



Legislative UPDATE

March 27, 2015
Number 13

Bad Oil and Gas Preemption Bill Clears Senate Committee

A bill that would gut oil and gas drilling ordinances in more than 300 Texas cities, S.B. 1165 by Sen. Troy Fraser, was unanimously voted from the Senate Natural Resources and Economic Development Committee last Tuesday.

The bill expressly preempts ordinances that relate to oil and gas, but purports to create a “safe harbor” provision for certain city ordinances that are “commercially reasonable.” The safe harbor is so narrowly drafted, however, that municipal attorneys believe basic health and safety ordinances provisions, such as setbacks (buffer zones), would be difficult to enforce.

TML has been contacting cities to see how many have adopted an ordinance that in some way regulates oil and gas drilling activity in their city limits. So far, [322 cities](#) have been identified as having some form of drilling regulation.

The bill was voted from the committee the same day it was heard. The companion bill (H.B. 40 by Rep. Drew Darby) was heard the day before in the House Energy Resources Committee. Numerous city officials ably testified against both bills.

The bills’ authors, who are also the chairmen of their respective committees, have pledged to listen to suggested amendments from the League that would clarify their stated intent to retain basic health and safety authority. It is clear, however, that the oil and gas industry would prefer to see the bills pass in their present, harmful form.

City officials should discuss the legislation with both their senators and their state representatives right away, urging them to support beneficial city amendments.

TCEQ Seeks Comments: **Texas Surface Water Quality Standards**

The Texas Commission on Environmental Quality (TCEQ) is required by state and federal law to establish water quality standards in Texas. The Texas Surface Water Quality Standards establish instream water quality requirements for Texas streams, rivers, lakes, estuaries, and other water bodies. Revisions are being made to: (1) incorporate new information on potential pollutants; (2) include additional data about water quality conditions in specific water bodies; (3) address new state and federal regulatory requirements; and (4) accommodate public concerns and public goals for water quality in the state.

TCEQ is requesting preliminary written comments on the rules until 5:00 p.m. on April 6, 2015. Copies of the 2014 versions of the Texas Surface Water Quality Standards are available on the TCEQ's website at:

http://www.tceq.texas.gov/permitting/water_quality/wq_assessment/standards/eq_swqs.html/

Written comments on the Texas Surface Water Quality Standards may be submitted to Ms. Debbie Miller, MC-234, Water Quality Planning Division, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4410. Electronic comments may be submitted via e-mail to standards@tceq.state.tx.us. All comments should reference the Texas Surface Water Quality Standards.

City Officials Testify

When the legislature is in session, nothing compares to the effectiveness of city officials testifying at the Capitol. City officials who take their time to travel to Austin to speak out on important city issues should be applauded by us all. The League extends its thanks to all those who have vigilantly represented cities during the legislative session.

- Amy Ackers, City Attorney, Santa Clara
- Ken Baker, Senior Director of Planning, Southlake
- Anita Burgess, City Attorney, Denton
- Clayton Chandler, City Manager, Mansfield
- Virginia Collier, City Planner, Austin
- Stephen Costello, Councilmember, Houston
- Don Crowson, Fire Chief, Arlington
- Randall Dixon, City Manager, Flatonia
- Steve Dye, Police Chief, Grand Prairie
- Sarah Fullenwider, City Attorney, Fort Worth

- Ramiro Garza Jr., City Manager, Edinburg
- Spence Gates, Police officer, Granbury
- Todd Gottel, Mayor, Rowlett
- Ivy Haley, Detective, Fort Worth
- Jeff Hunt, Mayor, Santa Clara
- Jungus Jordan, Councilmember, Fort Worth
- Bill Lane, Director of Public Safety, Mansfield
- Bryan Langley, Assistant City Manager, Denton
- Steve Lindsey, Councilmember, Mansfield
- John Love, Councilmember, Midland
- Nelda Martinez, Mayor, Corpus Christi, and TML President
- Chris Mosley, Senior Assistant City Attorney, Fort Worth
- James Parajon, Deputy City Manager, Arlington
- Peter Phillis, Director of Business Service, Mansfield
- Donald Postell, City Attorney, Grand Prairie
- Melinda Ramos, Senior City Attorney, Fort Worth
- Lauraine Rizer, Officer of Real Estate Services, Austin
- Danny Scarth, Councilmember, Fort Worth
- Joe Turner, Director of Parks and Recreation, Houston
- Randall Upton, Police Lieutenant, Houston
- Chris Watts, Mayor, Denton

Significant Floor Actions

H.B. 11 (D. Bonnen), Relating to the powers and duties of the Texas Department of Public Safety and the investigation, prosecution, punishment, and prevention of certain offenses. Passed the House.

S.B. 11 (Birdwell), Relating to the carrying of concealed handguns on the campuses of and certain other locations associated with institutions of higher education. Passed the Senate.

S.B. 17 (Estes), Relating to the authority of a person who is licensed to carry a handgun to openly carry a holstered gun. Passed the Senate.

S.B. 273 (Campbell), Relating to certain offenses relating to carrying concealed handguns on property owned or leased by a governmental entity. Passed the Senate.

S.B. 318 (Hinojosa), Relating to the amount the Texas Military Preparedness Commission may grant to local governmental entities for certain purposes. Passed the Senate.

Significant Committee Actions

H.B. 80 (Craddick), Relating to portable wireless communication device while operating a motor vehicle. Reported from the House Committee on Transportation.

H.B. 226 (Guillen), Relating to certain offenses relating to carrying concealed handguns on property owned or leased by a governmental entity. Reported from the House Committee on Homeland Security and Public Safety.

S.B. 1 (Nelson), Relating to certain restrictions on the imposition of ad valorem taxes and to the duty of the state to reimburse certain political subdivisions for certain revenue loss. Reported from the Senate Finance Committee.

S.B. 140 (Perry), Relating to a sales and use tax exemption for telecommunications services used for the navigation of certain farm and ranch machinery and equipment. Reported from the Senate Finance Committee.

S.B. 538 (Schwertner), Relating to the control of infectious diseases. Reported from the Senate Health and Human Services Committee

S.B. 538 (Schwertner), Relating to the continuation of a residence homestead exemption from ad valorem taxation while the owner is temporarily absent because of military service. Reported from the Senate Veterans Affairs/Military Installations Committee.

