



# Legislative UPDATE

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## **Eighty-Fourth Texas Legislature Adjourns: Local Control Took Some Hits But Mostly Survived**

Somewhere in the files of a corporate-funded think tank, there is no doubt a memo from a public relations firm outlining a lobbying campaign to overturn city ordinances by state laws. The age-old battle to undermine local control traditionally has been waged every session behind closed doors in the Capitol. But this year, some groups unveiled new rhetoric from their spin doctors and wrapped themselves in the banner of “liberty!”

Armed with a shiny new populist slogan, the assault on local control came out of the shadows and unleashed a tidal wave of bills to limit the ability of citizens to influence the laws governing their neighborhoods and their cities.

Fortunately, reason and good judgment prevailed over the new sound bite. A majority of legislators in both chambers continue to understand that local control builds prosperity rather than hinders it. A majority still understands that the so-called “patchwork” of local regulations is actually good because it recognizes that Texans don’t like being told there’s only one way of thinking or one way of living. In fact, people who live in Fort Stockton may be proud that their

city ordinances are different than those in Fort Worth, and vice versa. That diversity is what gives us identity and makes this state great.

Considering the onslaught of detrimental bills, cities emerged from this regular session relatively intact. We took some body blows, but we remain standing. Case in point? City officials were not able to overcome the power and influence of the state's oil and gas industry, which succeeded in limiting – but not eliminating – local rules governing oil and gas development.

Political reality made it clear from the very beginning of the session that more than two-thirds of legislators would vote to prohibit cities from banning fracking. However, legislative leaders made it clear they support long-standing city regulations designed to protect health and safety in residential neighborhoods. Accordingly, H.B. 40 by Rep. Drew Darby (R – San Angelo) contains a clear list of permissible surface regulations, including commercially reasonable setbacks. Oil and gas companies that attempt to misuse the legislation to challenge those regulations will meet strong resistance from the League. (The League will create a clearinghouse to monitor legal challenges to existing drilling ordinances.)

On most other issues, cities completely fended off the assault on local control:

- Harmful revenue caps were proposed in both the House and Senate, but did not pass. These caps, which got more traction than in recent sessions, would have put a hard four percent cap on property tax increases by requiring a mandatory citizen election to raise taxes.

In lieu of revenue caps, S.B. 1760 by Sen. Brandon Creighton (R – Conroe) requires a 60 percent vote of any governing body, including a city council, to adopt a tax rate that exceeds the effective tax rate. The bill will affect cities with councils of seven, nine, or eleven-plus voting members by requiring one additional “aye” vote to pass a tax increase. But the bill also gives cities extra time to publish notice of such tax rates when the appraisal district is late in providing the appraisal role. (A separate bill, H.B. 1953 by Rep. Dennis Bonnen (R – Angleton), did the same thing). This extension of time was one of the League's legislative priorities.

- Harmful legislation that would have limited city debt also failed to pass. Instead, H.B. 1378 by Rep. Dan Flynn (R – Van) will require cities to file a financial report annually containing, among other things, information about city debt loads. The League's legal department will educate city officials about the bill's requirements in the coming months.
- Legislation that would have ended home rule annexation authority progressed further than it has in over a decade, dying on a point of order in the House and passing the Senate too late in the process to meet House deadlines. In the interim, the League will be busy reemphasizing the importance of annexation to the success of the Texas economy in preparation for what's sure to be continued assault in 2017.
- Meanwhile, beneficial transportation legislation passed in the form of S.J.R. 5 by Sen. Robert Nichols (R – Lake Jackson). The bill initially dedicates \$2.5 billion in sales tax

revenue to highway construction, and possibly additional motor vehicle sales taxes in future years. It requires an amendment to the Texas Constitution that must be passed by voters this November.

- The state budget, H.B. 1, restored local parks funding to previous historic funding levels of approximately \$15 million per year and includes an additional \$12 million to fund parks in certain cities. Cities can also expect additional mixed beverage tax reimbursements over the next biennium due to a new tax calculation formula.
- One of the League’s priorities was passing legislation that would permit Internet publication of certain notices in lieu of newspaper publication, but once again the newspaper lobby killed the idea. On a positive note, however, H.C.R. 96 directs the speaker of the House of Representatives and the lieutenant governor to create a joint interim committee to study the issue of advertising public notices on the Internet.

### **The Important Numbers**

Over 400 more bills were filed in 2015 than in 2013, 6,476 compared to 6,061. At one point in the session, the League was tracking 1,600 of those bills, each of which would have affected city authority.

In 2013, lawmakers passed 23.7 percent of bills filed. This year, only 20.5 percent made the cut. This was ultimately a relatively “quiet” session, which is surprising in light of the “liberty vs. local control” dynamic.

<u>Year</u>	<u>Total Bills Introduced*</u>	<u>Total Bills Passed</u>	<u>City-Related Bills Introduced</u>	<u>City-Related Bills Passed</u>
2001	5,712	1,621	1,200+	150+
2003	5,754	1,403	1,200+	110+
2005	5,369	1,397	1,200+	105+
2007	6,374	1,495	1,200+	120+
2009	7,609	1,468	1,500+	120+
2011	6,303	1,410	1,500+	160+
2013	6,061	1,437	1,700+	220+
2015	6,476	1,329	1,600+	220+

\*Includes bills and proposed Constitutional amendments; regular session only.

## Looking Ahead

City officials will need to think deeply during the interim about what this year's philosophical attack on local control really means. If local control were no longer a good thing (we're still a ways from that being so), what would happen to the "Texas Miracle?" Stay tuned.

## City-Related Bills

The following sections contain summaries of the major city-related bills passed by the 84<sup>th</sup> Legislature. The governor has until June 21 to sign bills, veto them, or let them become law without his signature. The effective date of each bill is noted in a parenthetical following each bill described below. Some of the bills will become effective as soon as they are signed (e.g., "effective immediately"), others (unless vetoed) will become effective on September 1, and a few have special effective dates.

Future issues of the *TML Legislative Update* or *Texas Town & City* magazine will provide additional details on some of the bills described here, may include summaries of "straggler" bills that for various reasons weren't summarized at the time of printing, and will provide other updates as appropriate.

The text of any bill is available at the Texas Legislature's [website](#).

## Property Tax

**H.B. 706 (Farrar/Huffman) – Property Tax Exemption:** provides that, once a person claims a property tax exemption for the amount of appraised value of the person's property that arises from the installation of solar or wind-powered energy device, the exemption need not be claimed in subsequent years. (Effective January 1, 2016.)

**H.B. 992 (D. Bonnen/L. Taylor) – Property Tax Exemption:** provides a complete residence homestead property tax exemption for the surviving spouse of a 100 percent or totally disabled veteran who died before the law authorizing a residence homestead exemption for such a veteran took effect, but only if the surviving spouse has not remarried since the death of the disabled veteran. (Effective January 1, 2016, but only if **H.J.R. 75**, below, is approved by the voters.)

**H.B. 994 (Anchia/West) – Property Tax Exemption:** makes permanent the property tax exemption for landfill-generated gas conversion facilities and provides that the exemption applies to certain tangible personal property only, and not to real property. (Effective January 1, 2016.)

**H.B. 1022 (Moody/Rodriguez) – Property Tax Exemption:** provides, for purposes of the residence homestead property tax exemption, that a residence homestead includes a property occupied by an property owner's surviving spouse who has a life estate in the property. (Effective January 1, 2016.)

**H.B. 1463 (Raymond/Uresti) – Property Tax Exemption:** requires a chief appraiser to take certain steps prior to cancelling a residence homestead property tax exemption received by an individual over 65 years of age, including: (1) providing written notice to the individual receiving the exemption, which must include a form on which the individual may indicate whether the individual is qualified to receive the exemption; and (2) cancelling the exemption if the chief appraiser doesn't receive a response to the mailed notice within 60 days, so long as a reasonable effort is made to locate the individual and determine whether the individual is qualified to receive the exemption. (Effective September 1, 2015.)

**H.B. 1464 (Raymond/Zaffirini) – Property Tax Exemption:** provides that: (1) the comptroller's application form for land to be appraised based upon agricultural use must include a space for the claimant to state the claimant's date of birth; and (2) a chief appraiser must take certain steps prior to making a determination that land owned by an individual 65 years of age or older has been diverted to a nonagricultural use, including: (a) providing written notice to the property owner stating that the chief appraiser believes the land may have been diverted to a nonagricultural use, which must include a form on which the owner indicates whether the owner remains entitled to have the land designated for agricultural use; and (b) determining the land has been diverted to a nonagricultural use if the chief appraiser doesn't receive a response to the mailed notice within 60 days, so long as a reasonable effort is made to locate the individual and determine whether the individual is entitled to have the land designated for agricultural use. (Effective September 1, 2015.)

**H.B. 1933 (Darby/Hinojosa) – Property Tax Delinquency:** provides, among other things, that: (1) with regard to installment payments of property taxes, if the delinquency date is a date other than February 1: (a) the second of four installments must be paid before the first day of the second month after the delinquency date; (b) the third installment must be paid before the first day of the fourth month after the delinquency date; and (c) the fourth installment must be paid before the first day of the sixth month after the delinquency date; and (2) the notice of property tax delinquency must prompt the taxpayer to contact the tax collector of a taxing unit regarding the right to enter into an installment agreement, instead of the taxing unit itself. (Effective September 1, 2015.)

**H.B. 1953 (D. Bonnen/Hinojosa) – Property Tax Notice:** allows a city or county to provide the required property tax rate notice not later than the later of September 1 or the 30th day after the first date the taxing unit receives each applicable certified appraisal roll. (Effective January 1, 2016.)

**H.B. 2083 (Darby/Hancock) – Property Tax Appraisal:** requires the selection of comparable properties and the application of appropriate adjustments for the determination of an appraised value of property to be based upon the application of generally accepted methods and techniques. (Effective January 1, 2016.)

**VETOED H.B. 2282 (Guillen/Uresti) – Property Tax Protests:** provides, among other things, that an appraisal review board and chief appraiser must review the evidence or arguments provided by a property owner before a hearing on a protest. (Effective September 1, 2015.)

**H.J.R. 75 (D. Bonnen/L. Taylor) – Property Tax Exemption:** proposes an amendment to the Texas Constitution that will permit the legislature to provide a complete residence homestead property tax exemption for the surviving spouse of a 100 percent or totally disabled veteran who died before the law authorizing a residence homestead exemption for such a veteran took effect, but only if the surviving spouse has not remarried since the death of the disabled veteran. (Effective if approved at the election on November 3, 2015.)

**S.B. 1 (Nelson/D. Bonnen) – Property Tax Exemption:** provides, among other things, that a property owner is entitled to an exemption from taxation by a school district of \$25,000 of the appraised value of the person’s residence homestead. (Note: S.B. 1, a major property tax relief bill, does not directly affect city property tax revenue.) (Effective on the date that **S.J.R. 1**, below, is approved by the voters.)

**S.B. 593 (Watson/Darby) – Property Tax Appraisal:** provides, among other things, that: (1) a property owner or appraisal district that is a party to a property tax appeal may request that the parties engage in settlement discussions through an informal settlement conference or alternative dispute resolution; and (2) upon the motion of either party, the court shall enter orders necessary to implement the pretrial settlement discussions. (Effective immediately.)

**S.B. 833 (Campbell/S. King) – Property Tax Exemption:** provides that a qualified residential structure does not lose its character as a residence homestead for property tax exemption purposes if a person temporarily stops occupying the structure as a principal residence due to the person’s military service inside or outside the United States. (Effective immediately.)

**S.B. 918 (Nichols/Otto) – Property Tax Exemption:** provides that, once a veterans’ organization or county fair association claims a property tax exemption as authorized by state law, the exemption need not be claimed in subsequent years. (Effective January 1, 2016.)

**S.B. 1420 (Hancock/Murphy) – Property Tax Notice:** requires the notice of appraised value sent to a property owner by a chief appraiser to include notice that an exemption or partial exemption approved for the property for the preceding year was canceled or reduced for the current year. (Effective January 1, 2016.)

**S.B. 1760 (Creighton/D. Bonnen) – Property Tax Procedures:** this bill, among other things: (1) requires at least 60 percent of the members of the governing body of a city to vote in favor of an ordinance setting a property tax rate that exceeds the effective tax rate; (2) requires the governing body of a taxing unit that increases property taxes to provide notice of how the taxing unit proposes to use the increase in total tax revenue; (3) provides that a property owner is not required to apply for a refund of taxes due to a correction of the tax roll in order to receive the refund; (4) provides that for a refund of taxes due upon final determination of a property tax appeal, the taxing unit shall include with the refund interest on the amount refunded calculated at an annual rate of 9.5 percent; and (5) allows a city or county to provide the required property tax rate notice not later than the later of September 1 or the 30th day after the first date the taxing unit receives each applicable certified appraisal roll. (Effective January 1, 2016.)

**S.J.R. 1 (Nelson/D. Bonnen) – Property Tax Exemption:** would amend the Texas Constitution to provide, among other things, that a property owner is entitled to an exemption from taxation by a school district of \$25,000 of the appraised value of the person’s residence homestead. (Effective if approved at the election on November 3, 2015, and – if approved – would take effect for the tax year beginning January 1, 2015.)

## **Sales Tax**

**H.B. 157 (Larson/Eltife) – Sales Tax:** provides that: (1) a city may hold an election to impose a dedicated sales and use tax for sports and venue districts, crime control and prevention districts, economic development corporations, property tax relief, or street maintenance at any rate that is an increment of at least one-eighth of one percent and that would not result in a combined rate that exceeds the maximum local sales and use tax rate of two percent; and (2) a city may hold an election to impose its general sales and use tax at any rate that is an increment of at least one-eighth of one percent and that would not result in a combined rate that exceeded the maximum local sales and use tax rate of two percent. (Effective September 1, 2015.)

**H.B. 158 (Larson/Estes) – Sporting Goods Sales Tax:** this bill: (1) repeals the state law prohibiting the state comptroller from crediting to the Parks and Wildlife Department or the Texas Historical Commission any amount of taxes imposed on the sale of sporting goods in excess of the amounts appropriated to the department or commission, respectively; and (2) requires money credited to Parks and Wildlife Department accounts to be appropriated only to acquire, operate, maintain, and make capital improvements to parks or for local parks assistance. (Effective September 1, 2015.)

**H.B. 1841 (G. Bonnen/Perry) – Sales Tax Exemption:** provides that a service performed on behalf of an insured by a person licensed as a public insurance adjuster is not subject to sales taxes. (Effective October 1, 2015.)

**H.B. 2507 (Kacal/Seliger) – Sales Tax Exemption:** exempts certain equipment used for digital audio broadcasting from sales and use taxes. (Effective September 1, 2015.)

**H.B. 2712 (Geren/Hancock) – Sales Tax Exemption:** exempts certain tangible personal property necessary and essential to the operation of a qualified large data center project from sales and use taxes for 20 years. (Effective immediately.)

**H.B. 2853 (R. Anderson/West) – Street Maintenance Sales Tax:** provides, among other things, that street maintenance sales tax revenue may be used to maintain city sidewalks. (Effective immediately.)

**S.B. 31 (Zaffirini/Guillen) – Volunteer Fire Department Sales:** allows a volunteer fire department or emergency service organization to hold up to ten sales tax free sales or auctions each calendar year under limited circumstances. (Effective immediately.)

**S.B. 755 (V. Taylor/Button) – Sales Tax Exemption:** characterizes the sale of a computer program to a provider of Internet hosting who acquires the computer program for the purpose of selling the right to use the computer program to an unrelated user of Internet hosting services as a “sale for resale,” thereby exempting the program from sales taxes. (Effective immediately.)

**S.B. 904 (Hinojosa/Darby) – Sales Tax Exemption:** exempts the sale of an emergency preparation item from sales and use taxes if the sale taxes place during a three-day period each April. (Effective September 1, 2015.)

**S.B. 1356 (Hinojosa/Darby) – Sales Tax Exemption:** exempts the sale of a water-conserving or WaterSense product from sales and use taxes if the sale taxes place on Memorial Day weekend. (Effective October 1, 2015.)

**S.B. 1366 (Kolkhorst/Gonzales) – Sporting Goods Sales Tax:** this bill: (1) removes the current 74 percent cap on the amount of sporting goods sales tax revenue that is transferred to the State Parks Account; (2) limits the transfer to an amount not to exceed what is appropriated by the legislature during the biennium; (3) limits the amount of money transferred to the Texas Parks and Wildlife Conservation and Capital Account to an amount not to exceed the amount appropriated by the legislature during the biennium; (4) removes the current 15 percent cap on the amount of sporting goods sales tax that is transferred to the Texas Recreation and Parks Account, (5) limits the transfer to an amount not to exceed what is appropriated by the legislature during the biennium; (6) removes the current 10 percent cap on the sporting goods sales tax that is transferred to the Large County and Municipality Recreation and Parks Account; (7) limits the transfer to an amount not to exceed what is appropriated by the legislature during the biennium; and (8) repeals the state law prohibiting the state comptroller from crediting to the Parks and Wildlife Department or the Texas Historical Commission any amount of taxes imposed on the sale of sporting goods in excess of the amounts appropriated to the department or commission, respectively. (Effective September 1, 2015.)

