's Internet website address, or if the political subdivision does not operate a website, contact information to enable a member of the public to obtain information from the political subdivision; and (f) the Internet website address for the appraisal district in each county in which a political subdivision has territory; (3) authorize, but not require, the warehouse database to include the following information: (a) information describing the political subdivision's boundaries; (b) the political subdivision's current budget; (c) each current check registry published by the political subdivision's governing body; and (d) any other current financial audit or annual report published by the political subdivision's governing body; (4) authorize the comptroller to consult with the appropriate person from each political subdivision to obtain the information necessary to operate and update the warehouse database; (5) require the governing body of a political subdivision that publishes the check registry on its website to provide a link to the webpage containing the information to the comptroller; (6) require the comptroller to update tax rate information at least annually; (7) require a political subdivision to transmit records and other information to the comptroller annually in a form and in the manner

prescribed by the comptroller, for purposes of operating the Political Subdivision Public Information Warehouse; and (9) require a political subdivision to transmit to the comptroller: (a) its most recently adopted annual budget; (b) its most recently adopted annual financial report; and (c) the address of the Internet website maintained by the political subdivision, if any.

S.B. 201 (Campbell) – Local Debt: would require a proposition in an election to issue local debt to state: (1) the purpose for which the debt obligations are to be authorized; (2) the principal amount of the debt obligations to be authorized; (3) that taxes sufficient to pay the annual principal and interest of the debt obligations may be imposed; (4) the aggregate amount of the outstanding principal of the political subdivision’s debt obligations as of the beginning of the political subdivision’s fiscal year in which the election is ordered; and (5) the ad valorem debt service tax rate for the political subdivision at the time the election is ordered.

S.B. 208 (West) – Metal Recycling: would: (1) require a metal recycling entity to report to the Texas Department of Public Safety (DPS) each sale or attempted sale of an explosive weapon or explosive component; (2) require the DPS to use the statewide electronic reporting system that tracks the sale of regulated metal to also track the sale or attempted sale of an explosive weapon or an explosive component; (3) make it a criminal offense for: (a) either a person to sell to a metal recycling entity or a metal recycling entity to buy an explosive component or explosive weapon; and (b) a metal recycling entity to store an explosive component or explosive weapon on its premises; (4) authorize a court to order restitution to a city for certain costs related to responding to an offense in (3), above; and (5) authorize the imposition of certain administrative penalties in relation to the metal recycling laws.

S.B. 210 (Kolkhorst) – State Agency Rules: would prohibit a state agency from adopting a proposed rule that imposes a cost on a local government, unless the state agency first: (1) repeals two state agency rules that impose total costs equal to or greater than the cost imposed by the proposed rule; (2) amends two state agency rules to decrease the total costs imposed by an amount equal to or greater than the cost imposed by the proposed rule; or (3) repeals one state agency rule and amends one state agency rule to decrease the total costs imposed by an amount equal or less than the proposed rule.

S.B. 241 (Burton) – Lobbying: would: (1) prohibit a city council from spending public money to directly or indirectly influence or attempt to influence the outcome of any legislation pending before the legislature if the city imposes a tax; (2) except from the prohibition in (1), above: (a) an officer or employee of a city providing information for a member of the legislature or appearing before a legislative committee at the request of the committee or member; (b) an elected officer of a city advocating for or against or otherwise influencing the outcome of legislation while acting as an officer of the city; and (c) an employee of a city advocating for or against or otherwise influencing the outcome of legislation if those actions would not require the person to register as a lobbyist; (3) allow a city council to spend, in the name of the city, public money for membership fees and dues of a nonprofit state association or organization of similarly situated political subdivisions only if: (a) a majority of the city council votes to approve membership in the association or organization; (b) the association or organization exists for the betterment of local government and the benefit of all local officials; (c) the association or organization is not affiliated with a labor organization; (d) neither the association or organization

nor an employee of the same directly or indirectly influences or attempts to influence the outcome of legislation; and (e) the association or organization does not directly or indirectly contribute money, services, or other valuable things to a political campaign or endorse a candidate or group of candidates for public office; (4) provide that (3)(d), above, does not prevent a person from providing information for a member of the legislature or appearing before a legislative committee at the request of the committee or member; and (5) provide that if a city, association, or organization engages in certain prohibited activities described above, a taxpayer is entitled to seek injunctive relief and may recover reasonable attorney's fees and costs if successful in seeking such relief.