City-Related Bills Filed This Week

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

Property Tax

H.B. 3614 (Elkins) – Property Tax Notice: would: (1) require a taxing unit to provide additional tax rate notice information on request, including: (a) the effective tax rate and the rollback tax rate, which must be calculated in a way that factors in revenue generated by a tax increment reinvestment zone; (b) the difference between the amount of taxes that would be imposed by the taxing unit using the current effective tax rate calculation versus an effective tax rate calculation that included tax increment reinvestment zone revenue; and (c) a schedule of the taxing unit’s debt obligations showing: (i) the amount of the debt that was not approved by the voters; (ii) the percentage of the debt that was not approved by the voters; (iii) the amount of the debt service for the next year that is for debt that was not approved by the voters; and (iv) the percentage of the debt service for the next year that is for debt that was not approved by the voters; and (2) allow a taxing unit to provide the required property tax rate notice not later than the later of September 1 or the 30th day after the date the certified appraisal roll is received by the taxing unit. (Companion bill is **S.B. 1680** by **Bettencourt**.)

H.B. 3659 (Guillen) – Property Tax Exemption: would exempt properties located in counties with populations of less than 25,000 from the additional tax imposed if the use of land appraised for property tax purposes as open-space land is changed. (Companion is **S.B. 974** by **Zaffirini**.)

H.B. 3695 (Hughes) – Property Tax Exemption: would clarify that the residence homestead property tax exemption for totally disabled veterans applies to a disabled veteran who receives from the United States Department of Veterans Affairs a rating of 100 percent disabled due to a service-connected disability.

H.B. 3767 (Cook) – Property Tax Appraisal: would: (1) provide that, in a property tax protest based on unequal appraisal, the appraisal ratio of the property in question in comparison to median level of appraisal of other properties is to be determined: (a) using comparable properties located in the same appraisal district; (b) based on the similarity of the properties with regard to specified statutory characteristics, like square footage, property age, and property condition, among other things; (c) by calculating adjustments in accordance with generally accepted appraisal standards; and (d) based on the calculation of the appraised value of each comparable property as shown in the appraisal records submitted to the appraisal review board by the chief appraiser; (2) allow a chief appraiser to disclose confidential information for the purpose of meeting the appraisal district's burden of proof so long as the information does not identify a specific property or a property owner; and (3) require a district court to grant relief on the ground that a property is appraised unequally if the appraised value of the property exceeds by at least ten percent the median level of appraisal of a reasonable number of comparable properties in the appraisal district based on the standards in (1), above. (Companion bill is **H.B. 3609** by **Guillen**.)

H.B. 3826 (Elkins) – Property Tax Exemption: would entitle the owner of tangible personal property to a property tax exemption if the property is used for manufacturing, processing, or fabricating tangible personal property for ultimate sale. (See **H.J.R. 140**, below). (Companion bill is **S.B. 758** by **Bettencourt**.)

H.B. 3856 (Elkins) – Property Tax Exemption: would exempt from property taxes income-producing tangible personal property having a taxable value of less than \$2,500.

H.B. 3861 (Elkins) – Property Tax Exemption: would allow a business owning tangible personal property used for the production of income to qualify for a property tax exemption on the amount of the property worth \$50,000 or less. (See **H.J.R. 143**, below.) (Companion bill is **S.B. 763** by **Bettencourt**.)

H.B. 3867 (Elkins) – Property Tax Appraisal: would: (1) entitle a property owner to appeal through binding arbitration an appraisal review board order determining a protest filed concerning the appraised or market value of property if the appraised or market value of the property is \$3 million or less; and (2) amend the amount of the arbitration deposit made payable to the comptroller depending on the appraised or market value of the property. (Companion bill is **S.B. 849** by **Bettencourt**.)

H.B. 3881 (Bernal) – Property Tax Exemption: would expand the types of groups who may be able to pay off delinquent property taxes in installment payments. (Companion bill is **S.B. 1996** by **Menendez**.)

H.B. 3989 (Keffer) – Property Tax Appraisal: provide that, in a property tax protest based on unequal appraisal, the median appraised value of comparable properties must be calculated using the appraised value of each comparable property as shown in the appraisal records submitted to the appraisal review board by the chief appraiser.

H.B. 4005 (Laubenberg) – Tax Collection: would, among other things: (1) authorize a taxpayer to file a lawsuit to contest the payment of any tax or fee collected by the comptroller, including a local tax collected by the comptroller; and (2) require the suit to be brought against the public officials charged with the duty of collecting the tax or fee, the comptroller, and the attorney general. (Companion is **S.B. 1291** by **V. Taylor**.)

H.B. 4087 (Smith) – Property Tax Exemption: would, with regard to the pollution control property tax exemption, provide that property is for the control of air, water, or land pollution if it is used wholly or partly to capture carbon dioxide and the United States Environmental Protection Agency continues to regulate carbon dioxide as a pollutant or if any other applicable environmental rule so regulates carbon dioxide. (Companion bill is **S.B. 1983** by **Seliger**.)

H.J.R. 140 (Elkins) – Property Tax Exemption: would amend the Texas Constitution to entitle the owner of tangible personal property to a property tax exemption if the property is used for manufacturing, processing, or fabricating tangible personal property for ultimate sale. (See **H.B. 3826**, above.)

H.J.R. 143 (Elkins) – Property Tax Exemption: would amend the Texas Constitution to allow a business owning tangible personal property used for the production of income to qualify for a property tax exemption on the amount of the property worth \$50,000 or less. (See **H.B. 3861**, above.)

S.B. 1680 (Bettencourt) – Property Tax Notice: this bill is identical to **H.B. 3614**, above.

S.B. 1687 (Ellis) – Property Tax Exemption: would grant a property tax exemption to property owned by charitable organizations that engage in or support the planting, growing, cultivation, or maintenance of trees in public areas.

S.B. 1692 (Bettencourt) – Revenue Cap: would provide that: (1) except for the scenario described in (2), below, a city council may not adopt a tax rate for a tax year that exceeds a tax rate based upon inflation and the rate of population growth; (2) the city council may adopt a rate that exceeds the tax rate based upon inflation and the population growth if: (a) before the adoption of a tax rate for that tax year, the city pledged the taxes for payment of a debt; and (b) adopting a rate less than or equal to the rate computed under (1), above, would impair the obligation of the contract creating the debt.

S.B. 1694 (Bettencourt) – Freeport Property Tax Exemption: would, among other things, extend from 175 to 365 the number of days by which freeport goods must be transported outside the state in order to be exempt from property taxation. (See **S.J.R. 57**, below.)

S.B. 1739 (Hinojosa) – Property Tax Notice: would provide that a tax assessor may post certain property tax information on the website of a taxing unit instead of including the information in the tax bill or statement.