**S.B. 1396 (West/Paddie) – Aircraft Sales Tax:** provides, among other things, that sales and use taxes are not collected on the sale of aircraft that are made for purposes of resale. (Effective September 1, 2015.)

## **Purchasing**

**H.B. 1295 (Capriglione/Hancock) – City Contracts:** provides that: (1) a city is prohibited from entering into a contract with a business entity unless the business entity submits a disclosure of interested parties (i.e., discloses a person who has a controlling interest in the business or who actively participates in facilitating the contract for the business) if the contract: (a) requires an action or vote by the city council before the contract may be signed; or (b) the contract has a value of at least \$1 million; (2) the disclosure must be on a form prescribed by the Texas Ethics Commission; and (3) a city must, not later than 30 days after receiving a disclosure, submit a copy to the Texas Ethics Commission. (Effective September 1, 2015, but only applicable to contracts entered into on or after January 1, 2016.)

**H.B. 2000 (Gutierrez/Watson) – Volunteer Fire Department Purchasing:** authorizes a volunteer fire department to purchase certain technology items, including commercial software, hardware, or technology services (other than telecommunications services) through Department of Information Resources vendor contracts. (Effective September 1, 2015.)

**H.B. 2049 (Darby/Eltife) – Engineers and Architects Contracts:** provides that: (1) except as provided by (3), below, a covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect must defend a party, including a third party, against a claim based wholly or partly on the negligence of, fault of, or breach of contract by the governmental agency, the agency's agent, the agency's employee, or other entity, excluding the engineer or architect or that person's agent, employee, or subconsultant, over which the governmental agency exercises control; (2) a covenant or promise may provide for the reimbursement of a governmental agency's reasonable attorney's fees in proportion to the engineer's or architect's liability; (3) a governmental agency may require in a contract for engineering or architectural services that the engineer or architect name the governmental agency as an additional insured under the engineer's or architect's general liability insurance policy and provide any defense provided by the policy; (4) a contract for engineering or architectural services must require a licensed engineer or registered architect to perform services: (a) with the professional skill and care ordinarily provided by competent engineers or architects practicing in the same or similar locality and under the same or similar circumstances and professional license; and (b) as expeditiously as is prudent considering the ordinary professional skill and care of a competent engineer or architect; and (5) in a contract for engineering or architectural services, a provision establishing a different standard of care than a standard described by (4), above, is void and unenforceable, and the standard of care described by (4) above, applies. (Effective September 1, 2015.)

**H.B. 2475 (Geren/Eltife) – Public/Private Partnerships:** provides, among other things, that: (1) the Texas Facilities Commission shall establish the center for alternative finance and procurement to consult with governmental entities regarding best practices for procurement and the financing of qualifying projects and to assist governmental entities in the receipt of proposals, negotiation of interim and comprehensive agreements, and management of qualifying projects under current public/private partnership laws; (2) a person may not develop or operate a qualifying project unless the person obtains the approval of and contracts with the responsible governmental entity under current law; and (3) any guidelines adopted by a governmental entity under current law must include: (a) the center's role in the review, analysis, or evaluation of the qualifying project; and (b) a requirement that the governmental entity engage the services of qualified professionals, including an architect, professional engineer, or registered municipal advisor, not otherwise employed by the governmental entity or the center to provide independent analyses regarding the specifics, advantages, disadvantages, and long-term and short-term costs of a qualifying project. (Note: This bill amends the current public/private partnership law, and cities are not bound by that law unless the city council opts in.) (Effective September 1, 2015.)

**H.B. 2634 (Kuempel/Zaffirini) – Construction Manager At-Risk:** provides that: (1) a governmental entity's architect or engineer for a project, or an entity related to the governmental entity's architect or engineer, may not serve, alone or in combination with another person, as the

entity's construction manager-at-risk; and (2) for purposes of (1), above, an entity is related to the governmental entity's architect or engineer if the entity is a sole proprietorship, corporation, partnership, limited liability company, or other entity that is a subsidiary, parent corporation, or partner or has any other relationship in which the governmental entity's architect or engineer has an ownership interest, or is subject to common ownership or control, or is party to an agreement by which it will receive any proceeds of the construction manager-at-risk's payments from the governmental entity. (Effective September 1, 2015.)

**S.B. 810 (Seliger/Smithee) – School Construction:** would provide that: (1) an independent school district and a city, located wholly or partially in the boundaries of a county in which the district is located, may contract for the district to contribute district resources to pay a portion of the costs of the design, improvement, or construction of an instructional facility, stadium, or other athletic facility owned by, on the property of, or under the control of the city; and (2) a district may contribute district resources under the bill only if the district and city enter into a written agreement authorizing the district to use that facility. (Effective immediately.)

**S.B. 1081 (Creighton/Huberty) – Consolidated Insurance Programs:** provides, among other things, that: (1) if a construction contract requires a person to enroll in a consolidated insurance program, not later than the 10th day before the date a principal enters into the contract with the person, the principal shall provide detailed information about the consolidated insurance program to the person; (2) if a construction contract requires a person to enroll in a consolidated insurance program, not later than the 10th day before the date a contractor enters into the contract with the person, the contractor must provide to the person, in an accurate form, detailed information about the consolidated insurance program; (3) the information required under (1) or (2), above, must be accurate, and a person who receives the information may justifiably rely on the information to decide whether to enter into the construction contract; (4) a person may not be required to enter into a construction contract that requires enrollment in a consolidated insurance program unless the person is provided the information in compliance with (1) or (2), above; (5) if a person elects not to enroll in the consolidated insurance program because the person was not provided the information required by the bill, and enters into a construction contract for the construction project, the person must obtain insurance coverage for the person's work on the project that substantially complies with the coverage terms and liability limits imposed for other persons who work on the construction project but who are not insured under the consolidated insurance program; and (6) the principal or contractor, as applicable, shall compensate a person with whom the principal or contractor contracts and who obtains insurance coverage under (5), above, for the actual cost of that insurance coverage. (Effective January 1, 2016.)

**S.B. 1281 (Zaffirini/Coleman) – Cooperative Purchasing:** provides that a local government may participate in a cooperative purchasing program with another local government of this state or another state or with a local cooperative organization of this state or another state. (Effective immediately.)

## **Elections**

**H.B. 484 (Capriglione/Hancock) – Candidate Eligibility:** provides, among other things, that for an individual to be an eligible candidate for city office and qualify for the office, the individual must be a registered voter in the territory from which the office is elected for six months preceding the regular filing deadline for a candidate’s application for a place on the ballot. (Effective September 1, 2015.)

**H.B. 1026 (E. Thompson/Garcia) – Tabulation Supervisor:** requires a tabulation supervisor to be a registered voter of the political subdivision served by the authority establishing the counting station or an employee of the political subdivision that adopts or owns the voting system. (Effective immediately.)

**H.B. 1927 (G. Bonnen/Huffman) – Voting by Mail:** this bill, among other things: (1) provides that, if an application for a ballot to be voted by mail for the main election and any resulting runoff is not timely for the main election, it will be considered timely for any resulting runoff if received in time; (2) provides that a person commits an offense if the person signs an application for a ballot to be voted by mail as a witness for more than one applicant in the same election or the person signs an annual application for a ballot to be voted by mail as a witness for more than one applicant in the same calendar year; (3) authorizes an application for a ballot to be voted by mail to be submitted to the early voting clerk by electronic transmission of a scanned application containing an original signature; (4) authorizes an application to be submitted at any time in the year of the election for which a ballot is requested, but not later than the close of regular business in the early voting clerk’s office or 12 noon, whichever is later, on the 11<sup>th</sup> day before election day, unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day; (5) requires the early voting clerk to designate an email address for receipt of an application; (6) provides that the cancellation of an application for a ballot to be voted by mail at the applicant’s request is effective for a single ballot only and does not cancel the application with respect to a subsequent election; (7) authorizes a voter who applies for a ballot to be voted by mail on the ground of age or disability to apply for a ballot by mail from a city for more than one election; (8) requires the secretary of state to provide a method by which counties and political subdivisions located in the county can exchange and update information on applications for mail ballots; and (9) authorizes a marked ballot to be returned to the early voting clerk in the official carrier envelope via in-person delivery by the voter who voted the ballot. (Effective September 1, 2015.)

**H.B. 2027 (G. Bonnen/Hancock) – Election Precincts:** provides that the county election precincts are the election precincts for any election held on a uniform election date, except for elections held on the May uniform election date by a political subdivision that: (1) conducts early voting by personal appearance: (a) at 75 percent or more of its permanent or temporary branch polling places on the same days and during the same hours as voting is conducted at the main early voting polling place; and (b) at each remaining polling place for at least two consecutive days of voting during the early voting period, and for at least eight hours on each of the two consecutive days; or (2) has not established a permanent or temporary branch early voting polling place. (Effective September 1, 2015.)

**H.B. 2160 (Paul/Bettencourt) – Confidentiality of Election Judge and Clerk Information:** makes confidential the email address and personal phone number of an election clerk or judge

that is collected by the election entity, except that the email address or phone number must be made available on request to: (1) any entity eligible to submit lists of election judges or clerks for that election; or (2) the state executive committee of a political party with a county chair eligible to submit lists of election judges or clerks for that election. (Effective September 1, 2015.)

**H.B. 2354 (Farney/Schwertner) – Uniform Election Date:** changes the May uniform election date from the second Saturday in May to the first Saturday in May. (Effective September 1, 2015.)

**H.B. 2366 (Goldman/Hancock) – Early Voting:** provides that the early voting clerk shall: (1) enter “early voting voter” beside each person’s name on the precinct list of registered voters if the voter’s name also appears on the list of early voting voters; and (2) deliver the precinct list to the presiding judge of the election precinct not later than the day before election day. (Effective September 1, 2015.)

**H.B. 2721 (Blanco/Rodriguez) – Early Voting:** requires the notice of early voting for an election to: (1) be posted on the website of the authority ordering the election, if the authority maintains a website; and (2) for a primary election or general election, be forwarded by the authority ordering the election to the secretary of state to be posted on the secretary of state’s website. (Effective immediately.)

**VETOED H.B. 2775 (E. Rodriguez/Zaffirini) – Candidate Applications:** provides that: (1) a single notarized affidavit by any person who obtains signatures for a candidate petition is valid for all signatures gathered by the person, if the date of notarization is after the date of the last signature obtained by the person; and (2) a candidate petition may be corrected and additional signatures presented after the petition has been initially filed, but not after the deadline for filing the petition. (Effective September 1, 2015.)

**H.B. 2778 (Elkins/Bettencourt) – Federal Postcard Applications:** allows balloting materials to be sent by email for any election in which a voter who registers is eligible to vote. (Effective September 1, 2015.)

**H.B. 2900 (Goldman/Creighton) – Voting Standards:** provides that a voting system may not be used in an election unless the system operates safely, efficiently, and accurately and complies with the voting system standards adopted by the Election Assistance Commission. (Effective immediately.)

**S.B. 733 (Fraser/Workman) – Uniform Election Date:** authorizes a city council that holds its general election on the May uniform election date to take action to change the date of its general election to the November uniform election date, provided the city acts to do so not later than December 31, 2016. (Effective immediately.)

**S.B. 983 (Bettencourt/Schofield) – Birth Records:** requires: (1) the state, a local registrar, or a county clerk to issue without fee a certified copy of a birth record to an applicant who states that the applicant is requesting the record for purposes of obtaining an election identification

certificate; and (2) the state to pay the birth record fee for such records to a county clerk or local registrar. (Effective immediately.)

**VETOED S.B. 1034 (Rodriguez/Miller) – Voting by Mail:** provides that: (1) when a voter cancels an application for a ballot by mail, the cancelation does not extend to a subsequent election; (2) a person eligible to submit an application for a ballot to be voted by mail on the grounds of age or disability may apply to receive all ballots in an even numbered year on the same application submitted for a ballot in the November general election of an odd year; and (3) the secretary of state by rule may redesign the official carrier envelope by moving all the textual material to a separate sheet and styling the signature box to insure that a voter is instructed to and must sign over the flap. (Effective immediately.)

**S.B. 1073 (Zaffirini/E. Rodriguez) – Candidate Application:** provides, among other things, that a candidate’s application for a place on the ballot must include a public mailing address and any available email address at which the candidate receives correspondence relating to the candidate’s campaign. (Effective September 1, 2015.)

**S.B. 1703 (Huffman/Laubenberg) – Election Deadlines and Procedures:** this bill, among other things: (1) defines “national holiday” to include a federal holiday or day taken in lieu of an federal holiday when there is no regular U.S. mail delivery, and it defines “state holiday” to mean the same as those set out in current state law; (2) sets the deadline to order an election on a uniform election date as the 78<sup>th</sup> day before the date of the election; (3) allows a runoff election following a May election held in even-numbered years to be held within 30 days before or after the date of the general election for state and county officers, general primary election, or runoff primary election; (4) requires the early voting ballot board to verify and count provisional ballots and count ballots voted by mail not later than the 9th day after the date of an election, except that in an election held on the date of the general election for state and county officers, ballots voted by mail must be counted no later than the 13th day after the election; (5) changes certain vote by mail deadlines; (6) provides that, for an election to be held on a uniform election date, the filing deadline for a city candidate is the 78<sup>th</sup> day before the election; (7) provides that, for an election to be held on a uniform election date, the filing deadline for a write-in candidate is the 74<sup>th</sup> day before the election; (8) prohibits a write-in candidate from withdrawing after the 71<sup>st</sup> day before the election; and (9) requires that a special election to fill a vacancy be held on the first authorized uniform date on or after the 46<sup>th</sup> day after the election is ordered (except as otherwise provided by law) and change related deadlines for candidate’s application for a place on the ballot. (Effective September 1, 2015.)

### **Open Government**

**H.B. 283 (Fallon/Creighton) – Recording of Meetings:** provides that: (1) a home-rule city with a population of 50,000 or more: (a) must make a video and audio recording of reasonable quality of each regularly scheduled open meeting that is not a work session or a special called meeting, and make available an archived copy of such recording on the Internet; (b) may make the archived recording available on an existing Internet site, which could be a publicly accessible video-sharing or social networking site; (c) must make the archived recording available on an

Internet site that the city maintains, or provide a link to the archived recording; (d) must make the archived recording available on the Internet not later than seven days after the recording was made, and maintain the archived recording on the Internet for not less than two years after the date the recording was first made available; and (e) is exempt from certain requirements described above if the archived recording cannot be made available as the result of a catastrophe or technical breakdown, after which the city must make all reasonable efforts to make the recording available in a timely manner; and (2) a home-rule city with a population of 50,000 or more may broadcast a regularly scheduled open meeting on television. (Effective January 1, 2016.)

**H.B. 685 (Sheets/Hancock) – Production of Public Information:** provides that: (1) a public information officer complies with the requirement to promptly produce public information by referring a requestor to a publically accessible website maintained by the city, if the requested information is identifiable and readily available on that website; (2) a city must, when responding by email with the website information described in (1), above, include a statement in conspicuous font indicating that the requestor may access the information by inspection or duplication or receipt through the mail as otherwise provided in the Public Information Act; and (3) a city may withhold a utility customer’s confidential personal information (under Utilities Code Section 182.052) without the necessity of requesting a decision from the attorney general. (Effective September 1, 2015.)

**H.B. 2134 (Burkett/Hall) – Public Information Requests:** provides that, if a request for public information is sent by email, the request may be considered to have been withdrawn if a request from the city for clarification, discussion, or additional information is sent by email to the address from which the request was sent (or another email address provided by the requestor) and a response is not received within the period established by state law. (Effective September 1, 2015.)

**H.B. 2152 (Fletcher/Estes) – Military Service Information:** makes a service member’s military personnel information (name, home and military duty address, rank, title, pay rate or grade, state active duty orders, deployment locations, awards, decorations, length of military service, and medical records) confidential, and excepts from public disclosure information relating to the home address, phone number, emergency contact, social security number, or family member information of a current or former member of the Texas military forces. (Effective September 1, 2015.)

**H.B. 2633 (Hernandez/Perry) – Motor Vehicle Accident Information:** provides, among other things, that: (1) the release of information about a motor vehicle accident to a “person directly concerned in the [motor vehicle] accident or having proper interest therein,” includes the release to: (a) a person involved in the accident; (b) the authorized representative of a person involved in the accident; (c) a driver involved in the accident; (d) an employer, parent, or legal guardian of a driver in the accident; (e) the owner(s) of the vehicle(s) or property damaged in the traffic accident; (f) a person who establishes financial responsibility for a vehicle involved in the accident; (g) an insurance company that issued a policy covering the vehicle; (h) an insurance company that issued a policy cover any person in the accident; (i) a person under contract to provide claims or underwriting information to certain persons; (j) a radio or television station

that holds an FCC license; (k) certain newspapers; and (l) a person who may sue because of death resulting from the accident; and (2) certain redacted accident reports may be requested by any person. (Effective immediately.)

**H.C.R. 96 (Hunter/Hancock) – Internet Publication of Legal Notices:** directs the speaker of the House of Representatives and the lieutenant governor to create a joint interim committee to study the issue of advertising public notices on the Internet.