S.B. 245 (Burton) – Local Debt: this bill would make numerous additions to the laws governing the issuance of local debt. Specifically, the bill would:

1. require a political subdivision to conduct a public hearing prior to holding an election to authorize the issuance of bonds;
2. require the public hearing to be held not earlier than the day the governing body adopts the election order or later than the first day before the date the period for early voting for personal appearance begins for the election;
3. require the political subdivision to provide notice of the hearing not earlier than the 30th day or later than the 15th day before the date of the hearing by: (a) publishing notice in at least one newspaper of general circulation in the county in which the political subdivision is located; (b) posting notice on the political subdivision's Internet website and each other Internet website for which the political subdivision controls the content of the posting, including a social media site; (c) including the notice in the political subdivision's newsletter, circular, or similar document designed to provide information to residents of the political subdivision, regardless of how it is delivered, if the political subdivision periodically delivers such a document; and (d) sending by first-class mail to each owner of taxable property located in the political subdivision a voter information document (discussed in (5), below) and cover letter that includes the date of the hearing, purpose of the hearing, language that will appear on the ballot, and the estimated increase in the property tax debt levy of the political subdivision for all taxable property owned by the property owner and located in the political subdivision;
4. require the Texas Ethics Commission to provide guidelines for political subdivisions regarding the manner in which the hearing is conducted and what type of information can be provided on the voter information document without violating electioneering and political advertising laws;
5. require a political subdivision to prepare a voter information document for each proposition to be discussed at the hearing, which must state: (a) the language that will appear on the ballot; (b) the purpose for which the bonds are to be authorized; (c) the maturity date of the bonds to be authorized; (d) the taxes sufficient to pay the annual principal or and interest on the bonds; (e) the maximum rate of interest for the bonds to be authorized; (f) the following information formatted as a table: (i) the property tax debt rate expressed in dollars per \$100 valuation of all taxable property in the political subdivision stated as the existing rate, estimated rate if the bonds are authorized, and the estimated increase in the rate if the bonds are authorized; and (ii) the amount expressed in dollars of the property tax debt levy of the political subdivision per residence with a

taxable value of \$100,000 stated as the existing levy, estimated levy if the bonds are authorized, and estimated increase in the levy if the bonds are authorized; (g) the following information formatted as a second table and stated as a total amount and per capita amount: (i) the principal of the bonds to be authorized; (ii) the estimated interest for the bonds to be authorized; (iii) the estimated combined principal and interest required to pay on time and in full the bonds to be authorized; and (iv) as of the date the political subdivision adopts the bond election order, the principal and estimated remaining interest of all outstanding debt obligations of the political subdivision payable from property taxes; (h) the following information as of the date the political subdivision adopts the bond election order, formatted as a third table: (i) the principal of all outstanding secured self-supporting debt obligations of the political subdivision; (ii) the estimated remaining interest of all outstanding secured self-supporting debt obligations of the political subdivision; and (iii) the estimated combined principal and interest required to pay on time and in full all outstanding secured self-supporting debt obligations of the political subdivision; and (i) any other information that the political subdivision considers relevant or necessary to explain the values required to be in the voter information document;

6. require a political subdivision to determine each estimate or projection required or authorized by (5), above, in the manner prescribed by comptroller rule;
7. require each voter information document to be printed: (a) on not more than two pages that are not wider than 8 ½ inches and not longer than 14 inches; (b) in type not smaller than 12-point type; and (c) in the form prescribed by the secretary of state;
8. require the governing body of the political subdivision to make a copy of each voter information document available to each individual attending the hearing;
9. require the secretary of state to prescribe the form of the voter information document;
10. provide that a good faith estimate or projection required or authorized by (5), above, determined in the manner prescribed by comptroller rule, does not constitute a breach of contract with the voters solely because the estimate or projection is later determined to be incorrect;
11. require a sample of the ballot printed for a bond election to be posted on the political subdivision's Internet website as soon as practicable after the official ballots have been prepared and must remain posted until the day following the election;
12. require a political subdivision to maintain an Internet website to comply with this subchapter; and
13. require the comptroller to adopt rules to implement the requirements of the bill, including rules that prescribe the manner by which a political subdivision must determine each estimate or projection required or authorized by this subchapter.