S.B. 1760 (Creighton) – Property Tax Notice: would, among other things: (1) require 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; and (2) would allow 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 date the certified appraisal roll is received by the taxing unit.

S.B. 1793 (West) – Property Tax Exemption: would exempt from sales and use taxes certain mobility items and daily general use items for the elderly.

S.B. 1821 (Campbell) – Property Tax Exemption: would authorize the governing body of a taxing unit to adopt an property tax exemption, expressed as a dollar amount, for a business that employs honorably discharged veterans. (See **S.J.R. 60**, below.)

H.B. 1854 (Lucio) – Property Tax Exemption: would provide that the National Hispanic Institute is entitled to an exemption from property taxes of the real and tangible personal property it owns so long as the organization is exempt from federal income taxation as a 501(c)(3) organization. (Companion bill **H.B. 3623** by **Gonzales**.)

H.B. 1860 (Zaffirini) – Property Tax Exemption: would provide that the heavy equipment property tax exemption does not apply to certain types of equipment used for the purposes of producing oil or gas.

S.B. 1983 (Seliger) – Property Tax Exemption: this bill is identical to **H.B. 4087**, above.

S.B. 1996 (Menendez) – Property Tax Exemption: this bill is identical to **H.B. 3881**, above.

S.B. 1985 (Uresti) – Property Tax Appraisal: would require the chief appraiser to use specific spot prices for oil and natural gas when appraising a real property interest in oil and gas in place. (Companion bill is **H.B. 1946** by **G. Bonnen**.)

S.J.R. 56 (Bettencourt) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt a person’s inventory from property taxation.

S.J.R. 57 (Bettencourt) – Freeport Property Tax Exemption: would amend the Texas Constitution to, among other things, extend from 175 to 365 the number of days by which freeport goods must be transported outside the state in order to be exempt from property taxation. (See **S.B. 1694**, above.)

S.J.R. 60 (Campbell) – Property Tax Exemption: would amend the Texas Constitution to authorize the governing body of a taxing unit to adopt an property tax exemption, expressed as a dollar amount, for a business that employs honorably discharged veterans. (See **S.B. 1821**, above.)

S.B. 1807 (Bettencourt) – Appraisal Districts: would, among other things, eliminate the ability of a majority of the taxing units served by an appraisal district to disapprove of actions taken by the appraisal district board of directors.

Sales Tax

H.B. 3689 (Gonzales) – Sales Tax Exemption: would expand the temporary state sales and use tax exemption of certain tangible personal property related to a data center.

H.B. 3719 (T. King) – Sales Tax Exemption: would exempt certain water-conserving products from sales and use taxes if the sale takes place during a seven-day period in March.

H.B. 4029 (Lozano) – Customs Brokers: would eliminate the use of customs brokers to grant sales tax refunds for international purchasers.

H.B. 4065 (J. White) – Sales Tax Exemption: would exempt from sales and use taxes certain health care supplies purchased by an entity that has an agreement with a local governmental entity to provide emergency ambulance services.

H.B. 4067 (J. White) – Sales Tax Exemption: would exempt the purchase of an ambulance or emergency medical services supervisor vehicle from the motor vehicle sales tax when purchased by an entity that has an agreement with a local governmental entity to provide emergency ambulance services.

S.B. 1688 (Huffines) – Sales Tax Exemption: would: (1) exempt any item with a total sales price of \$25,000 or less from sales and use taxes if the sale takes place on Memorial Day weekend; and (2) provide that any item sold during Memorial Day weekend with a sales price of above \$25,000 is subject to sales and use taxes imposed at half of their normal rate.

S.B. 1850 (Nichols) – Sales Tax Exemption: would exempt from sales and use taxes the rental of equipment used in the construction or improvement of a road or highway for a governmental entity.

S.B. 1933 (Garcia) – Sales Tax Exemption: would exempt the sale of tangible personal property through certain vending machines from sales and use taxes. (Companion bill is **H.B. 2313** by Bohac.)

Purchasing

H.B. 3687 (Frank) – Civil Works Design-Build: would make various changes to the procedures relating to the design-build procurement method for civil works projects, including – among many other things – providing that the governmental entity shall select the design-build firm in a one-step or two-step process and implementing procedures related to those processes and removing the population/number of projects limitations in current law.

H.B. 3688 (Workman) – Construction Manager At-Risk: would provide that a governmental entity’s architect or engineer for a construction manager at-risk project may not serve, alone or in combination with another person, as the construction manager-at-risk unless the architect or engineer is hired to serve as the construction manager-at-risk under a separate, concurrent, or single selection process conducted in accordance with state law.

H.B. 3939 (Workman) – Construction Contract Retainage: would provide, among other things, that: (1) a governmental entity shall deposit in an interest-bearing account the retainage of a public works contract that provides for retainage of a portion of the periodic contract payment; (2) a governmental entity may not: (a) withhold retainage in excess of five percent of the agreed contract price without the express written consent of all parties to the contract; and (b) withhold retainage in excess of one percent of the agreed contract price, excluding interest earned on the retainage, if the public work covered by the contract is capable of being used for the intended purpose of the public work; (3) items constituting additional withholding or retainage added to the schedule of values, general contract conditions, are prohibited; and (4) withholding retainage for non-allocated project funds, or during the warranty period is prohibited.

S.B. 1998 (Menendez) – Local Preference: would provide that, in purchasing any personal property that is not affixed to real property or services other than professional services, if a city that solicits requests for proposals receives one or more proposals from an offeror whose principal place of business is in the city, the city may consider, as a percentage of the evaluation factors, an offeror’s principal place of business if the contract is for services in an amount of less than \$100,000 or a contract for other purchases in an amount of less than \$500,000. (Companion bill is **H.B. 3193** by **Bernal**.)

Elections

H.B. 3770 (Kuempel) – Elections: would provide that a person commits an offense if the person electioneers for or against any candidate, measure, or political party within 100 feet of: (1) an outside door through which a voter may enter the building in which a polling place is located; or (2) a parking space for persons with disabilities that serves the building and a designated travel path between the space and an outside door of the building.

H.B. 3786 (Phelan) – Provisional Voting: would provide that provisional voting records do not become public information until the first business day after the early voting ballot board verifies and counts the ballots and returns them to the custodian of election records.

H.B. 3805 (R. Miller) – Elections: would provide that an application for a ballot to be voted by mail is considered to be an application for a ballot for each election, including any ensuing

runoff, in which the county clerk serves as early voting clerk and that occurs after the first day of an odd-numbered year and before December 31st of the subsequent even-numbered calendar year.