**Other Finance and Administration Bills**

**H.B. 1 (Otto/Nelson) – State Budget:** this is the state budget. The following chart shows the differences over the coming biennium in city-related items from the current budget:

<b>Budget Item</b>	<b>2014–2015 appropriated</b>	<b>2016-2017 appropriated (H.B. 1)</b>	<b>Change</b>
Mixed Beverage Tax	\$307,296,000	\$408,527,000	\$101,231,000
Library Resource Sharing	\$24,170,709	\$37,443,163	\$13,272,454
Local Library Aid	\$4,114,692	\$4,948,159	\$833,467
Local Parks Grants	\$16,368,960	\$42,000,000	\$25,631,040
TCEQ Solid Waste Grants	\$15,625,679	\$13,431,017	(\$2,194,662)
LEOSE Training Funds	\$12,000,000	\$12,000,000	\$0
Defense Community Grants	\$0	\$30,000,000	\$30,000,000
<b>Total:</b>	<b>\$379,576,040</b>	<b>\$548,349,339</b>	<b>\$168,773,299</b>

In addition, the budget reduces by half (from \$3 million to \$1.5 million) the amount of fee revenue that the Texas Commission on Fire Protection is required to generate and send to the state’s general revenue fund for the next biennium.

**H.B. 7 (Darby/Nelson) – Military Cities:** provides, among other things, that a city bordered by or adjacent to a military installation that has lost a disproportionate share of property tax revenue as a result of disabled veteran property tax exemptions may apply to receive a disabled veteran assistance payment from the state comptroller. (Effective September 1, 2015.)

**H.B. 23 (S. Davis/Huffman) – Disclosure of Vendor Relationships:** amends Chapter 176, Local Government Code (which requires city officials and vendors to disclose certain information) to provide, among other things, that: (1) the chapter applies to a “local government officer,” including an agent of a local government entity who exercises discretion in the planning, recommending, selecting, or contracting of vendor; (2) the chapter applies to a “vendor” who enters or seeks to enter into a contract with the city, including an officer or employee of a state agency acting in a private capacity to enter into a contract with the city; (3)

disclosure is triggered upon the receipt of one or more gifts (including lodging, transportation, and entertainment) that have an aggregate value of more than \$100 (current law is \$250); (4) disclosure is triggered when the vendor has a relationship within the third degree by blood and second degree by marriage with a local government officer; (5) failure by a local government officer or vendor to comply with the disclosure requirements is a criminal offense ranging from a Class C to a Class A misdemeanor, depending on the amount of the contract at issue; and (6) the city council could declare a contract void if they determine a vendor fails to comply with the chapter. (Effective September 1, 2015.)

**H.B. 114 (Flynn/Hinojosa) – Capital Appreciation Bonds:** provides that: (1) with the exception of refunding bonds or capital appreciation bonds for the purpose of financing transportation projects, a political subdivision may not issue capital appreciation bonds that are secured by property taxes unless: (a) the bonds have a scheduled maturity date that is not later than 20 years after the date of issuance; (b) the governing body of the political subdivision has received a written estimate of the cost of the issuance; (c) the governing body of the political subdivision has determined in writing whether any personal or financial relationship exists between the members of the governing body and any financial advisor, bond counsel, bond underwriter, or other professional associated with the bond issuance; and (d) the governing body of the political subdivision posts on its website and enters into the minutes various information regarding the issuance, including: (i) the total amount of the bonds to be voted on; (ii) the length of maturity of the bonds; (iii) the projects to be financed with the bond proceeds; (iv) the intended use of bond proceeds not spent after completion of the projects financed with bond proceeds; (v) the total amount of the political subdivision’s outstanding bonded indebtedness at the time of the election; (vi) the total amount of the political subdivision’s outstanding bonded indebtedness; and (vii) the information provided under (b) and (c), above; (2) the governing body of a political subdivision shall submit any determination of a personal or financial relationship in relation to the issuance of the bond to the Texas Ethics Commission; (3) the governing body of a political subdivision shall regularly update the debt information posted on its website to ensure that the information is current and accurate; (4) capital appreciation bond proceeds may not be used to purchase maintenance items and transportation-related items, unless an item has an expected useful life that exceeds the bond’s maturity date; (5) capital appreciation bond proceeds unspent after completion of the project identified as the proceeds intended use may be used only for a use identified on the political subdivision’s website, unless another use is approved by the voters at an election held for that purpose; (6) the total amount of capital appreciation bonds may not exceed 25 percent of the political subdivision’s total outstanding bonded indebtedness at the time of the issuance; and (7) a city may extend the maturity date of an issued capital appreciation bond only if the extension of the maturity date will decrease the total amount of projected principal and interest to maturity. (Effective September 1, 2015.)

**H.B. 262 (Miles/Creighton) – Liability:** provides for expanded immunity from liability for property that is used as a community garden, so long as notice is posted at the site of the limitation of liability. (Effective September 1, 2015.)

**H.B. 763 (S. King/Perry) – State Agency Rulemaking:** provides that: (1) if a state agency requires signatures for a petition, at least 51 percent of the total number of signatures must be those of residents of the State of Texas; and (2) an “interested person” must be a resident,

business entity, governmental subdivision, or public or private organization located in the state of Texas. (Effective immediately.)

**H.B. 804 (Geren/Seliger) – Vehicle Storage Facilities:** requires the operator of a vehicle storage facility, including a city vehicle storage facility, to accept cash, debit cards, and credit cards as a form of payment and to conspicuously post a related sign. (Effective September 1, 2015.)

**H.B. 870 (Smith/Seliger) – Public Funds Investment Act:** reduces the amount of Public Funds Investment Act training hours for city finance and investment officers from ten hours every two years to eight hours every two years. (Note: city finance and investment officers must still initially receive ten hours of training within 12 months after taking office or assuming investment duties.) (Effective September 1, 2015.)

**H.B. 896 (Hernandez/Huffman) – Computer Security:** makes it a criminal offense for a person to knowingly access – with the intent to defraud or harm another or alter, damage, or delete property – a computer that is owned by the government in violation of: (1) a clear and conspicuous prohibition by the owner; or (2) a contractual agreement. (Effective September 1, 2015.)

**H.B. 1040 (Paddie/Hancock) – Liability of Sports Officials:** provides immunity from civil damages related to personal injury, wrongful death, property damage, or other loss to a sports official who is engaged in an athletic competition, unless the damages are caused by the official's gross negligence or wanton, willful, or intentional misconduct. (Effective immediately.)

**H.B. 1148 (Kacal/Schwertner) – Public Funds Investment Act:** provides that a city investment officer must take only the initial 10 hour training under the Public Funds Investment Act but no continuing investment training if the city: (1) does not invest city funds; or (2) only deposits city funds in interest-bearing deposit accounts or certificates of deposit. (Effective September 1, 2015.)

**H.B. 1184 (Paddie/Eltife) – Energy Savings Performance Contracts:** provides that a local government is authorized to use an energy savings performance contract for: (1) alternative fuel programs resulting in energy cost savings and reduced emissions for local government vehicles, including fleet vehicles; or (2) programs resulting in utility cost savings. (Effective immediately.)

**H.B. 1246 (Koop/Hall) – Financial Disclosure:** permits the city clerk or secretary in a city with a population of 100,000 or more to deliver a personal financial statement form by mail, personal delivery, electronic mail, or any other means of electronic transfer to an officer or candidate who is required to file the form. (Effective September 1, 2015.)

**H.B. 1378 (Flynn/Bettencourt) – Local Debt Reporting:** provides that:

1. every political subdivision must annually compile and report the following financial information: (a) debt obligation information for the political subdivision that must state: (i) the amount of all authorized debt obligations; (ii) the principal of all outstanding debt obligations; (iii) the principal of each outstanding debt obligation; (iv) the combined principal and interest required to pay all outstanding debt obligations on time and in full; (v) the combined principal and interest required to pay each outstanding debt obligation on time and in full; (vi) the amounts required by (i)-(v) limited to authorized and outstanding debt obligations secured by property taxes, expressed as a total amount and per capita amount; and (vii) the following for each debt obligation: (A) the issued and unissued amount; (B) the spent and unspent amount; (C) the maturity date; and (D) the stated purpose for which the debt obligation was authorized; (b) the current credit rating given by any nationally recognized credit rating organization to debt obligations of the political subdivision; and (c) any other information that the political subdivision considers relevant or necessary to explain the values;
2. instead of replicating in the annual report information required by (1), above, that is posted separately on a political subdivision's website, a political subdivision may provide in the report a direct link to, or a clear statement describing the location of, the separately posted information;
3. as an alternative to preparing a report under (1), above, a political subdivision may provide all required debt information to the comptroller and have the comptroller post the information on the comptroller's official website;
4. a city with a population of less than 15,000 may, as an alternative to providing the report under (1), above, provide to the comptroller a document that contains the required debt information;
5. except as provided by (3) and (4), above, the governing body of a political subdivision must take action to ensure that: (a) the annual report is made available for inspection by any person and is posted continuously on the political subdivision's website until the political subdivision posts the next annual report; and (b) the contact information for the main office of the political subdivision is continuously posted on the website, including the physical address, the mailing address, the main telephone number, and an email address; and
6. except in the case of a public calamity, a case in which the issuer needs to act to protect the health of the residents, a case of unforeseen damage to public equipment or property, or to comply with a state or federal regulation, a city may not issue a certificate of obligation if the voters voted down a bond proposition for the same purpose within the preceding three years.

(Effective January 1, 2016.)

**H.B. 1491 (McClendon/Menendez) – Juvenile Records:** with certain exceptions, prohibits a business entity from publishing confidential juvenile record information or confidential criminal record information of a child. (Effective September 1, 2015.)

**H.B. 1690 (King/Huffman) – Offenses Against Public Administration:** provides, among other things, that: (1) the Texas Rangers must establish a public integrity unit to investigate certain

offenses against public administration, defined primarily to mean offenses committed by state officers and employees; and (2) a local law enforcement agency must cooperate with the public integrity unit and prosecutor by providing resources and information necessary to investigate and prosecute offenses against public administration. (Effective September 1, 2015.)

**H.B. 1740 (S. Thompson/Menendez) – Rabies Vaccine:** provides that a veterinarian employed by a city and who administers or supervises a rabies vaccine as part of a local rabies control program established by the city is not required to establish a veterinarian-patient relationship before administering or supervising administration of the vaccine. (Effective immediately.)

**H.B. 1853 (Button/Huffines) – Eviction:** authorizes, but does not require, a city to: (1) provide, without charge to the owner of personal property removed from a rental unit as the result of eviction, a portable, closed container into which the removed personal property shall be placed by the officer executing a writ of possession; and (2) remove the container described in (1), above, and dispose of the contents by any lawful means if the owner does not recover the personal property within a reasonable time after the time the property is placed in the container. (Effective September 1, 2015.)

**H.B. 1905 (Springer/L. Taylor) – State and Local Taxes:** this bill, among other things: (1) exempts from property taxation the real property owned by a person that is leased to a charter school if: (a) the real property is used exclusively by the school for education functions; (b) the real property is reasonably necessary for the operation of the school; (c) 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; (d) 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 (e) 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; (2) provides that, for property tax purposes, a “nonprofit community business organization” includes a Type A and Type B economic development corporation; (3) clarifies the application of state and local hotel occupancy taxes to short-term rentals and authorizes a city to spend up to one percent of its hotel occupancy tax revenue for the creation, maintenance, operation, and administration of an electronic tax administration system; (4) exempts a nonprofit ambulance company from motor fuel taxes for fuel used solely to provide emergency medical services; (5) exempts motor vehicles operated exclusively by a city from paying taxes on compressed natural gas or liquefied natural gas delivered into the vehicle’s fuel supply tank; and (6) authorizes a city to receive a refund or credit for taxes paid on compressed natural gas or liquefied natural gas if the fuel was delivered into the fuel supply tank of a motor vehicle operated exclusively by the city. (Note: The property tax exemption described in (1), above), will not go into effect because a corresponding resolution to amend the Texas Constitution did not pass.) (Section (2), above, is effective January 1, 2016. Sections (3), (4), (5), and (6), above, are effective September 1, 2015.)

**H.B. 2154 (Dutton/Birdwell) – State Office of Administrative Hearings:** provides that: (1) on making a finding that a party to a contested case has defaulted under the rules of the State Office of Administrative Hearings (SOAH), an administrative law judge (ALJ) may dismiss the case and remand it to the referring agency for informal disposition by applying the agency’s own

rules of procedure related to default proceedings; (2) the natural resource conservation division of SOAH is dismantled and any ALJ may hear cases from the Texas Commission on Environmental Quality; (3) the utilities division of SOAH is dismantled and any ALJ may hear cases from the Public Utility Commission of Texas; and (4) the Texas Department of Transportation and SOAH must enter into a memorandum of understanding regarding the scheduling of certain hearings. (Effective September 1, 2015.)

**H.B. 2358 (Lucio/Eltife) – Disasters:** provides: (1) that an out-of-state business entity whose transaction of business in Texas is limited to the performance of disaster- or emergency-related work during a disaster response period is not required to: (a) register with the secretary of state; (b) file a tax report with or pay taxes or fees to the state or a political subdivision of the state; (c) pay tax on equipment used only during the disaster response period and that is removed from the state following the response period; (d) comply with any state or local business licensing or registration requirements; or (e) comply with any state or local occupational licensing requirements or related fees; (2) that an out-of-state employee whose only employment in the state is for the performance of disaster- or emergency- related work during a disaster response period is not required to: (a) file a tax report with or pay taxes or fees to the state or a political subdivision; or (b) comply with any state or local occupational licensing requirements or related fees; and (3) provide that an entity or employee described in (1) and (2), above, is (unless otherwise exempt) subject to a transaction tax or fee, including motor fuels tax, sales or use tax, hotel occupancy tax, and motor vehicle rental tax. (Effective immediately.)

**H.B. 2679 (Flynn/Estes) – Public Facility Corporations:** provides, among other things, that a public facilities corporation: (1) may exercise any powers that a nonprofit corporation may exercise, to the extent necessary or convenient to accomplish the purpose of the corporation, including the authority to grant a leasehold or other possessory interest in a public facility owned by the corporation; and (2) during the period of time that a corporation owns a particular public facility, a leasehold or other possessory interest in the real property of the public facility granted by the corporation is exempt from taxation in certain circumstances. (Effective immediately.)

**H.B. 3132 (Parker/Birdwell) – Municipal Advisors:** authorizes a city to hire a financial advisor or investment advisor who is registered as a municipal advisor with the United States Securities and Exchange Commission under the Securities Exchange Act of 1934, Section 15B. (Effective September 1, 2015.)

**VETOED H.B. 3511 (Davis/Huffman) – Financial Statements:** requires that financial statements filed by officials and candidates in cities with a population of 100,000 or greater contain information about certain community and separate property, and that the statements meet certain requirements if they are electronically filed. (Effective September 1, 2015.)

**VETOED H.B. 3736 (Davis/Huffman) – Financial Statements:** requires that financial statements filed by officials and candidates in cities with a population of 100,000 or greater contain information about certain community and separate property, certain contracts with and services for governmental entities, and other sources of unearned income such as public benefits or pensions. (Effective September 1, 2015.)

**S.B. 97 (Hinojosa/Alvarado) – E-Cigarettes:** includes E-cigarettes in the existing state regulations that govern the sale, distribution, possession, use, and advertising of cigarettes and other tobacco products. (Note: the comptroller must make required signage available to the public by September 15, 2015.) (Effective October 1, 2015.)

**S.B. 200 (Nelson/Price) – Health and Human Services:** this is the Department of Health and Human Services sunset bill. The bill, among other things: (1) consolidates various health and human services agencies under the Health and Human Services Commission; and (2) eliminates many of the committees, councils, and work groups whose purpose is to give information regarding the physical, mental, and intellectual health of certain individuals and communities. (Various effective dates from September 1, 2015 to September 1, 2017).

**S.B. 450 (Schwertner/Sheets) – Governmental Immunity:** provides that the Texas Tort Claims Act does not waive immunity for a claim against a political subdivision if: (1) the political subdivision acquires land through foreclosure of a lien held by the political subdivision or that was bid off to the political subdivision under a tax sale or conveyed to the political subdivision owed the largest amount of delinquent property taxes; (2) the claim arises after the date the land was acquired and before the date the land is sold, conveyed, or exchanged by the political subdivision; and (3) the claim arises from the condition of the land, a premises defect on the land, or an action committed by a person on the land, other than an agent or employee of the political subdivision. (Effective September 1, 2015.)

**S.B. 610 (Perry/Murr) – Recreational Use Liability:** limits the liability of an agritourism entity involved in an agritourism activity, so long as the entity posts a notice regarding the limitation of liability. (Effective immediately.)