Municipal Courts

H.B. 325 (Canales) – Expunction of Records: would: (1) entitle a person to have arrest records expunged if: (a) the person was placed on deferred adjudication community supervision for a charge that was subsequently dismissed; (b) the person has not been arrested for certain offenses after being placed on deferred adjudication; and (c) depending on the offense, either five years (for misdemeanor offenses) or ten years (for felony offenses) have passed; (2) prohibit certain

business entities from publishing criminal history record information and require them to destroy the same upon receipt of notice of an order of expunction; and (3) authorize a close relative of a deceased person to file for expunction on behalf of the deceased.

H.B. 351 (Canales) – Community Service: would give municipal court judges the authority to require a defendant to discharge all or part of the fine or costs by performing community service if the judge determines the defendant has insufficient resources or income to pay the fine or costs. (Companion bill is **H.B. 50** by **White**.)

Community and Economic Development

H.B. 256 (Hernandez) – Nuisance Abatement: would add city attorneys to the list of individuals authorized to sue in the name of the state to enjoin the common nuisance of selling, bartering, manufacturing, storing, possessing or consuming an alcoholic beverage in a room, building, boat, structure, or other place in violation of the Texas Alcoholic Beverage Code.

H.B. 312 (J. Johnson) – Disaster Recovery: would: (1) establish a 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; and (2) require the comptroller to transfer \$30 million from the volunteer fire department assistance fund account in the general revenue fund to the disaster recovery fund account.

H.B. 361 (Huberty) – Election Signs: would: (1) provide an exemption from the laws prohibiting signs from being placed in the rights-of-way of public roads and state highways, including the prohibition on placing a sign in the right-of-way of a road or highway maintained by a city without city authorization, for a political sign that: (a) is on private property; (b) is erected not earlier than the 90th day before the date of the election and is removed not later than the 10th day after the date of the election; (c) is constructed of lightweight material; and (d) has a surface area not larger than 50 square feet; and (2) repeal the law requiring notice on any political advertising sign that the sign cannot be placed in the right of way of a highway.

H.B. 412 (Huberty) – Fireworks: would, among other things, allow a licensed fireworks manufacturer, distributor, or jobber (i.e., a person who purchases fireworks only for resale to retailers) to offer fireworks for retail sale to the public at a location for which the manufacturer, distributor, or jobber obtains a retail location permit from the state fire marshal's office.

S.B. 105 (Hall) – Event Trust Funds: would abolish the Pan American Games Trust Fund, the Olympic Games Trust Fund, the Major Events Reimbursement Program Fund, the Motor Sports Racing Trust Fund, and the Events Trust Fund.

S.B. 243 (Burton) – Eminent Domain: would provide that: (1) the bill applies only to the condemnation of property by a public entity exercising its eminent domain authority to take a residence homestead that is located outside the territorial boundaries of the entity or a private entity exercising its eminent domain authority; (2) not later than the 30th day after the date the

property owner receives a final offer from the entity, the property owner may file a petition with the commissioners court of the county for the disapproval of the condemnation; (3) if the property owner files the petition with the commissioners court, the commissioners court shall hold a hearing to determine whether to approve the condemnation of the property; and (4) the entity may not initiate a condemnation proceeding for the property unless a majority of the commissioners court approves the condemnation of the property.

S.B. 244 (Burton) – Moving Image Industry Incentive Program: would abolish the moving industry incentive program.

S.J.R. 20 (Estes) – Sporting Goods Sales Tax: would amend the Texas Constitution to provide that, for each state fiscal year, the net revenue received from the collection the sporting goods sales tax that is automatically appropriated when received to the Parks and Wildlife Department and the Texas Historical Commission and is allocated between those agencies as provided by general law.

Personnel

H.B. 285 (Alonzo) – Employment Law: would provide that the minimum wage is not less than the greater of \$15.00 an hour or the current federal minimum wage.