H.B. 3961 (Bernal) – Elections: would: (1) require the secretary of state to adopt rules and procedures to allow the official administering an election to immediately suspend and replace an election judge or clerk who fails to comply with state law; and (2) require the adopted rules to include a process for review and reinstatement of a suspended election judge or clerk if the election judge or clerk is not finally convicted of an offense in connection with the violation. (Companion bill is **S.B. 1050** by **Rodriguez**.)

H.B. 3972 (Meyer) – Polling Place Locations: would provide that if a school district owns or controls the building selected for a polling place, the presiding election judge for the precinct must meet with the principal or administrator of the building to develop a security plan, which must be filed with the secretary of state at least 14 days before the first day of voting at that polling place.

S.B. 1703 (Huffman) – Election Deadlines and Procedures: would, among other things: (1) provide that the deadline for an application for a place on the ballot and the order of election (for an election on uniform date) is the 78th day before the election; (2) define “national holiday” to include a day taken in lieu of an actual national holiday when there is no regular U.S. mail delivery, and define “state holiday” to mean the same as set out in current state law; (3) allow 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) require 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) change certain vote by mail deadlines; (6) change some of the deadlines for candidate withdrawal and related requirements to place their name on the ballot; (7) provide that for an election to be held on a uniform election, the filing deadline for a write-in candidate is the 74th day before the election; (8) prohibit a write-in candidate from withdrawing after the 71st day before the election; and (9) require a special election to fill a vacancy to be held on the first authorized uniform date on or after the 46th 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. (Companion bill is **H.B. 3005** by **Laubenberg**.)

S.B. 1728 (Creighton) – Elections: would provide that early voting by personal appearance at each permanent or temporary branch polling place shall be conducted on the same days and during the same hours as voting is conducted at the main early voting polling place. (Companion bill is **H.B. 2725** by **Goldman**.)

S.B. 1802 (Ellis) – Elections: would allow a voter who is voting by mail to deliver a marked ballot in person to the early voting clerk’s office only while the polls are open on election day so

long as the voter who delivers the ballot presents an acceptable form of identification. (Companion bill is **H.B. 1308** by **Schofield**.)

Open Government

H.B. 3041 (M. White) – Transparency: would require a city that maintains a website to post, as soon as possible after an expenditure is approved, each fiscal impact document (a document analyzing the fiscal impact of the potential expenditure) created or used by the city that relates to an expenditure of more than \$50,000.

H.B. 3997 (Elkins) – Open Government Enforcement: would: (1) authorize the attorney general to prosecute violations of the Texas Open Meetings Act if a district or county attorney declines to do so; and (2) authorize a person to file a complaint under the Texas Public Information Act (PIA) with either the attorney general or the district or county attorney, and authorize the attorney general to prosecute PIA violations if a district or county attorney declines to do so.

S.B. 1874 (Whitmire) – Criminal History Record Information: would adopt the Modern Electronic Records in Texas (MERIT) Act, which regulates access to criminal history record information and other records of involvement in the criminal justice system.

S.B. 1960 (Hinojosa) – Bulk Criminal History Record Information: would: (1) require a clerk of a municipal court (among others) that receives a bulk criminal history record information (CHRI) request concerning Class A, Class B, or felony offenses for which a final judgment has been rendered to deny the request and provide the requestor with instructions for submitting the request to the Department of Public Safety; and (2) require a clerk of a municipal court (among others) that grants a bulk CHRI request concerning Class C offenses for which a final judgment has been rendered or offenses that are pending final disposition to: (a) maintain a record of the name and contact information of the requestor and the most recent date CHRI was provided to the requestor; and (b) publish the record on the clerk's website or, if no website, prominently display the record in a public area of the clerk's place of business. (Companion bill is **H.B. 2700** by **S. Thompson**.)

Other Finance and Administration

H.B. 3097 (Paul) – Municipal Management Districts: would impose various detrimental restrictions on municipal management districts.

H.B. 3654 (Murphy) – Local Debt: would: (1) require every political subdivision to prepare an annual financial report that contains financial information for each city fund, as well as various types of information relating to the city's debt obligations; (2) provide that an alternative to preparing a report under (1), above, would be for the political subdivision to provide all fund and debt information to the comptroller and have the comptroller post the information on the comptroller's official website; (3) require every political subdivision to maintain an internet website to post the financial report required by (1), above, except that a city or county with a

population of 2,000 or less could post the report on a social media or other website in which the political subdivision controls the content of the posting; and (4) provide that, except in a 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. (Companion bill is **S.B. 1042** by **Bettencourt**.)

H.B. 3713 (Schaefer) – Municipal Licenses: would: (1) prohibit a city from: (a) having more stringent licensing requirements for an occupation than that required by the state; or (b) requiring an occupational license; and (2) invalidate any ordinance that violates that prohibition.

H.B. 3789 (Geren) – Financial Statements: would change the content requirements of a personal financial statement that must be filed by certain city officers and candidates in cities with a population of 100,000 or more in regard to the information that must be disclosed about certain contracts and paid relationships with public entities. (Companion bill is **S.B. 736** by **V. Taylor**.)

H.B. 3795 (Raymond) – Scrap Tires: would: (1) require a retail seller to contract for the transportation of scrap tires only with a licensed scrap tire transporter; (2) require an individual who stores scrap tires to store them in a fully enclosed area or container that must be made secure by locking; (3) provide a civil penalty for a retail seller who fails to properly dispose of scrap tires; and (4) create a criminal offense for a person that recklessly fails to properly dispose of scrap tires. (Companion bill is **S.B. 1242** by **Rodriguez**.)

H.B. 3811 (S. Thompson) – Payday Lending: would make several consumer-friendly amendments to the state law relating to payday lenders that would likely preempt municipal ordinance provisions.

H.B. 3812 (S. Thompson) – Auto Title Lending: would make several consumer-friendly amendments to the state law relating to auto title lenders that would likely preempt municipal ordinance provisions.

H.B. 3824 (Capriglione) – Payday and Auto Title Lending: would make several consumer-friendly amendments to the state law relating to payday and auto title lenders that would likely preempt municipal ordinance provisions.

H.B. 3839 (Deshotel) – Gambling: would authorize certain forms of gambling and provide that a portion of a gaming tax on casinos be used to fund the Texas Windstorm Insurance Association. (See **H.J.R. 142**, below.)