**S.B. 900 (L. Taylor/G. Bonnen) – Texas Windstorm Insurance Association:** provides that: (1) each biennium, the Texas Department of Insurance shall conduct a study of market incentives to promote participation in the voluntary windstorm and hail insurance market in the seacoast territory of this state; (2) the study required by (1), above, must address as possible incentives the mandatory or voluntary issuance of windstorm and hail insurance in conjunction with the issuance of a homeowners policy in the seacoast territory; (3) if determined by the Insurance Commissioner to be in the best interest of the policyholders and the public, the commissioner may contract with an administrator – who must have certain qualifications – to manage the association and administer the plan of operation; (4) losses in a catastrophe year not paid from existing or reserve funds shall be paid from Class 1, 2, or 3 member assessments in accordance with new procedures imposed by the bill; (5) the Texas Windstorm insurance Association (TWIA), with the approval of the commissioner, shall notify each member of the amount of the member's assessment; (6) significant modifications to the composition of the TWIA board of directors are made; (7) TWIA's investment procedures and reserve amount requirements are modified; and (8) TWIA shall administer, subject to commissioner approval, a depopulation program that encourages the transfer of association policies to insurers through the voluntary market or assumption reinsurance. (Effective September 1, 2015.)

**S.B. 1267 (Estes/Clardy) – Contested Case Hearings:** provides, among other things, that: (1) in a proceeding in which a state agency has the burden of proof, an agency that intends to rely on a statute or rule not previously referenced in the notice of hearing must amend the notice to refer to the statute or rule not later than the 7<sup>th</sup> day before the date set for the hearing; (2) a state agency may summarily suspend a license holder’s license pending proceedings for revocation if the agency determines imminent peril to the public health, safety, or welfare requires such emergency action; (3) a state agency must notify each party to a contested case of any decision or order of the agency personally, by electronic means (if agreed to by the party), or by mail; (4) if an adversely affected party or the party’s attorney of record does not receive required notice from a state agency or acquire actual knowledge of a signed order before the 15<sup>th</sup> day after the date the order is signed, the deadline for a motion for rehearing begins when the party receives the notice or acquires actual knowledge of the signed order or decision, whichever occurs first; (5) a motion for rehearing in a contested case must (with certain exceptions) must be filed not later than the 25<sup>th</sup> day after the date the decision or order is signed, and a party must (with certain exceptions) file a reply to a motion for rehearing not later than the 40<sup>th</sup> day after the date the decision or order is signed; and (6) in a contested case in which a motion for rehearing is a prerequisite for seeking judicial review, a prematurely filed petition is effective to initiate judicial review. (Effective September 1, 2015.)

**S.B. 2065 (Estes/Sanford) – Religious Beliefs:** provides that: (1) a religious organization, an organization supervised or controlled by or in connection with a religious organization, an individual employed by a religious organization while acting in the scope of that employment, or a clergy or minister may not be required to solemnize any marriage, provide services, accommodations, facilities, goods, or privileges for a purpose related to the solemnization, formation, or celebration of any marriage if the action would cause the organization or individual to violate a sincerely held religious belief; and (2) a refusal to provide services, accommodations, facilities, goods, or privileges under (1), above, is not the basis for a civil or criminal cause of action or any other action by this state or a political subdivision of this state to penalize or withhold benefits or privileges, including tax exemptions, governmental contracts, grants, or licenses, from any protected organization or individual. (Effective immediately.)

### **Municipal Courts**

**H.B. 121 (Fletcher/Whitmire) – Payment of Fine and Court Costs:** provides that: (1) a court may adopt an alternative procedure for collecting a past due capias pro fine; and (2) a peace officer who executes a capias pro fine or who is authorized to arrest a defendant on other grounds and knows that the defendant owes a past due payment must inform the defendant of: (a) the possibility of making an immediate payment to the officer of the fine and court costs owed using a credit or debit card; and (b) the defendant’s available alternatives to making an immediate payment. (Effective immediately.)

**H.B. 263 (Miles/Huffman) – Juvenile Records:** requires a juvenile court to order the sealing of the records in the case of a person who has been found to have engaged in delinquent conduct as a juvenile if two years have elapsed since the final discharge or last official action in the person’s case. (Effective September 1, 2015.)

**H.B. 274 (Miles/Lucio) – Illegal Dumping:** increases the maximum fine for violation of an illegal dumping ordinance from \$2,000 to \$4,000, and adjusts the municipal court jurisdiction threshold accordingly. (Effective September 1, 2015.)

**H.B. 1436 (Smithee/Lucio) – Dangerous Dogs:** makes changes to the dangerous dog appeals process, including: (1) prohibiting a municipal court from ordering the destruction of a dog during an appeal; (2) requiring the animal control authority of a city to notify an owner of a dangerous dog determination in writing; (3) providing a process for an owner to file an appeal a dangerous dog determination; (4) requiring the municipal court to determine the estimated costs to house and care for an impounded dog during the appeal process and set a bond for an appeal adequate to cover the costs; and (5) allowing a party to appeal the decision in the county court or county court at law in the county in which the municipal court is located. (Effective September 1, 2015.)

**H.B. 1386 (Raymond/Ellis) – Municipal Court:** removes the limitation in current law that municipal court cases may have only one attorney conducting the prosecution or defense. (Effective September 1, 2015.)

**H.B. 1888 (Capriglione/Taylor) – Commercial Driver’s Licenses:** provides: (1) for the creation of a commercial learner’s permit and non-domiciled commercial learner’s permit; (2) for a defense to the offense of driving a commercial motor vehicle without a license if the person charged can produce in court a commercial learner’s permit or driver’s license; (3) that a court may assess a defendant an administrative fee of \$10 if a charge is dismissed because of the defense; (4) that a person commits an offense if the person operates a vehicle that is not in compliance with the applicable inspection requirements; and (5) for an administrative fee not to exceed \$20 on remediation of charge of operating a vehicle without complying with inspection requirements as certified. (Effective January 1, 2016.)

**H.B. 2398 (White/Whitmire) – Truancy:** provides that: (1) a municipal court may dismiss a complaint against an individual for the offense of parent contributing to nonattendance of school, if the court finds that a dismissal would be in the interest of justice; (2) an individual who has been convicted of a truancy offense or has had a truancy offense dismissed is entitled to have the conviction or complaint and records relating to the conviction or complaint expunged; (3) school districts shall take specified truancy prevention measures; (4) the fine amount for a failure to attend school violation is \$100 for a first offense, \$200 for a second offense, \$300 for a third offense, \$400 for a fourth offense, or \$500 for a fifth or subsequent offense; (5) municipal courts are truancy courts; (6) a child engages in truant conduct if the child is required to attend school and fails to attend school on 10 or more days within a six-month period; (7) truancy courts must follow statutory procedures found in chapter 65 of the Texas Family Code; (8) truancy courts may appoint a guardian ad litem to protect the interests of a child in a proceeding; (9) the court may order a child’s parent to reimburse the county or city for the cost of the guardian ad litem; (10) a child who has been found to have engaged in truant conduct may apply, on or after the child’s 18<sup>th</sup> birthday, to the truancy court to seal the records relating to the allegation; (11) a city may establish a judicial donation trust fund as a separate account outside the municipal treasury; (12) a city may accept a gift, grant, donation, or other consideration from a public or private

source that is designated for the judicial donation trust fund; (13) the city council must adopt procedures necessary to receive and disburse money from the fund; and (14) a judge may award money from the fund to eligible children who appear before the court for a truancy or curfew violation. (Effective September 1, 2015.)

**H.B. 2747 (Landgraf/Creighton) – Jurors:** disqualifies a person from serving as a juror if the person is not a citizen of the United States. (Effective September 1, 2015.)

**H.B. 2945 (Alonzo/Hancock) – Juvenile Case Manager Fund:** provides that, if there is money leftover in the juvenile case manager fund after the juvenile case manager’s salary and expenses are paid, on approval by the employing court, the juvenile case manager may direct the remaining money to be used for educational programs, including juvenile alcohol and substance abuse programs. (Effective immediately.)

**VETOED H.B. 3579 (Alonzo/Rodriguez) – Expunction of Records:** provides that: (1) a person who is convicted of and has satisfied the judgment for, or who has received a dismissal after deferral of disposition for, a fine-only misdemeanor, other than an offense under the Transportation Code or municipal ordinance, may petition the court for an order of nondisclosure; (2) the court shall hold a hearing on whether the person is entitled to file the petition and whether issuance of the order is in the best interest of justice; and (3) the clerk of a court that collects a fee for the petition shall deposit the fee to the credit of the general fund of the city. (Effective September 1, 2015.)

**H.B. 4003 (Laubenberg/Taylor) – Juvenile Records:** requires the custodian of a juvenile record or file to redact any personally identifiable information about a victim of a juvenile’s delinquent conduct before disclosing the juvenile court record or file. (Effective September 1, 2015.)

**VETOED H.B. 4103 (Guillen/Garcia) – Judges:** provides that a municipal judge who continues to serve because the city council failed to take action to remove or reappoint the judge as required by law may continue to perform the duties of the office without taking an additional oath of office. (Effective September 1, 2015.)

**S.B. 108 (Whitmire/Thompson) – Juvenile Offenses:** provides that: (1) records of a person under 17 years of age may be expunged if the person was acquitted of the offense; (2) for the purposes of offenses under the Education Code, a child means a person who is a student and at least 10 years of age and younger than 18 years of age. (Effective September 1, 2015.)

**S.B. 873 (Rodriguez/Moody) – Capias Pro Fine:** provides that if the municipal court that issued a capias pro fine is unavailable, the arresting officer may take the defendant before a municipal court that is located in the city of arrest in lieu of placing the defendant in jail. (Effective September 1, 2015.)

**S.B. 1116 (West/Smithee) – Notice:** allows a court clerk to send any notice or document using mail or electronic mail (Effective September 1, 2015.)

**S.B. 1707 (Huffman/Miles) – Juvenile Records:** requires the court to give the prosecuting attorney for a juvenile court reasonable notice before a person’s juvenile records become eligible for sealing, and allows the court to hold a hearing on the matter upon the prosecuting attorney’s request. (Effective September 1, 2015.)

### **Community and Economic Development**

**H.B. 26 (Button/Fraser) – Economic Development:** this bill, among other things, renames the Major Events Trust Fund as the Major Events Reimbursement Program. (Effective September 1, 2015.)

**H.B. 819 (Sheffield/Zaffirini) – Public Health Nuisance:** deletes the reference to the “Culex quinquefasciatus” mosquitoes from the definition of a public health nuisance, leaving the generic term “mosquitoes” in its place. (Effective immediately.)

**H.B. 1277 (Ashby/Bettencourt) – Annexation:** provides that: (1) a general law city may annex an area in which 50 percent or more of the property in the area to be annexed is primarily used for a commercial or industrial purpose only if the city: (a) is otherwise authorized to annex the area and complies with the requirements prescribed under that authority; and (b) obtains the written consent of the owners of a majority of the property in the area to be annexed; and (2) the consent required (1)(b), above, must be signed by the owners of the property and must include a description of the area to be annexed. (Effective immediately.)

**H.B. 1558 (Parker/Hancock) – Juvenile Shelters:** prohibits a city from adopting an ordinance, or enforcing an existing ordinance, that prohibits a church from providing overnight shelter for children 17 years of age and younger. (Effective September 1, 2015.)

**H.B. 1626 (Johnson/West) – Banking Development Districts:** provides that: (1) a local government, in conjunction with a financial institution, may submit an application to the Texas Finance Commission for the designation of a banking development district; (2) the commission may approve an application establishing a banking development district; and (3) the governing body of a local government in which a banking development district has been designated may adopt a resolution designating a financial institution located in the district as a banking district depository, and authorize the local government to deposit funds with a banking district depository. (Effective September 1, 2015.)

**H.B. 1629 (Johnson/West) – Crowdfunding:** requires the State Securities Board to adopt rules to regulate and facilitate online intrastate crowdfunding applicable to authorized small business development entities, which includes Type A and B economic development corporations, nonprofit organization authorized to distribute housing and community development block grants, and municipal corporations. (Effective September 1, 2015.)

**H.B. 1736 (Villalba/Fraser) – Energy Efficiency Standards:** provides that: (1) on September 1, 2016, the energy efficiency chapter of the International Residential Code, as it existed on May 1, 2015, is adopted as the energy code in this state for single-family residential construction; (2)

on or after September 1, 2021, the State Energy Conservation Office (SECO) may adopt and substitute for that energy code the latest published edition of the energy efficiency chapter of the International Residential Code (IRC), based on written findings on the stringency of the chapter submitted by the Texas A&M Energy Systems Laboratory; (3) SECO may not adopt an edition of the code more often than once every six years and by rule shall establish an effective date for an adopted edition that is not earlier than nine months after the date of adoption; (4) SECO may adopt and substitute for the International Energy Conservation Code (IECC), which applies to all other residential, commercial, and industrial construction, the latest published edition of the IECC, based on written findings on the stringency of the edition submitted by the laboratory, and SECO by rule shall establish an effective date for an adopted edition that is not earlier than nine months after the date of adoption; (5) SECO by rule shall add a procedure for manufacturers of building materials and products to have an opportunity to comment on the codes under consideration; (6) an Energy Rating Index Compliance Alternative or subsequent alternative compliance path as described by (7), below, shall be considered in compliance; (7) an Energy Rating Index Compliance Alternative or subsequent alternative compliance path used to measure compliance for single-family residential construction in an optional compliance path of the energy efficiency chapter of the IRC that uses an energy rating index is as follows: (a) for climate zone 2, an energy rating index of: (i) 65 or lower from September 1, 2016, to August 31, 2019; (ii) 63 or lower from September 1, 2019, to August 31, 2022; and (iii) 59 or lower on or after September 1, 2022; (b) for climate zone 3, an energy rating index of: (i) 65 or lower from September 1, 2016, to August 31, 2019; (ii) 63 or lower from September 1, 2019, to August 31, 2022; and (iii) 59 or lower on or after September 1, 2022; and (c) for climate zone 4, an energy rating index of: (i) 69 or lower from September 1, 2016, to August 31, 2019; (ii) 67 or lower from September 1, 2019, to August 31, 2022; and (iii) 63 or lower on or after September 1, 2022; (8) the optional compliance paths in (7), above, expire September 1, 2025; and (9) a city located in a nonattainment area or in an affected county may establish procedures to adopt local amendments to the optional compliance paths in (7), above. (Effective immediately.)

**H.B. 1949 (Springer/V. Taylor) – Annexation:** provides that: (1) an area of land that would be eligible for annexation by petition of property owners, except that the area is not contiguous to the current city limits, may be annexed if a public right-of-way of a road or highway designated by the city exists that: (a) is located entirely in the extraterritorial jurisdiction of the city; and (b) when added to the area would cause the area to be contiguous to the city; (2) the public right-of-way that makes the area eligible for annexation under (1), above, is included in the annexation (by a metes and bounds description) without regard to whether the owners of the public right-of-way sought annexation; (3) a city that proposes to annex any portion of a county road or territory that abuts a county road must also annex the entire width of the county road and the adjacent right-of-way on both sides of the county road; and (4) if a road annexed under (3), above, is a gravel road, the county retains control of granting access to the road and its right-of-way from property that: (a) is not located in the boundaries of the annexing city; and (b) is adjacent to the road and right-of-way. (Effective September 1, 2015.)

**H.B. 2296 (Smith/Seliger) – Alcohol in Central Business District:** provides that a city may prohibit, by charter or ordinance, the possession of an open container or the public consumption of alcoholic beverages in the central business district of the city upon a finding that such activity

poses a health and safety risk. (Note: Current law requires a city to petition the Alcoholic Beverage Commission.) (Effective September 1, 2015.)

**H.B. 2735 (Capriglione/Hancock) – Wet/Dry Status:** provides that, in a city that has held certain local option elections after January 1, 1985, the governing body of the city may adopt an ordinance authorizing the sale of beer and wine for off-premise consumption in an area annexed by the city in certain circumstances. (Effective immediately.)

**H.B. 2772 (Martinez/Lucio) – Economic Development Corporations:** provides that an authorized project for a Type A or Type B economic development corporation in certain border cities includes the promotion of new or expanded business enterprises through transportation facilities including airports, hangars, railports, rail switching facilities, maintenance and repair facilities, cargo facilities, marine ports, inland ports, mass commuting facilities, parking facilities, and related infrastructure located on or adjacent to an airport or railport facility. (Effective immediately.)

**H.B. 2883 (Simmons/Nelson) – Special Districts:** provides that a city that has created a crime control and prevention district or a fire control, prevention, and emergency medical services district may add territory to the district pursuant to an election called for that purpose. (Effective immediately.)

**VETOED H.B. 3060 (Anchia/West) – Building and Standards Commission:** provides that, in addition to the authority in current law, a panel of a building and standards commission may order action to be taken as necessary to remedy, alleviate, remove, or abate, violations of ordinances relating to animal care/control or water conservation measures (including water restrictions). (Effective immediately.)

**H.B. 3244 (Burkett/Hall) – Sale of Real Property:** authorizes a home-rule city to contract with a broker to sell a tract of real property the city owns or holds in trust and has the authority to sell. (Effective immediately.)

**S.B. 100 (Hinojosa/Murphy) – State Enterprise Zones:** provides, among other things, that a county may create an enterprise zone within a city provided the county first enters into an interlocal agreement with the city specifying which entity has jurisdiction over the zone. (Effective September 1, 2015.)