H.B. 290 (E. Johnson) – Employment Discrimination: would: (1) prohibit an employer from including a question about wage history information on an employment application form, inquiring or considering an applicant's wage history information, or obtaining wage history information from a previous employer (unless the information is public under the Public Information Act) until a written offer of employment is made; (2) provide that an employer commits an unlawful employment practice if the employer discriminates among employees on the basis of sex by paying wages to an employee at a rate less than that at which the employer pays wages to an employee of the opposite sex for the same or substantially similar work, unless the pay is made under a seniority or merit system, a system that measure earnings by production, or a differential based on a bona fide factor other than sex; (3) provide that an employer commits an unlawful employment practice if the employer retaliates against an employee as a result of the employee's involvement in exercising his or her rights under this wage discrimination law; and (4) require an employer to post notice about this wage discrimination law and compile and maintain certain wage information for a period of at least three years.

H.B. 334 (Collier) – Credit History: would, among other things,: (1) prohibit an employer from requiring an applicant or employee to submit a credit report or authorize access to a credit report or credit history as a condition of employment; (2) prohibit the discharge, discipline, discrimination against, or denial of employment or promotion on the basis of the credit report or because the employee or applicant refused to authorize access to the credit report; (3) provide administrative penalties for employers that commit violations concerning prohibited use of the credit information; (4) provide that the employee or applicant aggrieved by the violation of the prohibited use of the credit information may bring a civil action against the employer in district court in the county in which the alleged violations occurred or in which the alleged violator's

residence or principal place of business is located; (5) provide that the Texas Workforce Commission may bring a civil action to restrain an employer's violations of prohibited use of credit information; and (6) exempt peace officers from the bill's prohibitions.

H.B. 381 (Collier) – Workers' Compensation: would waive a city's immunity for workers' compensation claims up to the liability limits in the Tort Claims Act.

S.B. 191 (Garcia) – Mandated Leave: would provide that a non-exempt employee who works for an employer with more than 25 employees at a single location, including a city, is entitled to certain leave to participate in academic, disciplinary, and other activities of a child or grandchild.

S.B. 223 (Menendez) – Employment Compensation: would expand the remedies available for discrimination in payment of compensation.

S.B. 229 (Menendez) – Employment Law: would provide that: (1) an employer shall pay to each employee not less than the greater of \$10.10 an hour or the current federal minimum wage; and (2) repeal the prohibition against a city adopting a higher minimum wage for persons living within the city. (See **S.J.R. 22**, below.)

S.J.R. 22 (Menendez) – Employment Law: would propose an amendment to the Texas Constitution that would, with certain exceptions, provide that an employer in this state shall pay to an employee for services performed by the employee not less than the greater of \$10.10 an hour or the current federal minimum wage. (See **S.B. 229**, above.)

Public Safety

H.B. 110 (Krause) – Firearms: would, among other things: (1) prohibit the state or a political subdivision of the state from contracting with or in any other manner providing assistance to a federal agency or official with respect to the enforcement of a federal statute, rule, or regulation purporting to regulate a firearm, a firearm accessory, or firearm ammunition if the statute, order, rule, or regulation imposes a prohibition, restriction, or other regulation that does not exist under the laws of this state; and (2) provide that the attorney general shall defend any agency or political subdivision of the state if the federal government attempts to sue or prosecute it based on the bill's requirements.

H.B. 207 (Springer) – Sex Offenders: would: (1) define "child safety zone" as premises where children commonly gather, including a school, day-care facility, playground, public or private youth center, public swimming pool, video arcade facility, or other facility that regularly holds events primarily for children; (2) exclude a church from the definition of child safety zone; (3) authorize the governing body of a general law city by ordinance to restrict a registered sex offender from going in, on, or within a specified distance of a child safety zone in the city; (4) create an affirmative defense to prosecution of an offense under the ordinance that the registered sex offender is in, on, or within a specified distance of a child safety zone for a legitimate purpose, including transportation of a child that the registered sex offender is legally permitted to be with, transportation to and from work, and other work-related purposes; (5) limit the distance

imposed by ordinance under (3), above, to, 1,000 feet; (6) require an ordinance to establish procedures for a registered sex offender to apply for an exemption from the ordinance; and (7) require the ordinance to exempt a registered sex offender who established residency in a residence located within the specified distance of a child safety zone before the date the ordinance is adopted.