H.B. 3866 (Isaac) – Gun Shows: would, in regard to gun shows, prohibit a city from: (1) refusing to lease a public facility for a show; (2) charging a fee that is more than the lowest fee charged to other public facility lessees; (3) charging additional fees, service charges, or other taxes not imposed on other public facility lessees; (4) imposing any terms, conditions, or

requirements not imposed on other public facility lessees; and (5) imposing a restriction on the transfer or sale of a firearm that is not required by federal or state law.

H.B. 3871 (Isaac) – Fiscal Transparency: would, for a political subdivision that has a budget greater than \$100 million: (1) require the governing body to establish and maintain an electronic format for accessing financial information regarding the political subdivision’s annual budget, check register, tax-supported debt, revenue-supported debt, unfunded pension liabilities, and unfunded other post-employment benefit liabilities; (2) require the political subdivision to post the information described by (1), above, on the political subdivision’s website; (3) require the format for a political subdivision’s annual budget to provide a display in pie charts or other graphical representations of the political subdivision’s revenue, taxes, and total spending; (4) require the format for a political subdivision’s check register to: (a) provide a searchable database that must include the check number or other payment identification, date, amount, description, and payee; and (b) allow a person to sort information in ascending and descending order, ascertain through a single search the payments made to any payee, and download information yielded by a search of the database; (5) require the format of a political subdivision’s debt information to be presented as the total of the outstanding principal of the debt and any interest and fees that will accrue over the remaining term of the debt; and (6) provide that a political subdivision may not charge a fee to access the information described by the bill.

H.B. 3890 (Stephenson) – Retirement Benefits: would prohibit a retirement system, including the Texas Municipal Retirement System, from offering spousal benefits to a same-sex spouse or partner.

H.B. 3893 (Canales) – Grand Jury Proceedings: would: (1) require that an entire grand jury proceeding be recorded if the accused person is employed by the state or a political subdivision of the state and the offense is alleged to have been committed during the course and scope of the person’s duties as an employee; and (2) make the recording in (1), above, subject to public release if the grand jury finds no bill of indictment.

H.B. 3935 (Fletcher) – Law Enforcement Grants: would instruct the Texas Commission on Law Enforcement to try to obtain state and federal funds to help local police departments provide training to military veterans.

H.B. 3952 (Guillen) – Dangerous Wild Animals: would make various changes to the law regarding the registration and regulation of dangerous wild animals, including: (1) removing a city animal control office from much of the process and providing for increased involvement of the sheriff’s office of the county where a dangerous wild animal is kept; (2) giving the Department of State Health Services duties and oversight of dangerous wild animals; (3) removing certain animals from the definition of “dangerous wild animal,” deleting many of the entities excepted from the registration and regulation requirements, and imposing the registration requirement only on a person who owns, possesses, harbors, or has custody/control of an animal for more than 30 days; and (4) adding that it is an offense to allow a member of the public to come into direct contact with a dangerous wild animal.

H.B. 4020 (Raymond) – Identity Theft: would: (1) prohibit a city that accepts an access device from retaining (or retaining beyond a certain time frame) the card security code, the PIN verification code, or the full contents of any track of magnetic strip data, and provide that the city violates this provision if its service provider retains this data; and (2) provide for costs and damages to be paid to a financial institution for a violation of (1), above, if the institution is affected in certain ways by a security breach.

H.B. 4053 (J. White) – Annual Financial Report: would require a political subdivision that maintains a website to post continuously on the website the most recent comprehensive annual financial report or a comparable financial statement prepared by the political subdivision if the political subdivision is not required to prepare a comprehensive annual financial report.

H.B. 4073 (E. Rodriguez) – Payday and Auto Title Lending: would make several consumer-friendly amendments to the state law relating to payday and auto title lenders.

H.B. 4085 (E. Rodriguez) – Disasters: would: (1) require a governing body of political subdivision, including a city, to declare a local state of disaster if the presiding officer finds the need for the declaration; (2) create a single intake point for persons affected by a disaster at the Division of Emergency Management; and (3) require the Division of Emergency Management to create a list of needs for those affected by the persons and persons assisting with disaster relief.

H.B. 4090 (Johnson) – Metal Recycling: would: (1) require a metal recycling entity to report to the Texas Department of Licensing and Regulation (TDLR) each sale or attempted sale of an explosive weapon or explosive component; (2) require the TDLR to use the statewide electronic reporting system that tracks the sale of regulated metal to also track the sale or attempted sale of an explosive weapon or an explosive component; (3) make it a criminal offense for: (a) a person to sell to a metal recycling entity or a metal recycling entity to buy an explosive component or explosive weapon; and (b) a metal recycling entity to store an explosive component or explosive weapon on its premises; (4) authorize a court to order restitution to a city for certain costs related to responding to an offense in (3), above; and (5) authorize TDLR to impose certain administrative penalties in relation to the metal recycling laws. (Companion bill is **S.B. 1194** by West.)

H.J.R. 142 (Deshotel) – Gambling: would amend the Texas Constitution to authorize certain forms of gambling and provide that a portion of a gaming tax on casinos be used to fund the Texas Windstorm Insurance Association. (See **H.B. 3839**, above.)

S.B. 19 (V. Taylor) – Ethics: would, among other things: (1) provide that a person who is a member or annuitant of a public retirement system, holds or held an elected office included in the coverage of the system, and is finally convicted of a felony offense that is related to the person's performance of official duties as an elected officer may not receive a full service retirement annuity; (2) change the content requirements of a personal financial statement that must be filed by certain city officers and candidates in cities with a population of 100,000 or more in regard to the information that must be disclosed about certain contracts; and (3) provide

that to be eligible to be a candidate for, or elected or appointed to, a public elective office, a person must not be required to be registered as a lobbyist.

S.B. 1629 (Whitmire) – Synthetic Drugs: would provide for the civil liability of a person who produces, distributes, sells, or provides or aids in the production, distribution, sale, or provision of certain synthetic substances to another person. (Companion bill is **H.B. 1200** by **Simpson**.)

S.B. 1650 (Eltife) – Payday and Auto Title Lending: would make several consumer-friendly amendments to the state law relating to payday and auto title lenders.

S.B. 1673 (Huffines) – Preemption: would: (1) prohibit a city from: (a) contradicting or undermining a state law, rule, regulation, permit, or license; (b) adopting or enforcing a local ordinance, rule, or regulation if state law preempts regulation of the subject; (c) adopting or enforcing a local ordinance, rule, or regulation that conflicts with, is more stringent than, or is inconsistent with a state law, rule, regulation, permit, or license; and (d) regulating an activity performed under a license issued by a state agency in such a manner that the activity effectively cannot reasonably be performed in the city or its extraterritorial jurisdiction; (2) authorize a person adversely affected by a violation of (1), above, to file suit against a city; (3) authorize the attorney general to file a suit against a city to enforce the prohibitions in (1), above; (4) provide that a court may award in a civil action brought in relation to (1), above, declaratory relief, injunctive relief, actual damages, attorney's fees, court costs, and other reasonable expenses; and (5) make (1)-(4), above, applicable to an ordinance, rule, or regulation adopted before, on, or after the effective date of the bill.