**S.B. 267 (Perry/Huberty) – Rental Housing:** provides that: (1) a city may not adopt or enforce an ordinance or regulation that prohibits an owner, lessee, sublessee, assignee, managing agent, or other person having the right to lease, sublease, or rent a housing accommodation from refusing to lease or rent the housing accommodation to a person because the person's lawful source of income to pay rent includes a federal housing assistance program funds; and (2) the prohibition in (1), above, does not affect: (a) an ordinance or regulation regarding the lease or rent of a housing accommodation to a military veteran; or (b) a voluntary program designed to encourage the acceptance of a housing voucher funded by the federal government. (Effective September 1, 2015.)

**S.B. 318 (Hinojosa/S. King) – Texas Military Preparedness Commission Grants:** provides that the Texas Military Preparedness Commission: (1) may grant to eligible local governmental entities appropriations to: (a) construct infrastructure and other projects necessary to accommodate a new, expanded, or retained military mission at a military base; or (b) construct infrastructure and other projects necessary to prevent the reduction or closing of a defense facility; (2) may grant appropriations of no less than \$50,000 or more than \$5 million; and (3) eligible local governmental entities may use the proceeds to train workers to support the mission at military installations or defense facilities. (Effective immediately.)

**S.B. 498 (L. Taylor/D. Bonnen) – Texas Windstorm Insurance Association:** provides that, to be eligible for coverage by the Texas Windstorm Insurance Association, a residential structure must meet certain building code requirements. (Effective immediately.)

**S.B. 503 (Perry/Rodriguez) – Texas Military Preparedness Commission Grants:** provides that: (1) the Texas Military Preparedness Commission may provide a loan or financial assistance to a defense community for an economic development project that minimizes the negative effects of a base realignment process that occurred during the year 1995 or later; (2) funds appropriated to an eligible local governmental entity may be used to construct infrastructure and other projects necessary to prevent the reduction or closing of a defense facility; (3) the grant assistance may not be less than \$50,000 or more than \$5 million; and (4) grant assistance funds may be used to train workers to support military installations or defense facilities. (Effective immediately.)

**S.B. 633 (Fraser/Isaac) – Events Trust Funds:** this bill: (1) transfers administration of the Pan American Games Trust Fund, Olympic Games Trust Fund, Major Events Reimbursement Program, Motor Sports Racing Trust Fund, and Events Trust Fund for sporting and non-sporting events from the comptroller to the office of the governor; (2) adds several events to the list of eligible events for funding from the Major Events Reimbursement Program; and (3) eliminates the Special Events Trust Fund. (Effective September 1, 2015.)

**S.B. 1264 (Eltife/Kuempel) – Industrialized Housing and Buildings:** provides that the definition of industrialized buildings or housing does not include a commercial or residential structure that exceeds four stories or 60 feet in height. (Note: Prior law limited the definition to structures of three stories or 49 feet in height.) (Effective September 1, 2015.)

**S.B. 1358 (Campbell/S. King) – Texas Military Preparedness Commission:** this bill, among other things: (1) transfers rulemaking authority from the Texas Economic Development and Tourism Office to the Texas Military Preparedness Commission; and (2) increase the amount of grant money to eligible local governmental entities from \$2 to \$5 million. (Effective September 1, 2015.)

**VETOED S.B. 1408 (Lucio/T. King) – Community Development Grant Program:** provides that: (1) the Texas Department of Agriculture, subject to the availability of funds, must create a community development matching grant program to assist in financing various activities, including trade-related initiatives, renewable energy projects, water or wastewater infrastructure projects, and economic development projects; and (2) a city is eligible for a matching grant if the city is in a nonentitlement area as defined under the federal community development block grant

nonentitlement program and in good standing with the department and the U.S. Department of Housing and Urban Development. (Effective September 1, 2015.)

**S.B. 1812 (Kolkhorst/Geren) – Eminent Domain Reporting:** provides that:

1. the comptroller shall create and make accessible on a website an eminent domain database;
2. the eminent domain database must include with respect to each public and private entity authorized by law to exercise the power of eminent domain: (a) the name of the entity; (b) the entity's address and public contact information; (c) the name of the appropriate officer or other person representing the entity and that person's contact information; (d) the type of entity; (e) each provision of law that grants the entity eminent domain authority; (f) the focus or scope of the eminent domain authority granted to the entity; (g) the earliest date on which the entity had the authority to exercise the power of eminent domain; (h) the entity's taxpayer identification number, if any; (i) whether the entity exercised eminent domain authority in the preceding calendar year by the filing of a condemnation petition; and (j) the entity's website address or, if the entity does not operate an website, contact information to enable a member of the public to obtain information from the entity;
3. the comptroller may consult with the appropriate officer of, or other person representing, each entity to obtain the information necessary to maintain the eminent domain database;
4. to the extent information required in the eminent domain database is otherwise collected or maintained by a state agency or political subdivision, the comptroller may request and the state agency or political subdivision shall provide that information and any update to the information as necessary for inclusion in the eminent domain database;
5. at least annually, the comptroller shall update information in the eminent domain database for each entity, as appropriate;
6. to the extent possible, the comptroller shall present information in the eminent domain database in a manner that is searchable and intuitive to users, and may enhance and organize the presentation of the information through the use of graphical representations;
7. not later than February 1 of each year, an entity shall submit to the comptroller a report containing records and other information specified by the bill for the purpose of providing the comptroller with information to maintain the eminent domain database;
8. an entity that has been recently created has certain deadline concessions;
9. an entity shall report to the comptroller any changes to the entity's eminent domain authority information reported under the bill not later than the 90th day after the date on which the change occurred;
10. if an entity does not timely submit a report under the bill, the comptroller shall provide written notice to the entity informing the entity of the violation and notifying the entity that the entity will be subject to a penalty of \$1,000 if the entity does not report the required information on or before the 30th day after the date the notice is provided;
11. not later than the 30th day after the date the comptroller provides notice to an entity, the entity must report the required information;
12. if an entity does not report the required information: (a) the entity is liable to the state for a civil penalty of \$1,000; and (b) the comptroller shall provide written notice to the entity informing the entity of the entity's liability for the penalty and notifying the entity that it

could be subject to an additional \$1,000 penalty and have its noncompliance reflected in the database;

13. the reporting, failure to report, or late submission of a report by a public or private entity, including a common carrier, under the bill does not affect the entity's authority to exercise the power of eminent domain; and
14. the comptroller may adopt rules and establish policies and procedures to implement the bill.

(Note: League staff has already communicated with the comptroller's office regarding the logistics of this bill, and will be closely involved in its implementation.)(Effective immediately, with the posting of the database mandated for January 1, 2016.)

**S.B. 1989 (Menendez/Anderson) – Low Income Housing Tax Credits:** provides criteria for underwriting standards used to evaluate applications for low income housing tax credits. (Effective September 1, 2015.)

### **Personnel**

**H.B. 445 (Raney/Lucio) – Paid Military Leave:** requires a city, or other governmental entity, to give an employee an annual accounting of the state-mandated military paid leave time that the employee is entitled to and has used that year. (Effective September 1, 2015.)

**H.B. 593 (Collier/Whitmire) – Animal Encounter Training:** requires a peace officer to complete a canine encounter and behavior training program: (1) as part of the minimum curriculum requirements for a basic proficiency certificate; (2) within two years of becoming licensed; and (3) as a requirement before receiving an intermediate or advanced proficiency certificate. (Effective September 1, 2015, with the training requirement becoming effective on January 1, 2016.)

**H.B. 786 (Walle/Zaffirini) – Breastfeeding:** requires a public employer, including a city, to: (1) develop policies for its employees that encourage and accommodate breastfeeding; (2) provide breaks and a private room for breastfeeding; and (3) avoid discriminating against an individual based on the employee's exercise of her right to breastfeed in the workplace. (Effective September 1, 2015.)

**H.B. 1094 (Geren/Eltife) – First Responder Death Benefits:** extends from two years after remarriage to life the time that a remarried spouse of a first responder who died in the course and scope of employment may receive workers' compensation death benefits. (Effective September 1, 2015.)

**H.B. 1151 (S. Thompson/Garcia) – Harassment:** makes it an unlawful employment practice under state law to harass or allow harassment of an unpaid intern. (Effective September 1, 2015.)

**H.B. 1278 (Hughes/Lucio) – First Responder Death Benefits:** increases the amount of state death benefits given to the families of public safety employees killed in the line of duty. (Effective September 1, 2015.)

**H.B. 1707 (Stephenson/Huffman) – Emergency Services Retirement System:** authorizes a governmental entity, including a city, to use wire transfer or an ACH debit for deposits to the Texas Emergency Services Retirement System. (Effective September 1, 2015.)

**H.B. 1790 (Marquez/Lucio) – Civil Service:** requires a civil service city to allow a peace officer or fire fighter to volunteer to work in place of a police or fire co-worker any time such a co-worker is disabled by injury or illness. (Effective September 1, 2015.)

**H.B. 2020 (Martinez/Campbell) – Emergency Medical Services:** authorizes a certified emergency medical technician-paramedic or a licensed paramedic, acting under the authority of a doctor, to provide health services, including advanced life support in an emergency or urgent care setting, including in an emergency room. (Effective immediately.)

**H.B. 2498 (Zerwas/Eltife) – Emergency Medical Services Personnel:** requires: (1) adoption of the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (“REPLICA”) to allow EMS personnel to work in different states if: (a) the personnel is licensed using certain national exams; (b) the work in a different state is needed for transportation of a patient; or (c) the work is needed due to a declaration of an emergency or disaster; (2) expediting the licensure of certain former or current military personnel who have certain national certification for EMS; and (3) joining the interstate commission that oversees the compact. (Effective September 1, 2015.)

**H.B. 2680 (G. Bonnen/L. Taylor) – Training Funds:** changes the allocation of Texas Commission on Law Enforcement training funds to add the number of telecommunicators into the calculation of personnel for distribution of the funds. (Effective September 1, 2015.)

**H.B. 2771 (Martinez/L. Taylor) – Workers’ Compensation:** expands the definition of “course and scope of employment” for workers’ compensation purposes to include the time a firefighter or emergency medical personnel is traveling to an emergency. (Effective September 1, 2015.)

**H.B. 2828 (Phillips/Burton) – Criminal Background Checks:** authorizes a city to obtain criminal history record information from the Texas Department of Public Safety for: (1) applicants for employment; (2) employees; (3) city vendor applicants for employment or employees; (4) city volunteers; and (5) city volunteer applicants. (Effective September 1, 2015.)

**H.B. 3212 (P. King/Menendez) – Retired Peace Officer ID Cards:** requires a city to: (1) provide an identification card to certain retired peace officers; and (2) issue a replacement card if a card is lost or stolen and the officer or retired officer provides an affidavit stating that the card was stolen or lost. (Effective September 1, 2015.)

**S.B. 202 (Nelson/Price) – Code Enforcement Officers/Sanitarians:** provides that: (1) the Code Enforcement Officers Licensing and Sanitarian Licensing Programs are transferred from

the Department of State Health Services to the Texas Department of Licensing and Regulation (TDLR); and (2) TDLR may establish an advisory committee to provide advice and recommendations to the department on technical matters relevant to the administration of each of those programs. (The provisions in the bill relating to the transfer of the programs above become effective September 1, 2017.)

**S.B. 208 (Campbell/Burkett) – Texas Workforce Commission:** among other things, repeals the Texas Workforce Commission’s authorization to review fire department exams for discrimination. (Effective September 1, 2015.)

**S.B. 1462 (West/E. Johnson) – Emergency Services Personnel:** authorizes emergency services personnel to administer an opioid antagonist to a person who appears to be suffering from an opioid-related drug overdose. (Effective September 1, 2015.)

**S.B. 1899 (Campbell/Martinez) – Emergency Medical Services Personnel:** (1) authorizes a certified emergency medical technician-paramedic or a licensed paramedic, who is acting under the authority of a doctor, to provide health services, including advanced life support in an emergency or urgent care setting, including in an emergency room; (2) requires the Department of State Health Services to: (a) create an emergency services provider jurisprudence exam; and (b) determine who must take the exam at each emergency medical services provider; (3) requires each emergency medical services provider to: (a) have a physical location which they own or have a long term lease; and (b) maintain certain equipment. (Effective immediately.)

**S.B. 1987 (Menendez/Minjarez) – Peace Officer Training:** requires that an officer be trained, within two years of licensure or when the officer applies for an intermediate proficiency certificate, on procedures for interacting with drivers who are deaf or hard of hearing. (Effective January 1, 2016.)

## **Public Safety**

**H.B. 11 (D. Bonnen/Birdwell) – Border Security:** this bill, among other things: (1) authorizes law enforcement, pursuant to a judge’s order, to intercept wire, oral, or electronic communications of individuals involved in prostitution and human trafficking; (2) establishes an officer of Transnational and Organized Crime within the attorney general’s office that will address border security and provide assistance to local prosecutors and law enforcement agencies related to border crime and human trafficking; (3) authorizes the construction of a multiuse training facility to be used by state and local police; (4) requires reporting by certain border cities and counties to the Texas Transnational Intelligence Center regarding kidnappings, home invasions, and incidents of impersonation of law enforcement officers within the region; and (5) creates the crime of continuous smuggling of persons. (Effective September 1, 2015.)

**H.B. 324 (Dutton/Burton) – Body Cavity Searches:** provides that: (1) “body cavity search” is defined as an inspection that is conducted of a person’s anal or vaginal cavity in any manner; and (2) a peace officer is prohibited from conducting a body cavity search during a traffic stop,

unless the officer first obtains a search warrant authorizing that search. (Effective September 1, 2015.)

**H.B. 326 (Wu/Hall) – Probable Cause Affidavits:** allows a magistrate to accept by telephone or by other electronic means a sworn affidavit that is provided to support the issuance of a search warrant. (Effective September 1, 2015.)

**H.B. 473 (Giddings/Menendez) – Law Enforcement Vehicles:** prohibits a city from selling or transferring a marked patrol car or other law enforcement motor vehicle to: (1) the public, unless the city first removes any equipment or insignia that could mislead a reasonable person to believe the vehicle is a law enforcement motor vehicle; and (2) a security services contractor, unless each emblem or insignia that identifies the vehicle as a law enforcement vehicle is removed. (Effective September 1, 2015.)

**H.B. 530 (Hernandez/West) – Asset Forfeiture:** this bill: (1) allows a law enforcement agency to transfer not more than ten percent of the gross amount credited to the agency’s criminal asset forfeiture fund to a separate special fund to provide scholarships to the children of certain peace officers who are killed in the line of duty; and (2) requires the attorney general to develop an annual report detailing the amount of funds forfeited, or credited after the sale of forfeited property, and post the same on the attorney general’s website. (Effective September 1, 2015.)

**H.B. 644 (Canales/Hinojosa) – Search Warrants:** requires that a search warrant contain the magistrate’s name in clearly legible handwriting or typewritten form, along with the signature, and makes it a third degree felony to tamper with a search warrant issued by a magistrate. (Effective September 1, 2015.)

**H.B. 872 (Raymond/Whitmire) – Peace Officer Licensure:** requires the Texas Commission on Law Enforcement to reactivate a peace officer’s license after a break in employment if the officer: (1) worked for at least 10 years in good standing before the break in employment; (2) meets current licensing standards; (3) successfully completes continuing education requirements; and (4) files an application and pays any required fees. (Effective September 1, 2015.)

**H.B. 905 (Frullo/Schwertner) – Knives:** prohibits a city from adopting or enforcing a regulation relating to the transfer, private ownership, keeping, transportation, licensing, or registration of knives. (Effective September 1, 2015.)

**H.B. 910 (Phillips/Estes) – Handgun Open Carry:** this bill generally authorizes a person with a concealed handgun license to open carry in a belt or shoulder holster in the same manner as a concealed handgun licensee under current law. It essentially removes the “concealed” limitation in the current statute. Of particular interest to cities, the bill also: (1) renames the concealed handgun license as a “license to carry a handgun;” (2) adds the use of restraint holsters and methods to ensure the secure carrying of openly carried handguns to the required training curriculum to obtain a license to carry a handgun; (3) provides that it is a defense to prosecution for criminal trespass that: (a) the basis on which entry on the property or land or in the building was forbidden is that entry with a handgun was forbidden; and (b) the person was licensed to carry a handgun and concealed carrying or open carrying in a shoulder or belt holster; (4) the

holder of a license to carry a handgun commits an offense (“trespass by license holder with a concealed handgun”) if the person carries a concealed handgun on property of another without effective consent and received notice that entry on the property by a license holder with a concealed handgun was forbidden; (5) modifies the language that must be in a “30.06 sign,” which provides the notice required to exclude a license holder, to conform to open carry by reading as follows: “Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun;” (6) creates the offense of “trespass by license holder with an openly carried handgun” and provides for new notice language to exclude a license holder from openly carrying to read as follows: “Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly;” (7) an offense under (4) or (5), above, is a Class C misdemeanor punishable by a fine not to exceed \$200, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the license holder was personally given the notice by oral communication and subsequently failed to depart; (8) a license holder commits an offense if the license holder carries a partially or wholly visible handgun, regardless of whether the handgun is holstered, on or about the license holder’s person and intentionally displays the handgun in plain view of another person: (a) on the premises of an institution of higher education or private or independent institution of higher education; or (b) on any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area of an institution of higher education or private or independent institution of higher education; and (9) provides that a current holder of a concealed handgun license may continue to concealed carry and may also openly carry a handgun in a belt or shoulder holster. (Note: This bill does not change the law relating to: (1) the authority of a city to ban carrying of a handgun by a license holder in a meeting of the city council or other city boards/commissions that are subject to the Open Meetings Act, if the body has given notice that doing so is prohibited, or (2) the prohibition of a license holder carrying a handgun in a building that houses a court or court offices, without written permission from the court.)(Effective January 1, 2016.)

