



Legislative UPDATE

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Four Days Left: Down to the Wire

As the legislative session draws to a close, the efforts of League staff are focusing on summarizing the city-related legislation that has passed. Additional detail about that legislation will be included in future *Legislative Update* articles, and staff will prepare an edition with summaries of every city-related bill that passes.

With just four days to go, here's where cities stand:

- Legislation to prohibit red light cameras is still alive. A floor amendment in the Senate Wednesday night was added to an unrelated transportation bill, H.B. 13 (Pickett). The House could now concur in the amendments, or seek the appointment of a conference committee to work out the differences.
- Eminent domain reform continues. A floor amendment in the Senate Wednesday night requires condemnors to pay attorney's fees and penalties if the initial offer to purchase is off by more than 20 percent. The amendment was essentially the same as S.B. 474 (Kolkhorst), and it was added on to H.B. 3474 (Coleman).
- Revenue caps are dead. Senate Bill 1760 (Creighton), which contains the requirement of a 60 percent vote of the governing body on the adoption of property taxes, passed without any revenue cap provisions.
- Annexation limitations are dead. One bill that was ripe for detrimental annexation additions passed Wednesday night without amendment.

- The worst of the legislation relating to debt limitations is dead. However, H.B. 1378 (Flynn) passed last night. The bill: (1) requires all cities to file an annual financial report with the state comptroller; and (2) prohibits the issuance of certificates of obligation when there has been a failed bond election on the same issue in the previous three years. The bill does not require detailed financial information on the ballot for bond approval and does not reduce the petition threshold for certificates of obligation.
- Open carry legislation will probably pass. That legislation recently had a provision that prohibits a law enforcement officer from asking to see license without a reasonable suspension of a crime, but the requirement appears to have been stripped off in conference committee.
- A good transportation funding bill, S.J.R. 5 (Nichols), has been agreed to and will likely pass. The compromise was a mix of a dedication of state sales tax to transportation funding and the possibility of dedicating a portion of the motor vehicle sales tax to transportation funding in coming years.
- An ethics bill that only tangentially affects most cities is in trouble. That issue could trigger a special session, but whether that will happen remains uncertain.

For additional insight and details, city officials should plan to attend the [Legislative Wrap-Up Seminar](#) on June 29th in Austin, where League staff will discuss in detail every bill that passed that would affect Texas cities.

Third Court of Appeals: Birth Dates Confidential under the Public Information Act

The Third Court of Appeals, in [Paxton v. City of Dallas](#), recently held that birth dates of certain members of the general public are confidential by law under the Public Information Act. The holding overturns the long-standing position of the attorney general.

The case began when the City of Dallas received various, unrelated open records requests. In each instance, the responsive information included birthdates of members of the public. The city asserted that it was not required to disclose the birthdates, arguing that the information is confidential under the common law privacy doctrine. The attorney general rejected that argument and issued a letter ruling concluding that the information must be released. The city challenged that ruling in court.

The Third Court of Appeals explained that “[u]nder the common-law right of privacy, an individual has a right to be free from the publicizing of private affairs in which the public has no legitimate concern.” In deciding the issue at hand, the court primarily relied on a [2010 Texas Supreme Court Case](#) concluding that public employees’ privacy interest in their birth date information substantially outweighed the negligible public interest in disclosure, and that disclosing the information constituted a clearly unwarranted invasion of personal privacy.

Finding the analysis and conclusion in that case equally applicable to members of the general public, the Third Court of Appeals concluded that birth date information of public citizens is confidential by law. The case may be appealed to the Texas Supreme Court.

Consumer Confidence Reports Due July 1

The Texas Commission on Environmental Quality (TCEQ) requires that every municipally owned utility provide a Consumer Confidence Report (CCR) to their customers by July 1 of every year. The purpose of the CCR is to provide information to water customers on water quality and risk from exposure to contaminants detected in the drinking water.

The requirements on information that must be contained in the report are available in the TCEQ's [Administrative Rules](#). Once a water system has provided the CCR to customers, the water system must complete a certification of delivery form, make a copy of the certification and CCR to keep on file with the city, and mail both to the TCEQ.

If you have questions concerning the CCR, please e-mail PWSCCR@tceq.texas.gov or call the TCEQ Drinking Water Quality Team at 512-239-4691 or TCEQ Small Business and Local Government Assistance at 800-447-2827.

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