S.B. 1780 (Menéndez) – Rabies: would exempt a veterinarian employed by a city and administering the city's rabies control program from having to establish a veterinarian-client-patient relationship before administering or supervising the administration of a rabies vaccine. (Companion is **H.B. 1740** by **S. Thompson**.)

S.B. 1799 (L. Taylor) – Religious Freedom/Gay Marriage: would provide that: (1) a person (someone who is a conscientious objector to gay marriage) is not subject to liability for declining to: (a) buy, sell, offer, or provide a good or service; (b) enter a contract; (c) hire a person; or (d) take any other discretionary action because of that person's sincerely held religious belief about marriage as only the union of one man and one woman; (2) a government agency may not take any adverse action against any conscientious objector wholly or partly on the basis that the conscientious objector acts or refuses to act based on the beliefs in (1), above; (3) a conscientious objector may assert an actual or threatened violation of this chapter as a claim or defense in a judicial or administrative proceeding and obtain compensatory damages, injunctive relief, declaratory relief, or any other appropriate relief; (4) a conscientious objector who successfully asserts a claim or defense under the bill is entitled to recover: (a) declaratory relief; (b) injunctive relief to prevent the threatened or continued adverse action against the conscientious objector; (c) compensatory damages for pecuniary and nonpecuniary losses; (d) punitive damages; and (e) reasonable attorney's fees, court costs, and other reasonable expenses; (5) a cause of action under the bill has a two year statute of limitations; and (6) sovereign, government, and qualified

immunities to suit and from liability are waived and abolished to the extent of liability created by the bill, and a claimant may sue a government agency or official for damages allowed by the bill.

S.B. 1806 (Estes) – Preemption: would: (1) provide that any city charter provision, ordinance, rule, or regulation that conflicts with any provision of state law is null and void; (2) provide that a city charter provision, ordinance, rule, or regulation conflicts with state law if: (a) it is an ordinance that is expressly preempted by state law; (b) it regulates an area in which state law is pervasive and occupies the field; (c) it frustrates the purpose of state law; (d) there is no reasonable construction of the ordinance, rule, or regulation under which it and the state law in question can be given full effect; or (d) it regulates an activity performed under a license issued by the state and either actually or effectively prohibits a person from performing the licensed activity; (3) provide that the list in (2), above, is not intended to be an exhaustive list of the ways a city charter provision, ordinance, rule, or regulation may conflict with state law; (4) authorize the attorney general to bring an action in the name of the state to enforce (1)-(3), above; and (5) provide that a city charter provision, ordinance, rule, or regulation may not ban the provision or sale of a single-use or carry-out paper or plastic bag or require the payment of a fee for a single-use or carry-out paper or plastic bag.

S.B. 1862 (Burton) – Lobbying: would: (1) prohibit a city that imposes a tax from spending public money to directly or indirectly influence or attempt to influence the outcome of any legislation pending before the legislature, except that: (a) an officer or employee of a city could provide information to the legislature upon request; (b) an elected officer of a city could advocate for or against or otherwise attempt to influence the outcome of legislation while acting as an officer of the city; and (c) an employee could advocate for or against or otherwise attempt to influence legislation if it would not require the employee to register as a lobbyist; (2) allow a city to spend public money in the name of the city for membership fees and dues of a nonprofit association or organization of cities only if: (a) a majority of the city council votes to approve membership; (b) the association or organization exists for the betterment of local government and the benefit of all local officials; (c) the association or organization is not affiliated with a labor organization; (d) the association or organization does not directly or indirectly attempt to influence the outcome of any pending legislation; and (e) the association or organization does not directly or indirectly contribute money, services, or other valuable things to a political campaign or endorse a candidate or group of candidates for public office; (3) provide that (2)(d), above, does not prevent a person from providing information for a member of the legislature or appearing before a legislative committee at the request of the committee or a member of the legislature; (4) provide that if a city, association, or organization engages in certain prohibited activities, as described above, that an interested person or the attorney general may seek injunctive or mandamus relief and potentially recover reasonable attorney's fees and costs; (5) provide that a member or group of members of a city council commit a Class B misdemeanor if they conspire to circumvent the prohibitions above; and (6) allow, in some instances, a private person to be awarded a percentage of the proceeds of an action brought under this law.

S.B. 1911 (Perry) – Animal Shelters: would, among other things: (1) provide that, at the time a public animal shelter or pound takes possession of an animal, an agent of the shelter or pound may administer a nonprescription vaccine or medicine or a medicine that is not a controlled

substance if: (a) the medicine is necessary to prevent or control a communicable disease or parasite; and (b) the medicine is administered in accordance with certain veterinarian developed protocol; (2) provide that the law governing veterinarians applies to a veterinarian when treating an animal on behalf of or in: (a) a facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals; and (b) a public or private animal pound, shelter, or humane organization; and (3) provide that certain sterilizations must be performed by a veterinarian or person who is a full-time student of veterinary medicine. (Companion bill is **H.B. 1274** by **Larson**.)

S.B. 1920 (Watson) – Animal Shelter Personnel: would exempt from the Veterinary Licensing Act: (1) a person who is an employee, volunteer, or agent of an animal shelter who provides nonsurgical veterinary care or treatment for the animal shelter under the authorization and general supervision of a veterinarian or under a protocol approved by a veterinarian; and (2) a veterinarian who is employed by or who contracts with an animal shelter, with or without pay, while the veterinarian is providing services to the animal shelter. (Companion bill is **H.B. 859** by **E. Rodriguez**.)

S.B. 1969 (Huffman) – Financial Statements: would, in cities with a population of 100,000 or more: (1) permit a financial statement to be filed by electronic mail, pursuant to guidelines prescribed by the city secretary or clerk; and (2) provide for the timeliness of filing a statement.

S.B. 1994 (Bettencourt) – Public Retirement System: would: (1) allow a city that has its own, statutorily-created pension system to change the provisions of its pension by ordinance if: (a) it can 100 percent fund the change by the end date of the fiscal year; (b) provisions only affect an individual who retires after December 2015; and (2) allow an ordinance adopted under the bill to preempt state law.