H.B. 255 (Anchia) – Licensed Carry: would: (1) prohibit a person who holds a license to carry a handgun from carrying on the premises or property of an indoor or outdoor arena, stadium, golf course, automobile racetrack, amphitheater, auditorium, theater, museum, zoo, civic center, or convention center, unless the license holder is a participant in an event conducted at the facility and a handgun is used in the event; and (2) provide that the prohibition in (1) is not effective without proper notice.

H.B. 272 (S. Thompson) – Human Trafficking Training: would require an applicant for a commercial driver’s license to provide proof that the applicant successfully completed a recognition and prevention of human trafficking course. (Companion bill is **S.B. 128** by **Garcia**.)

H.B. 281 (Howard) – Evidence Collection Kits: would require the Department of Public Safety to develop and implement a statewide electronic tracking system for evidence collection kits used to collect and preserve evidence of a sexual assault.

H.B. 282 (Anchia) – Licensed Carry: would provide that any institution of higher education (as opposed to only a private institution under current law) may prohibit concealed carry on its campus. (Companion bill is **H.B. 391** by **Howard**.)

H.B. 305 (Minjarez) – Bullying: would provide that the principal or principal’s designee of public, private, or secondary school shall make a report to any municipal police department in which the school is located if the principal has reasonable grounds to believe that a student engaged in conduct that constitutes an offense of assault or cyberbullying. (Companion bill is **S.B. 180** by **Menendez**.)

H.B. 306 (Minjarez) – Bullying: would provide that the principal or principal’s designee of public, private, or secondary school shall make a report to any municipal police department in which the school is located if the principal has reasonable grounds to believe that a student engaged in conduct that constitutes an offense of assault or cyberbullying. (Companion bill is **S.B. 179** by **Menendez**.)

H.B. 323 (Canales) – Asset Forfeiture: would require: (1) a law enforcement agency that seizes property to reimburse the owner or interest holder for court costs, storage fees, and reasonable attorney’s fees if a court determines the property is not subject to forfeiture; and (2) the agency to use certain funds received from forfeited property to pay the owner or interest holder.

H.B. 324 (Canales) – Grand Jury Proceedings: would: (1) require that an entire grand jury proceeding be recorded if the accused person is employed by the state or a political subdivision

of the state and the offense is alleged to have been committed during the course and scope of the person's duties as an employee; and (2) make the recording in (1), above, subject to public release if the grand jury finds no bill of indictment.

H.B. 344 (Canales) – Asset Forfeiture: would raise the state's burden of proof from "preponderance of the evidence" to "clear and convincing evidence" in proceedings related to the seizure of property as a substitute for contraband, and in certain other forfeiture hearings.

H.B. 348 (Canales) – Asset Forfeiture: would: (1) provide that property that is contraband is not subject to seizure and forfeiture if: (a) the property is not otherwise unlawful to possess; and (b) the property would not be admissible as evidence in the prosecution of the underlying offense; and (2) limit the evidence that may be presented by the state in a forfeiture proceeding to that evidence that could be presented in the prosecution of the underlying offense giving rise to the forfeiture.

H.B. 355 (Raney) – Sex Offenders: would prohibit a registered sex offender from residing on the campus of a public or private institution of higher education.

H.B. 359 (Cyrier) – Motor Vehicle Sales Tax Exemption: would exempt the purchase of an emergency medical services chief or supervisor vehicle from the motor vehicle sales tax when purchased by an entity that has an agreement with a local governmental entity to provide emergency ambulance services.

H.B. 375 (Stickland) – Handguns: would provide that: (1) a person who is not otherwise prohibited by law may, without a license, openly carry a handgun; (2) a person under (1) may not openly carry a handgun in certain places, including on the premises where a meeting of a governmental entity is taking place if proper notice is given (and most other places a person who is licensed to carry under current law may not carry); (3) a city may not regulate the carrying of a firearm at a public park or parade, rally, or political meeting in the city; (4) a person who is not otherwise prohibited by law may, without a license, concealed carry a handgun on a college campus; (5) the mere possession or carrying of a handgun, openly or concealed, with or without a license, shall not constitute reasonable belief for a peace officer to disarm or detain an otherwise law-abiding person; and (6) the holder of a license to carry may have a defense to prosecution for carrying a handgun on the premises of a court or polling place, among others (current law prohibits even licensed carry on those premises).