**H.B. 942 (Kacal/Birdwell) – Fertilizer Facilities:** requires: (1) each owner and operator of an ammonium nitrate storage facility to: (a) allow a fire marshal to enter the facility to make an examination of the facility; (b) allow the local fire department to access the facility to perform a pre-fire planning assessment; (c) comply with a request of a fire marshal to comply with state, federal, and National Fire Protection Association (NFPA) rules related to the storage of ammonium nitrate; (d) file a “tier two” report with the Texas Commission on Environmental Quality (TCEQ): (i) not later than the 90<sup>th</sup> day after there is a change in chemical weight range in a hazardous chemical or extremely hazardous material; (ii) when it begins business or within 72 hours of receiving ammonium nitrate; and (iii) as otherwise required by TCEQ rule; and (e) furnish the tier two report to the local fire chief and local emergency planning committee; (2) a fire marshal to: (a) notify the owner or operator of a facility if he or she finds a hazardous condition; and (b) notify the Texas Fertilizer Control Service if the marshal find a violation of a listed state, federal, or NFPA rule; (3) each owner and operator to file required tier two reports with the TCEQ; and (4) the TCEQ to: (a) develop and implement a public notification program; (b) inform the Texas Division of Emergency Management and the state fire marshal within 72

hours of receiving a tier two form reporting the presence of ammonium nitrate at an ammonium nitrate storage facility; (Effective September 1, 2015, with the fire prevention and inspection provisions effective immediately.)

**H.B. 1036 (E. Johnson/Whitmire) – Police Officers:** requires: (1) the attorney general to: (a) create an electronic form for reporting by police agencies any officer-involved injury or death; (b) post the reports on its website; (c) compile the officer-involved death or injury reports annually; and (d) create a form to report peace officer injuries and deaths; and (2) that, within 30 days of an officer-involved injury or death, a report of the incident be submitted to the attorney general. (Effective September 1, 2015.)

**H.B. 1061 (Zedler/Whitmire) – Interference with Public Duties:** provides a rebuttable presumption that a person is interfering with a peace officer if a person intentionally disseminates a peace officer’s home address, home telephone number, emergency contact information, or social security number. (Effective September 1, 2015.)

**H.B. 1212 (Price/Schwertner) – Synthetic Drugs:** provides that: (1) the commissioner of public health may designate certain consumer commodities as abusable synthetic substances, and provide that such commodities are subject to certain regulations and enforcement actions; (2) the commissioner may emergency schedule a substance as a controlled substance under certain circumstances; and (3) it is not an affirmative defense to the prosecution of certain offenses involving the manufacture, delivery, or possession of a controlled substance analogue that the analogue was not intended for human consumption. (Effective September 1, 2015.)

**H.B. 1264 (Wu/Huffman) – Intoxication Offenses:** requires a governmental entity to keep blood or urine specimens collected as part of an investigation of an alleged intoxication offense for: (1) the greater of two years or the period of the statute of limitations for the offense, if the indictment or information charging the defendant (or the petition in a juvenile proceeding) has not been presented; (2) the duration of a defendant’s sentence of term of community supervision, or the duration of the commitment or supervision period applicable to the disposition of a juvenile case; or (3) until the defendant is acquitted or the indictment of information is dismissed with prejudice, or – in a juvenile proceeding – until a hearing is held and the court does not find the child engaged in delinquent conduct or conduct indicating a need for supervision. (Effective September 1, 2015.)

**H.B. 1293 (Alvarado/Huffman) – Stalking:** allows the victim of certain stalking offenses to choose a pseudonym to be used instead of the victim’s actual name to designate the victim in all public files and records concerning the offense. (Effective September 1, 2015.)

**H.B. 1338 (Naishtat/Menendez) – Peace Officer Training:** requires the Department of Public Safety to create and maintain peace officer and first responder training programs on handling individuals with brain injuries and veterans with combat related trauma, post-traumatic stress, post traumatic stress disorder, or a traumatic brain injury. (Effective September 1, 2015.)

**H.B. 1388 (Bohac/Creighton) – Disease Presumption:** requires that: (1) a rebuttal made by a government employer regarding workers’ compensation disease presumption include a detailed

statement of the evidence used to determine that the disease in question was not caused by the individual's employment; and (2) a denial by a carrier include evidence reviewed in making the denial. (Effective immediately.)

**H.B. 1396 (Workman/Burton) – Search Warrants/Statutory Construction:** provides, among other things, that: (1) a peace officer must (with certain exceptions) obtain a search warrant before searching a cellular telephone or other wireless communication device pursuant to a lawful arrest; (2) except for a criminal offense or penalty under the Penal Code or the Texas Controlled Substances Act, a statute or rule that creates or defines a criminal offense or penalty shall be construed in favor of the actor if any part of the statute or rule is ambiguous; and (3) the punishments for certain offenses against property or against public administration are amended. (Effective September 1, 2015.)

**H.B. 1417 (Elkins/Creighton) – Peace Officer Identification Cards:** requires a law enforcement agency that issues an identification card to a peace officer, reserve law enforcement officer, or honorably retired peace officer to issue a duplicate card if the card is lost or stolen. (Effective September 1, 2015.)

**H.B. 1481 (Murphy/Birdwell) – Drones:** prohibits the use of a drone over, among other things, certain energy facilities, pipelines, water facilities, dams, and other critical infrastructure other than by the government, including a city, or by a person under contract with a law enforcement agency. (Effective September 1, 2015.)

**H.B. 1666 (D. Bonnen/Huffman) – Liability for Training:** protects a person from liability for damages caused by certain fire training exercises and certain emergency training exercises, so long as the person does not engage in reckless conduct or intentional, willful, or wanton misconduct. (Effective September 1, 2015.)

**H.B. 1733 (Smithee/Watson) – Transportation Network Services:** provides that: (1) a “transportation network company” (TNC) is defined as an entity operating in Texas that provides prearranged transportation network services for compensation through an online-enabled application or platform that connects a passenger with a participating driver; (2) a TNC’s insurance coverage must satisfy the Motor Vehicle Liability Insurance Act and include uninsured motorist and personal injury protection coverage; and (3) a TNC must provide written disclosure of the company’s insurance policy to drivers. (Effective January 1, 2016.)

**H.B. 2053 (Farney/Schwertner) – Child Safety Check:** (1) requires a law enforcement officer who encounters a person listed on the Texas Crime Information Center’s child safety check alert list to: (a) immediately contact the Department of Family and Protective Services; (b) request information from the department regarding the child or other person; (c) request information from the child or other person regarding the child’s well-being; (d) obtain the child’s current address; and (e) notify the Texas Crime Information Center that the child or other person has been located and to whom the child was released; and (2) allows an officer to: (a) detain all individuals in the officer’s presence that are described in the child safety check alert list and take temporary custody of the child who is the subject of a report of child abuse or neglect; and (b) temporarily take possession of the child if necessary. (Effective September 1, 2015.)

**H.B. 2135 (D. Miller/Watson) – Police Firearms:** allows: (1) a person to purchase a firearm from a city if the person is a peace officer commissioned by the city, the person is honorably retired, and the firearm is not a prohibited weapon under state law; (2) a surviving spouse, child, or parent to purchase a firearm from the city if the officer is commissioned by the city and dies, regardless of whether the officer dies on the job, and the firearm is not a prohibited weapon under state law; (3) a city to charge up to fair market value for a firearm; and (4) a city to delay the sale of the firearm if it cannot immediately be replaced. (Effective September 1, 2015.)

**H.B. 2162 (Simmons/Campbell) – Burglar Alarms:** makes numerous changes to the current law governing how cities respond to burglar alarms. Specifically, the bill provides that the current law provisions governing burglar alarm response apply only to a city with a population of less than 100,000 that is located wholly in a county with a population of less than 500,000. It creates a new statute that applies to every city that does not meet the bracket above, and the new statute provides that:

1. if a city adopts an ordinance that requires a person to obtain a permit before the person may use an alarm system in the city, the ordinance must provide that the permit is valid for at least one year;
2. the requirement in (1), above, does not affect the authority of the city to: (a) revoke, suspend, or otherwise affect the duration of a permit for disciplinary reasons at any time during the period for which the permit is issued; or (b) make a permit valid for a period of less than one year if necessary to conform the permit to the termination schedule established by the city;
3. if a city adopts an ordinance that requires a person to pay an annual fee to obtain an alarm permit, the fee shall be used for the general administration of the bill;
4. a municipal permit fee imposed under the new statute for an alarm system may not exceed the rate of \$50 a year for a residential location and \$250 a year for other alarm system locations;
5. a city may not terminate its law enforcement response to a residential permit holder because of excess false alarms if the false alarm fees are paid in full, except that a city may revoke or refuse to renew the permit of an alarm system that has had eight or more false alarms during the preceding 12-month period;
6. when permitting free false alarm responses and in setting false alarm fees, a city must administer any ordinance on a fair and equitable basis as determined by the governing body;
7. a city may not terminate an alarm permit for nonrenewal without providing at least 30 days' notice;
8. a city may not refuse to issue an alarm system permit for a residential location solely because the residential location is an individual residential unit located in a multiunit housing facility, and the city shall issue the permit to the person occupying the individual residential unit;
9. a city may not consider a false alarm to have occurred unless a response is made by an agency of the city within a reasonable time and the agency determines from an inspection of the interior or exterior of the premises that the alarm report by an alarm systems monitor was false;

10. a city may impose a penalty on a person who uses an alarm system for the report of a false alarm by an alarm systems monitor if at least three other false alarms have occurred at that location during the preceding 12-month period;
11. the amount of the penalty in (10), above, may not exceed: (a) \$50, if the location has had more than three but fewer than six other false alarms in the preceding 12-month period; (b) \$75, if the location has had more than five but fewer than eight other false alarms in the preceding 12-month period; or (c) \$100, if the location has had eight or more other false alarms in the preceding 12-month period;
12. a city may not impose a penalty authorized under (10), above, if reasonable visual proof of possible criminal activity recorded by an alarm systems monitor is provided before the inspection of the premises by an agency of the city;
13. a city that adopts an ordinance requiring a person to obtain a permit before the person may use an alarm system may impose a penalty, not to exceed \$250, for the report of a false alarm by an alarm systems monitor on a person who has not obtained a permit for the alarm system as required by the ordinance;
14. a city: (a) may impose a penalty, not to exceed \$250, for the report of a false alarm on a person not licensed by the state that to any extent is reported or facilitated by the unlicensed person; and (b) may not impose a penalty for the report of a false alarm on a person licensed by the state;
15. a city may require an alarm systems monitor to attempt to contact the occupant of the alarm system location twice before the city responds to the alarm signal;
16. a city may not adopt an ordinance providing that law enforcement personnel will not respond to any alarm signal in the city unless, before adopting the ordinance, the governing body makes reasonable efforts to notify permit holders of its intention to adopt the ordinance and conducts a public hearing at which interested persons are given the opportunity to be heard;
17. a city that does not respond to an alarm system signal is not liable for damages that may occur relating to the cause of the alarm system signal;
18. a property owner or an agent of the property owner authorized to make decisions regarding the use of the property may elect to exclude the city from receiving an alarm signal by an alarm system located on the owner's property, but a city may adopt an ordinance that specifies the requirements a property owner must satisfy for an election to be made; and
19. if an election is made under (18), above, the city: (a) may not impose a fee to obtain a permit to use the alarm system; (b) may impose a fee on the property owner, not to exceed \$250, for each law enforcement response to a signal from the alarm system requested by an alarm systems monitor; and (c) may not impose or collect any other fine, penalty, or fee, other than a collection fee, related to the alarm system.

(Effective September 1, 2015.)

**H.B. 2185 (Clardy/Huffman) – DNA Warrants:** provides that a warrant for a DNA specimen may be executed in any county in the state. (Effective September 1, 2015.)

**H.B. 2246 (Villalba/Huffman) – Ignition Interlocks:** entitles a person convicted of a DWI offense to receive an occupational driver's license without a finding that an essential need exists

for that person, as long as the individual shows evidence of financial responsibility and proof that an ignition interlock device is installed in the person's motor vehicle. (Effective September 1, 2015.)

**H.B. 2486 (Keffer/Hinojosa) – Recovery of Personal Property:** provides that: (1) a person may apply to a justice court for an order authorizing entry into their residence or former residence, accompanied by a peace officer, to retrieve their personal property; (2) a peace officer acting under an order described in (1), above, must: (a) accompany and assist the applicant in making authorized entry and retrieving certain personal property; (b) provide the current occupant of the residence a copy of the court order if the occupant is home at the time of entry; and (c) inventory the property retrieved by the applicant and provide the inventory to certain persons; (3) peace officer may use reasonable force in providing assistance; and (4) it is a misdemeanor offense to interfere with a peace officer acting under an order described in (1), above. (Effective September 1, 2015.)

**H.B. 2646 (Giddings/Schwertner) – Disease Reporting:** allows the Department of State Health Services or a local health authority or department to release the minimum amount of information necessary about individuals with communicable diseases to a city whose first responders might be responding to the individual. (Effective September 1, 2015.)

**H.B. 2827 (Phillips/Garcia) – Homeland Security:** expands the definition of “homeland security activity” for emergency management purposes to include fire or medical emergencies that are beyond a local jurisdiction's capabilities. (Effective immediately.)

**H.B. 2950 (Klick/V. Taylor) – Infectious Disease Preparedness:** creates the Task Force on Infectious Disease Preparedness and Response, which will: (1) provide expert protocols and recommendations related to responses to infectious diseases, including Ebola; and (2) include one emergency medical services personnel and two representatives of local health authorities on the task force's board of directors. (Effective immediately.)

**VETOED H.B. 3184 (McClendon/Menendez) – Victim-Offender Mediation Program:** authorizes a city council: (1) to establish a pretrial victim-offender mediation program for persons charged with a misdemeanor or state jail felony offense against property; (2) to adopt administrative and local rules of procedure for the program; and (3) to collect from a participant a \$500 fee for the program and \$15 court cost paid to the municipal treasury for the purpose of funding the program. (Effective September 1, 2015.)

**H.B. 3211 (P. King/Whitmire) – Peace Officer Training:** shortens to twelve months the period in which a peace officer appointed to a supervisory position, or who will be appointed to a supervisory position, has to complete supervisor training. (Effective September 1, 2015.)

**H.B. 3327 (Alvarado/Huffman) – Domestic Violence:** allows the attorney general to award grants to domestic violence high risk teams composed of law enforcement officers, prosecutors, community supervision and corrections departments, victim advocates, nonprofit organizations that provide services to victims, and medical personnel. (Effective September 1, 2015.)

**H.B. 3668 (Workman/Menendez) – Wiretapping:** adds arson investigation unit members to the list of law enforcement personnel who can engage in wiretapping. (Effective immediately.)

**H.B. 3791 (Geren/Hinojosa) – Intoxication Arrest Videos:** requires that a police department release to a person stopped or arrested on suspicion of DWI a copy of any video of the stop, arrest, field sobriety tests, and all other interactions with the officer. (Effective September 1, 2015.)

**S.B. 11 (Birdwell/Fletcher) – Campus Concealed Handgun Carry:** provides that (1) a handgun license holder may carry a concealed handgun on or about the license holder’s person while the license holder is on the campus of an institution of higher education or private or independent institution of higher education in this state; (2) an institution of higher education or private or independent institution of higher education in this state may not adopt any rule, regulation, or other provision prohibiting license holders from carrying handguns on the campus of the institution; (3) it is an exception to (2), above, that: (a) the institution may establish rules, regulations, or other provisions concerning the storage of handguns in dormitories or other residential facilities that are owned or leased and operated by the institution and located on the campus of the institution; (b) after consulting with students, staff, and faculty of the institution regarding the nature of the student population, specific safety considerations, and the uniqueness of the campus environment, the president or other chief executive officer of an institution (subject to amendment by the board of regents or other governing board) shall establish reasonable rules, regulations, or other provisions regarding the carrying of concealed handguns by license holders on the campus of the institution or on premises located on the campus of the institution, but may not establish provisions that generally prohibit or have the effect of generally prohibiting license holders from carrying concealed handguns on the campus of the institution (the institution must give effective notice under Section 30.06, Penal Code, with respect to any portion of a premises on which license holders may not carry; and (c) a private or independent institution of higher education in this state, after consulting with students, staff, and faculty of the institution, may establish rules, regulations, or other provisions prohibiting license holders from carrying handguns on the campus of the institution, any grounds or building on which an activity sponsored by the institution is being conducted, or a passenger transportation vehicle owned by the institution; (3) an institution is granted immunity for the actions of a handgun license holder; and (4) a license holder commits an offense if he carries a partially or wholly visible handgun, regardless of whether the handgun is holstered, on or about the license holder’s person and intentionally or knowingly displays the handgun in plain view of another person on the premises of an institution of higher education or private or independent institution of higher education; on any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area of an institution of higher education or private or independent institution of higher education; or in a place in which the carrying of the handgun is prohibited by a rule established under (2), above, and in which proper notice is given. (Effective August 1, 2016, except for junior colleges the effective date is August 1, 2017.)