Municipal Courts

H.B. 3855 (Moody) – Capias Pro Fine: would allow a peace officer to bring a defendant before another justice court in the same county or another municipal court in the same territorial jurisdiction that has concurrent jurisdiction with the court that issued a capias pro fine instead of placing the defendant in jail. (Companion bill is **S.B. 1040** by **Rodriguez**.)

H.B. 4003 (Laubenberg) – Juvenile Court Records: would require the custodian of a juvenile record or file to redact any personally identifiable information about a victim of the child's delinquent conduct or conduct indicating a need for supervision who was under 18 on the date the conduct occurred. (Companion bill is **S.B. 1265** by **Taylor**.)

H.B. 4103 (Guillen) – Judges: would provide that a judge that continues to serve, absent action by the appointing authority, may continue to perform the duties of the office without taking an additional oath of office.

H.B. 4104 (Guillen) – Municipal Court Appeals: would provide that in misdemeanor cases on appeal from a municipal court, the fine imposed is paid into the municipal treasury.

S.B. 1644 (West) – Expunction: would qualify a Class C misdemeanor for immediate expunction of all records and files relating to the charge, if the charge was dismissed pursuant to a plea bargain agreement, in the interest of justice, or the person completed a deferred disposition.

S.B. 1740 (Hinojosa) – Bond Review: would allow a judge of a district or county court, on the motion of the defendant, to review and modify the defendant’s bail bond set by a municipal court judge.

S.B. 1922 (Watson) – Court Cost: would: (1) impose a \$150 or \$375 court cost on the violations of Driving without a License and Driving while License Invalid that will be deposited by the comptroller to the designated trauma facility and emergency medical services account; and (2) permit a city to retain five percent of the money collected as a service fee for the collection of the court cost.

S.B. 1923 (Watson) – Court Cost: would: (1) impose a \$50 or \$100 court cost on various Transportation Code violations that will be deposited by the comptroller to the designated trauma facility and emergency medical services account; and (2) permit a city to retain five percent of the money collected as a service fee for the collection of the court cost.

Community and Economic Development

H.B. 3666 (Workman) – Emergency Services Districts: would authorize an emergency services district to withdraw from the territory of a metropolitan rapid transit authority.

H.B. 3701 (Guillen) – Comprehensive Development: would provide that: (1) the governing body of a city shall adopt by resolution or ordinance a comprehensive plan that details current and future land uses and serves as a basis for making planning or zoning decisions of the city; (2) the governing body shall review its comprehensive plan from time to time; (3) the governing body shall appoint an advisory committee to make recommendations regarding the adoption, amendment, and review of its comprehensive plan; (4) the advisory committee is composed of at least five members appointed by a majority vote of the governing body, and at least 40 percent of the membership of the advisory committee must be representatives of the real estate, development, or building industries who are not employees or officials of a political subdivision or governmental entity; (5) the advisory committee shall issue a written report to the governing body detailing its findings and recommendations regarding the comprehensive plan; (6) the governing body may not adopt or amend the comprehensive plan until it conducts at least one public hearing on the recommendations made by the advisory committee, and may not amend or adopt the comprehensive plan before the 30th day after the date the governing body receives the advisory committee's report, unless each of the landowners affected by the plan or amendment consents to the plan or amendment; (7) at the public hearing, a landowner may object to any land use applied to the landowner's tract by the comprehensive plan; (8) if a landowner’s tract has not been sold or developed in conformity with a comprehensive plan for land use within five years after adoption or

amendment of the plan, a landowner may petition the governing body of the city to designate the landowner's tract on the comprehensive plan for land use for a less intense use or uses chosen by the landowner; (9) if the governing body fails or refuses to amend the comprehensive plan for land use in accordance with a landowner's petition, the landowner may file suit in the district court in the county where the tract is located to enforce by mandamus or declaratory judgment the landowner's rights under the bill; and (10) the bill's provisions are retroactive. (Note: this bill is sought by a particular developer each session to punish one particular city. However, it would apply to every city in the state.)

H.B. 3808 (Rodriguez) – Military Preparedness Commission Grants: would provide that the Texas Military Preparedness Commission: (1) 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; and (2) the assistance may not be less than \$50,000 or more than \$5 million.

H.B. 3827 (Elkins) – Tax Increment Financing: would: (1) provide that a city ordinance designating a reinvestment zone must provide that the reinvestment zone terminates not later than the tenth anniversary of the date on which the ordinance is adopted; (2) provide that the term of all or any portion of a reinvestment zone may not be extended beyond the tenth anniversary of the date on which the ordinance designating the zone is adopted; (3) prohibit a city from designating a reinvestment zone if more than ten percent of the property in the proposed zone is used for residential purposes or the total appraised value of taxable real property in the proposed zone and in existing reinvestment zones exceeds ten percent of the total appraised value of taxable real property in the city and in the industrial districts created by the city; (4) prohibit the board of directors of a reinvestment zone from adopting, and a city council from approving, and amendment to the project plan if the median appraised value of real property located in the zone equals or exceeds the median appraised value of taxable real property located outside the boundaries of the zone that is within the designating city's corporate boundaries and extraterritorial jurisdiction; and (5) a city may not authorize tax increment bonds and notes unless approved by a majority of voters at an election. (Companion bill is **S.B. 1220** by **Bettencourt**.)

H.B. 3838 (Smithee) – Economic Development Corporations: would provide that a Type A economic development corporation may not make an expenditure in the amount of \$50,000 or more unless: (1) the corporation first publishes notice of the expenditure on the publicly accessible website of the authorizing city or in a newspaper of general circulation in the authorizing city; and (2) the authorizing city approves the expenditure, not earlier than the seventh day after the date notice is published.

H.B. 3869 (Miles) – Housing Authority Commissioners: would: (1) allow a public housing authority commissioner (commissioner) to be a person who is directly assisted by the authority through its housing choice voucher program; (2) impose special requirements regarding the appointment of a commissioner in a city with a population over 2,000,000; and (3) limit the ability of certain commissioners to participate in certain votes or discussions.

H.B. 3876 (Workman) – Permit Vesting: would provide, in relation to the permit vesting statute (Chapter 245, Local Government Code) that: (1) a fee imposed by a regulatory agency to review an application for determination of the applicability of the statute to the applicant's project may not exceed \$250; (2) a permit applicant may request mandatory mediation regarding any regulatory agency determination that this chapter does not apply to the applicant's project; and (3) a political subdivision that has been found by a court to have violated the statute is liable for the permit applicant's attorney's fees and administrative and court costs and the applicant's portion of the cost of any mediation that did not result in an agreement.