H.B. 387 (Murphy) – Sex Offenders: would: (1) define "child safety zone" as premises where children commonly gather, including a school, day-care facility, playground, public or private youth center, public swimming pool, video arcade facility, or other facility that regularly holds events primarily for children; (2) exclude a church from the definition of child safety zone; (3) authorize the governing body of a general law city by ordinance to restrict a registered sex offender from going in, on, or within a specified distance of a child safety zone in the city; (4) create an affirmative defense to prosecution of an offense under the ordinance that the registered sex offender is in, on, or within a specified distance of a child safety zone for a legitimate purpose, including transportation of a child that the registered sex offender is legally permitted to be with, transportation to and from work, and other work-related purposes; (5) limit the distance

imposed by ordinance under (3), above, to, 1,000 feet; (6) require an ordinance to establish procedures for a registered sex offender to apply for an exemption from the ordinance; and (7) require the ordinance to exempt a registered sex offender who established residency in a residence located within the specified distance of a child safety zone before the date the ordinance is adopted. (Companion bills are **S.B. 76** by **Nelson** and **S.B. 197** by **Nichols**.)

H.B. 391 (D. Howard) – Licensed Carry: this bill is identical to **H.B. 282**, above.

H.B. 392 (D. Howard) – Licensed Carry: would prohibit licensed carry at certain nursing facilities, hospitals, and mental health facilities.

H.B. 401 (Villalba) – Animals and Children in Vehicles: would: (1) limit the liability of a person who, by force or otherwise, enters a motor vehicle for the purpose of removing a vulnerable individual or a animal from the vehicle; (2) provide that a person’s conduct is justified when the person, by force or otherwise, enters a motor vehicle to remove a vulnerable individual or animal; (3) make it a Class C misdemeanor offense to leave a nonlivestock animal in a vehicle unattended by an adult and exposed to harm while confined in the vehicle; (4) not preempt a city ordinance that was more stringent as to an offense described in (3), above; and (4) provide that leaving an animal unattended in a vehicle under circumstances that expose the animal to life-threatening heat or cold without providing protection to the animal is punishable as an animal cruelty offense. (Companion bill is **S.B. 69** by **Zaffirini**.)

H.B. 414 (Collier) – Electronic Recording of Interrogations: would, among other things: (1) require a police department to make an audio or audiovisual electronic recording of custodial interrogations of persons suspected of or charged with felony offenses; (2) set out good cause reasons that make electronic recording infeasible; and (3) exempt the electronic recording from release under the Texas Public Information Act, except when it must be released under the law enforcement exception.

S.B. 86 (Hall) – Handguns: would provide that an owner of property on which the carrying of a handgun is not otherwise unlawful is immune from civil liability with respect to any claim that is based on the property owner’s failure to exercise the option to forbid the carrying of handguns on the property, unless the liability arises from a wilful or wanton act or gross negligence by the owner.

S.B. 93 (Hall) – Firearms: would provide that: (1) the bill applies to state agencies and political subdivisions, including the governing body of a city, an officer or employee of the city, the municipal attorney, the municipal police department, or “other body that is part of a city;” (2) an entity described by (1) may not use public funds to enforce a federal statute, order, rule, or regulation or an international law purporting to regulate a firearm, a firearm accessory, or firearm ammunition, or the carrying of those items, if the federal statute, order, rule, or regulation or international law imposes a prohibition, restriction, or other regulation, such as a capacity, size, or configuration limitation, that does not exist under the laws of this state; (3) an entity may not receive state grant funds if the entity adopts a rule, order, ordinance, or policy under which the entity requires the enforcement of any federal statute, order, rule, or regulation or an international law or if the entity, by consistent actions, requires the enforcement of any federal

statute, order, rule, or regulation or an international law; (4) state grant funds for the entity shall be denied for the fiscal year following the year in which a final judicial determination in an action brought under the bill is made that the entity has intentionally required the enforcement of any federal statute, order, rule, or regulation or an international law; (5) any citizen residing in the jurisdiction of an entity may file a complaint with the attorney general if the citizen offers evidence to support an allegation that the entity has violated the bill; (6) if the attorney general determines that a complaint is valid, the attorney general may file a petition for a writ of mandamus or apply for other appropriate equitable relief in a district court in Travis County or in a county in which the principal office of the entity is located to compel the entity to comply with the bill; and (7) the attorney general shall defend any entity described by (1) that the federal government attempts to sue or prosecute for an action or omission consistent with the requirements of this section.