**S.B. 158 (West/Fletcher) – Body Cameras:** provides, among other things, that: (1) a law enforcement agency in this state may apply to the office of the governor for a grant to equip officers with body cameras if the agency employs officers who: (a) are engaged in traffic or highway patrol or otherwise regularly stop or detain motor vehicles; or (b) respond to calls for

assistance from the public; (2) the office of the governor create and implement a matching grant program for body cameras; (3) a local law enforcement agency must match 25 percent of any grant money; (4) a law enforcement agency that receives a grant from the Department of Public Safety to provide body cameras to its officers or that otherwise operates a body worn camera program must adopt a policy and training program for the use of body cameras; (5) a body camera policy must include when and why an officer may choose to activate or not activate a body worn camera; (6) it is a crime for a law enforcement officer to release a video from a body worn camera without receiving permission from the law enforcement agency; (6) a member of the public must provide certain information when requesting information recorded by a body camera; and (7) a law enforcement agency must follow certain procedures related to the release of information regarding body camera recordings to the public. (Effective September 1, 2015, except the requirement for departments already operating a camera system has until September 1, 2016, to implement a body camera policy and training program.)

**S.B. 172 (Huffman/Clardy) – Synthetic Drugs:** modifies the Texas Controlled Substances Act by: (1) adding certain substances to Penalty Groups 1-A and 2; and (2) changing the penalty group for other chemicals. (Effective September 1, 2015.)

**S.B. 173 (Huffman/Clardy) – Synthetic Marijuana:** modifies the Texas Controlled Substances Act by adding additional chemicals commonly referred to as synthetic cannabinoids to the Act. (Effective September 1, 2015.)

**S.B. 273 (Campbell/Guillen) – Concealed Handgun Signs:** provides that: (1) a state agency or a political subdivision of the state may not provide notice that a concealed handgun licensee is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are actually prohibited by state law from carrying a handgun on the premises; (2) a state agency or a political subdivision of the state that improperly posts notice is liable for a civil penalty of: (a) not less than \$1,000 and not more than \$1,500 for the first violation; and (b) not less than \$10,000 and not more than \$10,500 for the second or a subsequent violation; (3) a citizen of this state or a person licensed to carry a concealed handgun may file a complaint with the attorney general that a state agency or political subdivision has improperly posted notice; (4) before a suit may be brought against a state agency or a political subdivision of the state for improperly posting notice, the attorney general must investigate the complaint to determine whether legal action is warranted; (5) if legal action is warranted, the attorney general must give the chief administrative officer of the agency or political subdivision charged with the violation a written notice that gives the agency or political subdivision 15 days from receipt of the notice to remove the sign and cure the violation to avoid the penalty; (6) if the attorney general determines that legal action is warranted and that the state agency or political subdivision has not cured the violation within the 15-day period, the attorney general or the appropriate county or district attorney may sue to collect the civil penalty, and the attorney general may also file a petition for a writ of mandamus or apply for other appropriate equitable relief; and (7) a state agency or political subdivision may only prohibit a concealed handgun licensee from carrying in a meeting room where a governmental body that is subject to the Open Meetings Act is meeting. (Effective September 1, 2015.)

**S.B. 461 (Perry/Parker) – Synthetic Substances:** provides that: (1) a person commits a criminal offense if in the course of business the person knowingly produces, distributes, sells, or offers for sale a mislabeled abusable synthetic substance; and (2) a city attorney, among others, may institute an action in district court to collect a civil penalty (up to \$25,000/day) from a person who in the course of business produces, distributes, sells, or offers for sale a mislabeled abusable synthetic substance. (Effective September 1, 2015.)

**S.B. 505 (Perry/Workman) – Meteorological Tower Markings:** provides that: (1) a meteorological evaluation tower as defined by the bill that is at least 50 feet but not more than 200 feet in height above ground level: (a) must be painted in equal alternating bands of aviation orange and white, beginning with orange at the top of the tower; (b) must have aviation orange marker balls installed and displayed in accordance with the certain Federal Aviation Administration requirements; and (c) may not be supported by guy wires unless the guy wires have a seven-foot-long safety sleeve at each anchor point that extends from the anchor point along each guy wire attached to the anchor point; (2) a person who owns, operates, or erects a meteorological evaluation tower in violation of the bill commits an a Class C misdemeanor offense, except that the offense is a Class B misdemeanor if it is shown on the trial of the offense that as a result of the commission of the offense a collision with the meteorological evaluation tower occurred causing bodily injury or death to another person; and (3) the Texas Department of Transportation shall adopt rules to implement and administer the bill, including rules requiring a person: (a) who owns, operates, or erects a meteorological evaluation tower to provide notice to the department of the existence of or intent to erect a meteorological evaluation tower; and (b) to register the meteorological evaluation tower with the department. (Effective September 1, 2015.)

**S.B. 582 (Kolkhorst/Harless) – Food Handlers:** requires a local health jurisdiction to accept training from the American National Standards Institute as sufficient to meet any training, testing, or permitting requirements. (Effective immediately.)

**S.B. 788 (Eltife/Paddie) - Emergency Communication Services (Kari’s Law):** provides that: (1) certain business service users that use Internet Protocol enabled service and provide outbound dialing capacity or access must configure the telephone system to allow a person initiating a 9-1-1 call on the system to directly access 9-1-1 service by dialing the digits 9-1-1 without an additional code, digit, prefix, postfix, or trunk-access code; and (2) a home rule city that independently operates a 9-1-1 system must, upon request, assist a business service user that is within the city’s jurisdiction to comply with (1), above. (Effective immediately.)

**S.B. 923 (Watson/Zedler) – Obstruction or Retaliation:** provides that a person commits the offense of obstruction or retaliation if the person posts on a publicly accessible website the home address or phone number of an individual the actor knows is a public servant or a member of a public servant’s family or household with the intent to cause harm or a threat of harm to the individual or family member in retaliation for or on account of the service or status of the individual as a public servant. (Effective September 1, 2015.)

**S.B. 1105 (Eltife/Cook) – State Buildings:** preempts a city’s fire safety authority over any state-owned or state-leased building. (Effective immediately.)

**S.B. 1129 (Zaffirini/Raymond) – Mental Illness:** provides that, when transporting a committed patient or a patient detained at a designated mental health facility, the patient may be restrained only during the apprehension, detention, or transportation of the patient, and the method of restraint must permit the patient to sit in an upright position without undue difficulty (unless the patient is being transported by ambulance). (Effective immediately.)

**S.B. 1287 (Hinojosa/Geren) – Forensic Analyst Licenses:** provides that: (1) forensic analysts that perform forensic analysis on behalf of crime labs must be licensed by the Texas Forensic Science Commission; and (2) an advisory committee to the Texas Forensic Science Commission should be created, consisting of representation from municipal crime laboratories. (Effective September 1, 2015, with portions becoming effective on January 1, 2019.)

**S.B. 1406 (Schwertner/Dutton) – Child Safety Alert List:** requires a law enforcement officer who encounters a child or other person on the Child Safety Alert List to: (a) request information from the person or the child regarding the child’s well-being and current residence; and (b) inform the Texas Crime Information Center that the child has been located. (Note: this bill has duplicate provisions to H.B. 2053, above.) (Effective September 1, 2015.)

**S.B. 1465 (Watson/Phillips) – Disaster Declaration:** authorizes: (1) the governor to declare a limited-purpose disaster invoking only the authority to suspend deadlines and state regulations on an affected city, including budget or tax deadlines; and (2) the Division of Emergency Management to establish and operate a search and rescue task force in each field response region. (Effective immediately.)

**S.B. 1574 (Uresti/Martinez) – Infection Control:** this bill, among other things: (1) requires each entity with first responders, including a city, to designate an infection control officer and an alternate infection control officer; (2) requires each infection control officer to: (a) receive notification of potential exposures to infectious diseases; (b) notify appropriate health care providers and first responders about potential exposures; (c) act as liaison between the potentially exposed first responders and the city; (d) investigate and evaluate exposure incidents; and (e) monitor follow-up treatment of affected first responders; (3) requires hospitals to inform designated infection control officers of possible infectious disease exposures; and (4) allows an emergency response employee or volunteer to request and receive information related to possible infectious disease exposures from individuals whose bodily fluids come into contact with the employee or volunteer. (Effective September 1, 2015.)

**S.B. 1593 (Lucio/Lucio) – Sale of Fireworks:** provides that a home rule city may not define and prohibit as a nuisance the sale of fireworks or similar materials within the 5,000 foot nuisance zone outside the city limits. (Effective September 1, 2015.)

**S.B. 1766 (Creighton/Metcalf) – Regulation of Honey:** prohibits a local health department or city from regulating honey production by a small honey production operation. (Effective September 1, 2015.)

**S.B. 1853 (Lucio/Phillips) – Border Security:** provides that: (1) the Texas Department of Public Safety may establish a program throughout this state for preventing and detecting: (a) the unlawful possession or the unlawful and imminent movement or transfer between this state and an adjacent state or the United Mexican States of firearms, controlled substances, or currency; and (b) the commission or imminent commission of the offenses of smuggling of persons and trafficking of persons occurring in this state or involving travel between this state and an adjacent state or the United Mexican States; (2) a peace officer participating in a program established under the bill must have reasonable suspicion or probable cause to believe that firearms, controlled substances, or currency are unlawfully possessed or being unlawfully and imminently moved or transferred between this state and an adjacent state or the United Mexican States or that a human trafficking offense has been committed or imminently will be committed before exercising the officer’s authority under the program, including stopping a person or vehicle or coming into contact with a person; (3) in developing the program, the department shall establish: (a) clear guidelines and procedures to mitigate any unnecessary negative impact on the flow of trade, commerce, or daily business activities in locations where the program is implemented; and (b) protocols, standards, and guidelines to minimize any intrusion on a person in an encounter with a peace officer exercising the officer’s authority under the program; (4) the department shall implement the program established under the bill in conjunction with federal and local law enforcement agencies; and (5) the department shall adopt rules as necessary to implement and administer a program established under the bill. (Effective immediately.)

**S.J.R. 22 (Creighton/Ashby) – Right to Hunt, Fish, and Harvest Wildlife:** proposes an amendment to the Texas Constitution that will: (1) enshrine in that document that the people have the right to hunt, fish, and harvest wildlife, including by the use of traditional methods, subject to laws or regulations to conserve and manage wildlife and preserve the future of hunting and fishing; and (2) provide that: (a) hunting and fishing are preferred methods of managing and controlling wildlife; (b) the amendment does not affect any provision of law relating to trespass, property rights, or eminent domain; and (c) the amendment does not affect the power of the legislature to authorize a city to regulate the discharge of a weapon in a populated area in the interest of public safety. (Effective if approved at the election on November 3, 2015.)

## **Transportation**

**H.B. 20 (Simmons/Nichols) – Transportation Planning:** provides, among other things, that: (1) the Texas Transportation Commission by rule shall develop and implement a performance-based planning and programming process dedicated to providing the executive and legislative branches of government with indicators that quantify and qualify progress toward attaining all Texas Department of Transportation goals and objectives established by the legislature and the commission; (2) the commission by rule shall develop and implement performance metrics and performance measures as part of: (a) the review of strategic planning in the statewide transportation plan, rural transportation plans, and unified transportation program; (b) the evaluation of decision-making on projects selected for funding in the unified transportation program and statewide transportation improvement program; and (c) the evaluation of project delivery for projects in the department’s letting schedule; (3) each metropolitan planning organization (MPO) – or department district if there is no MPO – shall develop a 10-year

transportation plan for the use of the funding allocated to the region; (4) the department shall assist the planning organizations and districts by providing in a timely manner, such information as is reasonably requested by the organizations; (5) the first four years of the plan developed under (3), above, shall be developed to meet the transportation improvement plan requirements of federal law; (6) for an area that is not within the boundaries of an MPO, the district shall develop the plan with input from city and county elected officials and transportation officials in the region; (7) each MPO or district shall develop its own project recommendation criteria, which must include consideration of: (a) projected improvements to congestion and safety; (b) projected effects on economic development opportunities for residents of the region; (c) available funding; (d) effects on the environment, including air quality; (e) socioeconomic effects, including disproportionately high and adverse health or environmental effects on minority or low-income neighborhoods; and (f) any other factors deemed appropriate by the planning organization; (8) the commission by rule shall: (a) prioritize and approve projects included in the statewide transportation plan in order to provide financial assistance, shall under this chapter; (b) establish a performance-based process for setting funding levels for the categories of projects in the department's unified transportation program; and (c) establish a scoring system for prioritizing projects for which financial assistance is sought from the commission by MPOs or districts; (9) the department's use of design-build is limited by the bill; (10) the speaker of the house of representatives shall appoint nine members to a House Select Committee on Transportation Planning and designate one member as chair; (11) the lieutenant governor shall appoint five members to a Senate Select Committee on Transportation Planning and designate one member as chair; and (12) the committees established under (10) and (11), above, meeting separately or jointly, shall review, study, and evaluate numerous criteria related to transportation planning. (Effective immediately.)

**H.B. 1252 (Pickett/Nichols) – Motor Vehicle Weight Enforcement:** provides that: (1) the Department of Public Safety (DPS) must establish by rule uniform weighing procedures for weight enforcement officers to ensure an accurate weight is obtained for a motor vehicle; (2) DPS is authorized to revoke or rescind the authority of a weight enforcement officer who fails to comply with the rules described in (1), above; and (3) it is an affirmative defense to prosecution for certain offenses related to operating an overweight vehicle if the weight enforcement officer fails to follow the rules described in (1), above, when determining the weight of the vehicle. (Effective September 1, 2015.)

**H.B. 2303 (Kuempel/Huffman) – Off-Highway Vehicles:** adds the driving of off-highway vehicles to the recreational use statute, which limits a premises owner's liability for tort purposes. (Effective immediately.)

**S.J.R. 5 (Nichols/Pickett) – Transportation Funding:** proposes an amendment to the Texas Constitution to provide that: (1) in each state fiscal year, the comptroller shall deposit to the credit of the state highway fund \$2.5 billion of the net revenue derived from the imposition of the state's general sales and use tax that exceeds the first \$28 billion of that revenue coming into the treasury in that state fiscal year (until 2032); (2) in each state fiscal year, the comptroller shall deposit to the credit of the state highway fund an amount equal to 35 percent of the net revenue derived from the motor vehicle sales tax that exceeds the first \$5 billion of that revenue coming into the treasury in that state fiscal year (until 2029); (3) money deposited to the credit of the

state highway fund under the bill may be appropriated only to construct, maintain, or acquire rights-of-way for public roadways other than toll roads or to repay the principal of and interest on general obligation bonds; (4) the legislature by adoption of a resolution approved by a record vote of two-thirds of the members of each house may direct the comptroller to reduce the amount of money deposited to the credit of the state highway fund under the bill, except that the comptroller may be directed to make that reduction only: (a) in the state fiscal year in which the resolution is adopted, or in either of the following two state fiscal years; and (b) by an amount or percentage that does not result in a reduction of more than 50 percent of the amount that would otherwise be deposited to the fund; and (5) the legislature by adoption of a resolution approved by a record vote of a majority of the members of each house of the legislature may extend the 2032 and 2029 deadlines in (1) and (2), above, in 10-year increments. (Effective if approved at the election on November 3, 2015.)

### **Utilities and Environment**

**H.B. 30 (Larson/Perry) – Desalination:** provides that: (1) each regional water planning group shall indicate in their regional water plan opportunities for and the benefits of developing large-scale desalination facilities for brackish groundwater or seawater that serve local or regional brackish groundwater production zones; and (2) the Texas Water Development Board shall prepare a biennial progress report identifying and designating local or regional brackish groundwater production zones in area of the state with moderate to high availability and productivity of brackish groundwater that can be used to reduce the use of freshwater. (Effective immediately.)

**H.B. 40 (Darby/Fraser) – Oil and Gas Operations:** makes various findings related to the benefits of oil and gas operations in the state and provides that:

1. An “oil and gas operation” means an activity associated with the exploration, development, production, processing, and transportation of oil and gas, including drilling, hydraulic fracture stimulation, completion, maintenance, reworking, recompletion, disposal, plugging and abandonment, secondary and tertiary recovery, and remediation activities.
2. An oil and gas operation is subject to the exclusive jurisdiction of this state.
3. Except as provided by (4), below, a city may not enact or enforce an ordinance or other measure, or an amendment or revision of an ordinance or other measure, that bans, limits, or otherwise regulates an oil and gas operation within the boundaries or extraterritorial jurisdiction of the city.
4. The authority of a city to regulate an oil and gas operation is expressly preempted, except that a city may enact, amend, or enforce an ordinance or other measure that: (a) regulates only aboveground activity related to an oil and gas operation that occurs at or above the surface of the ground, including a regulation governing fire and emergency response, traffic, lights, or noise, or imposing notice or reasonable setback requirements; (b) is commercially reasonable; (c) does not effectively prohibit an oil and gas operation conducted by a reasonably prudent operator; and (d) is not otherwise preempted by state or federal law.