S.B. 106 (Hall) – Eight Liners: would clarify that eight liners are illegal gambling devices.

S.B. 111 (Huffines) – Traffic Enforcement Cameras: would: (1) with the exception of tollway enforcement, prohibit the state or a political subdivision from issuing a civil or criminal charge or citation for an offense or violation based on a recorded image produced by a photographic traffic enforcement system; and (2) repeal a Transportation Code provision that defines “regulating” to include criminal, civil, and administrative enforcement, and thereby, potentially impact the enforcement authority of cities over various activities on a highway under the jurisdiction of the city.

S.B. 128 (Garcia) – Human Trafficking Training: this bill is identical to **H.B. 272**, above.

S.B. 156 (Hinojosa) – Asset Forfeiture: would: (1) raise the state’s burden of proof from “preponderance of the evidence” to “clear and convincing” in certain criminal asset forfeiture proceedings; and (2) limit: (a) the transfer of and forfeitable property to the federal government; and (b) cooperation in federal forfeiture actions.

S.B. 170 (Rodriguez) – Marijuana: would make: (1) possession of less than one ounce of marijuana a civil offense; and (2) the identity of a person cited or found liable for a civil marijuana penalty confidential under the Public Information Act. (Companion bill is **H.B. 81** by **Moody**.)

S.B. 179 (Menendez) – Bullying: this bill is identical to **H.B. 306**, above.

S.B. 180 (Menendez) – Bullying: this bill is identical to **H.B. 305**, above.

S.B. 183 (Uresti) – E-Cigarettes and Cigarettes: would raise the legal age to purchase tobacco products from 18 to 21 years of age.

S.B. 188 (Uresti) – Animals in Vehicles: would: (1) limit the civil liability of a person who, under certain circumstances, enters a motor vehicle for the purpose of removing a domestic animal from the vehicle; (2) provide that a person’s conduct is justified when the person, by force or otherwise, enters a motor vehicle to remove a domestic animal in order to avoid

imminent harm to the animal; and (3) provide that the offense of animal cruelty includes depriving an animal of adequate ventilation or exposing an animal to prolonged and life-threatening heat or cold.

S.B. 197 (Nichols) – Sex Offenders: this bill is identical to H.B. 387, above.

S.B. 202 (West) – Traffic Stops: would provide that: (1) the State Board of Education and the Texas Commission on Law Enforcement enter into a memorandum of understanding that establishes each agency’s respective responsibilities in developing instruction on proper interaction with peace officers during traffic stops and other in-person encounters; and (2) require training in such interactions to ninth-graders and peace officers.

S.B. 220 (Menendez) – Licensed Carry: would prohibit licensed carry at certain mental health facilities.

S.B. 227 (Huffman) – Controlled Substances: would modify the Texas Controlled Substances Act by repealing the provision that removes a substance from the Penalty 2 Group if the Federal Drug Administration approves the substance.

S.B. 228 (Uresti) – E-Cigarettes and Cigarettes: would provide that a city may raise the legal age to purchase tobacco products from 18 to 21 years of age.

S.B. 233 (Menéndez) – Law Enforcement Training: would: (1) require the Texas Commission on Law Enforcement to establish, as part of the minimum curriculum requirements for preparatory and advanced courses and programs for schools, a statewide education and training program on proper procedures for traffic stops; and (2) require an officer to complete a program established under (1), above, not later than the second anniversary of the date the officer is licensed or the date the officer applies for an intermediate proficiency certificate, whichever is earlier.

Transportation

H.B. 321 (Canales) – Vehicle Registration: would authorize the establishment of a voluntary statewide motor vehicle registration program to prevent transnational motor vehicle theft.

H.B. 354 (Raney) – Transportation: would provide that: (1) a city, on the request of an open enrollment charter school, shall hold a public hearing at least once each calendar year to consider prima facie speed limits on a highway in the municipality, including highway in the state highway system, near the school; (2) a municipality may not reject a request for a prima facie speed limit by a public or private elementary or secondary school, an open enrollment charter school, or an institution of higher education without first making a written finding stating a compelling reason for the rejection; (3) a school or institution may appeal a rejection of a request to the district court of the count in which the school or institution is located not later than the 90th day after the date the written finding is made; and (4) if district court determines that the

rejection was not made for a compelling reason, the court shall grant the requested prima facie speed limit.

H.B. 405 (Villalba) – Billboards: would provide that, if a sign located in a city or its extraterritorial jurisdiction is required to be removed because of the widening, construction, or reconstruction of a road by the Texas Department of Transportation (TxDOT), and if relocation of the sign would be allowed under TxDOT rules but is restricted or prohibited by charter, ordinance, or a decision of the city, the city shall reimburse TxDOT for any just compensation paid to the owner or lessee of the sign in a condemnation proceeding.

S.B. 113 (Huffines) – Transportation Network Companies: would: (1) prohibit registered sex offenders from providing passenger transportation through an online application; and (2) prohibit cities from regulating: (a) street-hail taxicab services, (b) prearranged limo service, and (c) prearranged rides through an online application.

S.B. 176 (Schwertner) – Transportation Network Companies: would provide, among other things, that: (1) transportation network companies (TNCs) and drivers accessing a transportation network company's digital network (drivers) are governed exclusively by the bill; (2) a city or other local entity may not: (a) impose a tax on or require a license for a TNC or a driver; or (b) subject a TNC or driver to the city's or other local entity's rate, entry, operational, or other requirements; (3) a person may not operate a TNC without obtaining and maintaining a state permit; (4) the Texas Department of Licensing and Regulation (TDLR) shall issue a two-year permit to each applicant that meets the requirements of the bill; (5) TDLR shall collect fees from TNCs of up to \$125,000 per year, depending on the TNCs number of drivers, to obtain a permit; (6) before allowing an individual to act as a driver on, a TNC must: (a) require the individual to submit an application to the company that includes information regarding the individual's address, age, driver's license, driving history, motor vehicle registration, motor vehicle liability insurance, and other information required by the company; (b) conduct, or have a third party conduct, a local and national criminal background check for each individual that includes the use of a commercial multistate and multijurisdiction criminal records locator with primary source validation and the national sex offender registry database maintained by the United States Department of Justice; and (c) obtain and review the individual's driving record; (7) a TNC may not permit to act as a driver a person who is under 19 years of age or who has been convicted of certain criminal offenses; (8) a TNC must adopt a drug and alcohol use policy and a discrimination policy and suspend any driver who violates the policies; (9) a driver may not solicit or accept street hails; (10) a TNC shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle, and – if a TNC is unable to arrange wheelchair-accessible service, the company shall direct the passenger to an alternate provider of wheelchair-accessible service – if available; and (11) taxis and limousine services are exempted from the bill.

Utilities and Environment

H.B. 407 (Tinderholt) – Electric Grid Protection: would provide: (1) that the Public Utility Commission by rule shall identify and implement design standards for the electric power

transmission and distribution system to limit electromagnetic field levels and protect the transmission and distribution system; the commission by rule shall require ERCOT to consider electromagnetic field levels when determining the public need for a transmission line; (2) for the creation of the electrical power grid reliability task force to study the likely effectiveness and costs of various measures to protect and strengthen the electric power transmission and distribution system against all hazards and to prepare and submit to the governor and the legislature a report of the task force's findings and recommendations.

S.B. 103 (Hall) – Plastic Bags: would provide that: (1) a business that sells an item to a customer may provide to the customer at the point of sale a bag or other container made from any material; and (2) a city may not adopt or enforce an ordinance or regulation that purports to restrict or prohibit a business from, require a business to charge a customer for, or tax or impose penalties on a business for providing to a customer at the point of sale a bag or other container made from any material.

S.B. 225 (V. Taylor) – Water Rights: would prohibit the Texas Commission on Environmental Quality 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.

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