5. “Commercially reasonable” for purposes of (4)(b), above, means a condition that would allow a reasonably prudent operator to fully, effectively, and economically exploit, develop, produce, process, and transport oil and gas, as determined based on the objective standard of a reasonably prudent operator and not on an individualized assessment of an actual operator's capacity to act.
6. An ordinance or other measure is considered prima facie to be commercially reasonable if the ordinance or other measure has been in effect for at least five years and has allowed the oil and gas operations at issue to continue during that period.

(Effective immediately.)

**H.B. 200 (Keffer/Perry) – Groundwater Conservation Districts:** provides that: (1) an affected person may file a petition with a groundwater conservation district requiring that the district contract with the State Office of Administrative Hearings to conduct a hearing appealing the reasonableness of an adopted desired future condition; and (2) the district must submit a copy of the petition to the Texas Water Development Board so that the board may review and conduct a study on the desired future condition adopted by the district. (Effective September 1, 2015.)

**H.B. 239 (Springer/Perry) – Storage of Flammable Liquids:** provides that: (1) the capacity restriction of aboveground storage tanks of gasoline, diesel fuel, and kerosene at a retail service station located in an unincorporated area or in a city with a population of less than 5,000 is removed; and (2) a commissioners court of a county with a population of 3.3 million or more may limit the maximum volume. (Effective immediately.)

**H.B. 280 (Simmons/Perry) – Texas Water Development Board:** requires the Texas Water Development Board to post specific, detailed information regarding the use of the state water implementation fund for Texas on its website. (Effective September 1, 2015.)

**H.B. 497 (Wu/Uresti) – Saltwater Pipeline Facilities:** redefines a “saltwater pipeline facility” to mean a pipeline facility that conducts water that contains salt and other substances and is intended to be used in drilling or operating a well used in the exploration for or production of oil or gas, including an injection well used for enhanced recovery operations, or is produced during drilling or operating an oil, gas, or other type of well. (Note: Current law allows a saltwater pipeline operator to install, maintain, and operate a saltwater pipeline facility through, under, along, across, or over a public road if certain conditions are met.)(Effective immediately.)

**H.B. 655 (Larson/Perry) – Aquifer Storage and Recovery:** provides that: (1) a water right holder may undertake an aquifer storage and recovery (ASR) project without completing a pilot project; (2) the Texas Commission on Environmental Quality (TCEQ) has exclusive jurisdiction over the regulation and permitting of ASR injection wells; (3) the TCEQ may authorize the use of Class V injection wells and adopt technical standards to govern the wells; (4) the project operator must install a meter on each ASR injection and recovery well associated with the ASR project; (5) the project operator shall provide the TCEQ with reports on volume of water injected and recovered; and (6) a project operator must register ASR injection and recovery wells with any groundwater district in which the wells are located. (Effective immediately.)

**H.B. 801 (King/Eltife) – Prescribed Burns:** provides that: (1) for a prescribed burn conducted by the Parks and Wildlife Department, the site-specific plan for the burn must include a map of the designated burn area, including the location of any municipally owned utility; and (2) the department shall provide adequate advance notice of the department’s intent to conduct a prescribed burn to each neighboring landowner and appropriate local officials in the vicinity of the designate burn, including water utility officials with water facilities within two miles of the prescribed burn. (Effective immediately.)

**H.B. 949 (Lucio/Perry) – Water Loss:** allows the Texas Water Development Board to waive the requirement that a retail public utility that receives a loan from the board use a portion of the financial assistance to mitigate the utility’s system water loss, if the board finds that the utility is addressing the system’s water loss. (Effective immediately.)

**H.B. 1146 (Kacal/Schwertner) – Public Water Supply System:** provides that: (1) a licensed operator of a water supply system may be a volunteer; and (2) the owner or manager of the water system must maintain a record of each volunteer operator. (Effective September 1, 2015.)

**H.B. 1224 (Lucio/Perry) – Texas Water Development Board:** allows the Texas Water Development Board to approve the use of assets as a source of revenue or security, or both, for the payment of the principal of and interest on state revolving fund bonds. (Effective immediately.)

**H.B. 1535 (Frullo/Fraser) – Non-ERCOT Electric Rates:** modifies the way in which electric rates are determined through the Public Utility Commission rate-setting process for electric utilities that operate outside of the Energy Reliability Council of Texas grid. (Effective immediately.)

**H.B. 1662 (Sheets/Perry) – Municipal Drainage Service Charges:** allows a city to exempt property used for cemetery purposes from drainage charges if the cemetery is closed to new interments and does not accept new burials. (Effective immediately.)

**H.B. 1665 (Bonnen, D./Kolkhorst) – Water Level Fluctuations:** requires a seller of residential or commercial real property adjoining an impoundment of water, including a reservoir or lake, to provide the purchaser with written notice that the water levels fluctuate. (Effective September 1, 2015.)

**H.B. 1794 (Geren/Hancock) – Environmental Enforcement:** provides that, in relation to an environmental enforcement action under the Texas Water Code: (1) the maximum amount of the civil penalty sought by a city or county is \$4.3 million, and that: (a) the first \$4.3 million of the amount recovered shall be divided equally between the state and the city or county; and (b) any amount recovered in excess of \$4.3 million shall be awarded to the state; (2) in determining the amount of an administrative penalty sought by a city or county, the trier of fact (a judge or jury) shall consider factors that the Texas Commission on Environmental Quality must consider under current law; and (3) a suit for a civil penalty that is brought by a city or county must be brought not later than the fifth anniversary of the earlier of the date the person who committed the violation: (a) notifies the Texas Commission on Environmental Quality in writing of the

violation; or (b) receives a notice of enforcement from the commission with respect to the alleged violation. (Effective September 1, 2015.)

**H.B. 1902 (Howard/Zaffirni) – Graywater:** allows the Texas Commission on Environmental Quality to adopt and implement minimum standards for additional domestic uses and reuses of graywater. (Effective immediately.)

**H.B. 1919 (Phillips/Estes) – Invasive Species:** provides that a municipally owned utility is not required to obtain a permit from the Texas Parks and Wildlife Department for the following water transfers: (1) through a water supply system; (2) from a water body with no known exotic harmful or potentially harmful fish or shellfish to a water body with no known exotic harmful or potentially harmful fish or shellfish; (3) directly to a water treatment facility; (4) treated prior to the transfer into a water body; and (5) from a reservoir or through a dam to address flood control or to meet water supply requirements or environmental flow purposes. (Effective immediately.)

**H.B. 2031 (Lucio/Hinojosa) – Marine Seawater Desalination:** provides that: (1) each regional water planning group shall indicate in their regional water plan opportunities for, and the benefits of, developing large-scale desalination facilities for marine seawater that serve local or regional entities; (2) a person must obtain a permit to divert and use state water that consists of marine seawater if: (a) the point of diversion is located less than three miles seaward of any points located on the coast, or (b) the seawater contains a total dissolved solids concentration based on a yearly average of samples taken monthly at the water sources of less than 20,000 milligrams per liter; (3) a person may use the bed and banks of any flowing natural stream to convey marine seawater that has been treated; (4) the Texas Commission on Environmental Quality (TCEQ) must provide by rule an expedited procedure for acting on an application for a permit to discharge treated marine seawater; and (5) until the TCEQ adopts rules regarding discharge waste, a person must consult the Parks and Wildlife Department and the General Land Office regarding the point at which the facility may discharge waste resulting from the desalination of marine seawater. (Effective immediately.)

**H.B. 2179 (Lucio/Perry) – Groundwater Conservation District Permitting:** provides that: (1) a hearing on a permit or permit amendment issued by a groundwater conservation district must be a public hearing; (2) an administrative law judge who conducts a contested case hearing shall consider applicable district rules in conducting the hearing; and (3) a groundwater conservation district board may change a finding of fact or conclusion of law made by the administrative law judge only if the board determines: (a) that the administrative law judge did not properly apply or interpret applicable law, (b) that a prior administrative decisions on which the judge relied is incorrect, or (c) that a technical error in a finding of fact should be changed. (Effective immediately.)

**H.B. 2767 (Keffer/Perry) – Groundwater Conservation Districts:** provides that: (1) directors of groundwater conservation districts are subject to chapter 176 of the Local Government Code (conflicts disclosure); (2) only the district, the permit applicant, and parties to a contested case hearing may participate in an appeal of a decision on the application that was the subject of that contested case hearing; (3) an affected person may file a petition requesting an inquiry of a

groundwater conservation district with the Texas Commission on Environmental Quality. (Effective immediately.)

**VETOED H.B. 2788 (Springer/Perry) – Conservation Measures:** allows a retail public utility, which includes a municipally owned utility, to require the operator of a correctional facility that receives water or sewer service from the utility to comply with water conservation measures adopted by the utility. (Effective immediately.)

**H.B. 3187 (Keffer/Lucio) – Property Assessed Clean Energy Act:** provides that: (1) establishing a Property Assessed Clean Energy (PACE) program to decrease water or energy consumption or demand is a governmental function; (2) a city may designate an authorized representative to enter into contracts to implement a water or energy consumption improvements assessment program; and (3) members of a city council and employees of the city who enter into a contract with a local government to provide administrative services for a program are not personally liable as a result of exercising any right or responsibilities related to the PACE program. (Effective immediately.)

**H.B. 4097 (Hunter/Kolkhorst) – Seawater Desalination:** provides that: (1) the Texas Commission on Environmental Quality (TCEQ) must study whether existing transmission and distribution planning processes are sufficient to provide adequate infrastructure for seawater desalination projects and make recommendations for statutory changes to ensure adequate infrastructure is developed; (2) the TCEQ and the Electric Reliability Council of Texas (ERCOT) shall study the potential for seawater desalination projects to participate in existing demand response opportunities in the ERCOT market; (3) the TCEQ may issue a permit to authorize diversion of water from the Gulf of Mexico for desalination and use for industrial purposes; (4) a person may not begin construction of a facility for the diversion of marine seawater without obtaining a permit until the person has provided data to the TCEQ based on analysis of samples from the water source over a period of at least a year; and (5) the TCEQ may issue a permit for the discharge of water treatment residuals from the desalination of seawater into the Gulf of Mexico. (Effective immediately.)

**H.B. 4112 (Burns/Perry) – Groundwater:** provides that: (1) a landowner has any groundwater ownership right recognized under common law; and (2) groundwater ownership and rights do not entitle a landowner to the right to capture a specific amount of groundwater below the surface of the landowner's land. (Effective immediately.)

**S.B. 394 (Perry/P. King) – Supplemental Environmental Projects:** provides that the Texas Commission on Environmental Quality shall approve a supplemental environmental project if a local government: (1) has not previously committed a violation at the same site with the same underlying cause in the preceding five years; and (2) did not agree, before the date that the commission initiated enforcement action, to perform the project. (Effective immediately.)

**S.B. 551 (Seliger/Keffer) – Water Conservation Advisory Council:** requires the Water Conservation Advisory Council to make recommendations for legislation to advance water conservation in Texas in its annual report to the legislature. (Effective September 1, 2015.)

**S.B. 709 (Fraser/Morrison) – Contested Case Hearings:** provides that: (1) an applicant’s filing with the administrative law judge of a draft permit, the executive director of the Texas Commission on Environmental Quality’s (TCEQ) preliminary decision, and any other supporting documentation in the administrative record establishes a prima facie presumption that the permit application meets all state and federal legal and technical requirements and the permit would be protective of the public’s health and physical property and the environment; (2) the burden shifts to the protesting party to the contested case hearing to rebut the established presumption by presenting evidence that the draft permit violates specific state or federal legal or technical requirements; (3) the TCEQ may not find that a group or association is an affected person unless the group or association identifies a member of the group or association who would be an affected person in the person’s own right; and (4) the TCEQ must provide notice to the state senator and state representative of the area in which a permit for a facility is to be issued. (Effective September 1, 2015.)

**S.B. 774 (Fraser/Thompson) – Electric Utility Rates:** requires the Public Utility Commission to: (1) conduct a study and make a report to the legislature not later than January 15, 2019, analyzing alternative ratemaking mechanisms adopted by other states; (2) make recommendations regarding appropriate reforms to the ratemaking process in this state; and (3) include in the report an analysis that demonstrates how the commission’s recommended reforms would improve the efficiency and effectiveness of the oversight of electric utilities and ensure that electric rates are just and reasonable. (Effective September 1, 2015.)

**S.B. 776 (Fraser/Kacal) – MOU Electric Transmission:** this bill generally relate to the Texas Municipal Power Agency. However, one provision applies generally to all municipally owned electric utilities. It provides that, with certain exceptions, a municipally owned electric utility may not directly or indirectly construct, install, or extend a transmission facility outside of the boundaries of the city that owns the utility, unless the utility obtains a certificate of convenience and necessity from the Public Utility Commission. (Effective September 1, 2015.)

**S.B. 912 (Eltife/Crownover) – Wastewater Facilities:** exempts an individual from notifying the Texas Commission on Environmental Quality of an accidental discharge or spill of treated or untreated domestic wastewater that: (1) occurs at a wastewater treatment or collection facility owned or operated by a local government; (2) has a volume of 1,000 gallons or less; (3) is not associated with another simultaneous accidental discharge or spill; (4) is controlled or removed before the accidental discharge or spill enters water in the state or adversely affects a source of drinking water; (5) will not endanger human health or safety or the environment; and (6) is not otherwise subject to local regulatory control and reporting requirements; and requires an individual to submit to TCEQ at least once a month a summary of accidental discharges that occurred during the previous month (Effective September 1, 2015.)

**S.B. 933 (Fraser/Cook) – Electric Transmission Facilities:** provides: (1) that a person, including an investor owned electric utility or a municipally owned utility, may not interconnect a facility to the Energy Reliability Council of Texas (ERCOT) transmission grid that enables additional power to be imported into or exported out of the ERCOT power grid unless the person obtains a certificate from the Public Utility Commission stating that public convenience and

necessity requires or will require the interconnection; and (2) for procedures and deadlines to implement the bill's requirements. (Effective September 1, 2015.)

**S.B. 991 (Rodriguez/Larson) – Desalination:** requires the General Land Office to conduct a study regarding the use of wind or solar power to desalinate brackish groundwater on real property owned by the state. (Effective immediately.)

**S.B. 1148 (Watson/Geren) – Municipally Owned Utilities:** provides: (1) that a municipally owned water and sewer utility must disclose the number of ratepayers who reside outside the city limits to any person that requests the information; (2) that a municipally owned utility must provide a list of the names and addresses of the ratepayers who reside outside the city limits to any person that requests the information, unless the ratepayer has requested that this information remain confidential; (3) that the State Office of Administrative Hearings, instead of the Public Utility Commission, may give notice of a hearing to a city; and (4) procedures for obtaining an emergency order. (Effective September 1, 2015.)

## **The Cutting Room Floor**

*“How small, of all that human hearts endure,  
That part which laws or kings can cause or cure.”*  
- Samuel Johnson

Hundreds of harmful initiatives that would have done serious damage to Texas cities were defeated through the efforts of the League and individual cities. Among them were bills that would have:

1. Eliminated the concept of “home rule” cities.
2. Preempted any city regulation not expressly authorized by state law.
3. Preempted city ordinances related to bans on plastic bags and payday/auto title lenders.
4. Reduced the current cap on annual increases in residential appraisals from 10 percent to some lesser amount, applied the cap to all real property; or capped city revenues.
5. Limited the ability of cities to issue debt.
6. Eliminated municipal annexation authority.
7. Eliminated or restricted the ability of cities to enforce tree preservation ordinances.
8. Eliminated the ability of city officials to lobby or to join an association that lobbies on their behalf.
9. Required a city to pay money damages for a violation of the permit vesting law.
10. Required expensive cost-benefit analysis and reporting prior to the adoption or amendment of building codes.

Perhaps the biggest news of the session was the all out assault on “local control” in the name of “liberty.” The League created the “[Big Government Index](#)” mid-session to illustrate the scope of that assault. Ben Sargent, a well-known editorial cartoonist, illustrated the issue this way:



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The good news is that the vast majority of bills in the index didn't pass, and many never even received a hearing. In fact, only five bills on the index became law:

1. H.B. 40 preempts some city regulations relating to oil and gas development (but preserves a good deal of city authority);
2. S.B. 267 prohibits a city ordinance from forcing a landlord to accept federal housing vouchers;
3. H.B. 905 prohibits a city from regulating knives;
4. S.B. 1766 prohibits a local government from regulating a small honey bee operation; and
5. H.B. 2049 prohibits a city from imposing a duty to defend in a construction contract with an architect or engineer.

Some initiatives, other than those summarized in this update, would have been beneficial to cities. Despite the efforts of the League and individual cities, many didn't make it through the process.

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