H.B. 3984 (Romero) – Impact Fees: would: (1) require a city to assess and collect an impact fee for new development in the city in an amount per service unit that is not less than the total of: (a) 20 percent of the maximum fee per service unit under current law, and (b) five percent of the per service unit cost of any projected roadway facility capital improvements that are the responsibility of the Texas Department of Transportation (TxDOT); (2) require that a city remit monthly to TxDOT the amount collected under (1), above, which shall be held in a special account by TxDOT and used only for the improvements identified in the capital improvement plan; (3) provide that the use and refunding of fees by a city apply to TxDOT for funds received under (2), above; and (4) require a city to adopt a capital improvement plan by January 1, 2016.

H.B. 3988 (Geren) – Eminent Domain: would provide that: (1) the state comptroller shall create and make accessible on the Internet a detailed eminent domain database with information regarding public and private entities authorized by the state to exercise the power of eminent domain; (2) the comptroller may consult with the appropriate officer of, or other person representing, each entity to obtain the information necessary to operate and update the eminent domain database; (3) the comptroller shall update information in the eminent domain database regarding eminent domain authority by each entity at least annually; and (4) an entity shall transmit records and other information specified by the bill to the comptroller at least annually for purposes of providing the comptroller with information to operate and update the eminent domain database. (Companion bill is **S.B. 1812** by **Kolkhorst**.)

H.B. 3993 (Rose) – Affordable Housing: would: (1) for purposes of the Texas Urban Renewal Law, define “affordable housing” as housing affordable to those earning 70 percent or less of the median family income, define “urban renewal activities” to include the transfer of property to an affordable housing nonprofit or foundation, and allow a city to transfer real property for less than fair market value to certain public or private nonprofit corporations or foundations; (2) allow “Chapter 380” loans and grants of real property and affordable housing; and (3) allow a home rule city with a population of more than 100,000 to create a Chapter 380 program for the grant of real property to certain nonprofits to provide affordable housing. (Companion bill is **S.B. 1895** by **West**.)

H.B. 4022 (Dukes) – Fair Housing: would: (1) prohibit housing discrimination under the Texas Fair Housing Act on the basis of military status or sexual orientation; and (2) prohibit the Texas Workforce Commission from deferring proceedings and referring a complaint under the Texas Fair Housing Act to a city in which alleged discrimination occurs if the city does not have laws that prohibit the alleged discrimination.

H.B. 4052 (J. White) – Economic Development Agreements: would require a political subdivision that maintains a website to post on the website each economic development agreement that the political subdivision enters into continuously from the date the agreement is executed until the date the agreement expires.

S.B. 1635 (Lucio) – Safe Home Program: would provide that the sales tax imposed on a manufactured house be deposited into a subaccount of the housing trust fund (along with certain other funds) to be used for establishing a Texas Department of Housing and Community Affairs grant and loan program for the demolition and replacement of substandard owner-occupied single-family homes.

S.B. 1636 (Lucio) – Safe Home Program: would provide that the sales tax imposed on a manufactured house be deposited into separate funds to be used for establishing a Texas State Affordable Housing Corporation grant and loan program for the demolition and replacement of substandard owner-occupied single-family homes.

S.B. 1639 (Campbell) – Annexation: would completely rewrite the Municipal Annexation Act to severely curtail the ability of cities to annex property. Specifically, the bill would provide – among many other things – that:

1. A city may annex an area with a population of less than 200 only if the city obtains consent to annex the area through a petition signed by: (a) more than 50 percent of the registered voters of the area; and (b) if the registered voters of the area do not own more than 50 percent of the land in the area, more than 50 percent of the owners of land in the area.
2. In no case may a city annex an area with a population of less than 200 without approval of a majority of the voters voting at an election called and held for that purpose if a petition protesting the annexation is signed by a number of registered voters of the municipality equal to at least 50 percent of the number of voters who voted in the most recent municipal election and is received by the secretary of the city.
3. A city may annex an area with a population of 200 or more only if the following conditions are met, as applicable: (a) the city holds an election in the area proposed to be annexed at which the qualified voters of the area may vote on the question of the annexation, and a majority of the votes received at the election approve the annexation; and (b) if the registered voters of the area do not own more than 50 percent of the land in the area, the city obtains consent to annex the area through a petition signed by more than 50 percent of the owners of land in the area.
4. A city may annex an area if each owner of land in the area requests the annexation if: (a) the governing body of the city first negotiates and enters into a written agreement for the provision of services in the area with the owners of land in the area (the city is not required to provide a service that is not included in the agreement); and (b) the governing body of the city conducts at least two public hearings (the hearings

must be conducted not less than 10 business days apart, and during the final public hearing, the governing body may adopt an ordinance annexing the area).

5. Beginning September 1, 2015, a city may not annex an area for the limited purposes of applying its planning, zoning, health, and safety ordinances in the area, regardless of any authority granted by a home rule charter.
6. The procedures for the annexation of a special district are modified, including providing that, beginning September 1, 2015, a strategic partnership agreement may not provide for limited purpose annexation.

(Companion bill is **H.B. 2221** by **Huberty**.)

S.B. 1679 (Huffines) – Building Codes: would provide that, when a city adopts procedures to adopt amendments to the International Building Code or any other building code, those procedures must include: (1) the preparation of a cost-benefit analysis of each amendment; and (2) two public hearings on each amendment. The bill would also provide that (1) and (2) must be completed prior to any building code or building code amendment being adopted.

S.B. 1758 (L. Taylor) – Windstorm Insurance: would provide that the Texas Insurance Commissioner shall by rule establish guidelines that the Texas Windstorm Association will use to settle claims.

S.B. 1785 (Campbell) – Property Rights: would amend the Texas Private Real Property Rights Preservation Act, which applies only to a city regulation in the extraterritorial jurisdiction (ETJ) that is not uniformly applicable throughout the ETJ, to provide that a real property owner has a vested right in property uses that is protected under the Texas Constitution.

S.B. 1895 (West) – Affordable Housing: this bill is identical to **H.B. 3993**, above.

S.B. 1924 (Eltime) – Highway Rights-of-Way: would provide that: (1) the Texas Transportation Commission shall establish a landscape management program that shall include: (a) a process for submitting and approving a request for landscape management, including appropriate fees; (b) an appeals process for approval or denial of a request for landscape management; and (c) a method by which the applicant may mitigate landscape management by either providing in-kind replacement of any vegetation removed or reimbursing the department for its value; (2) a person may not perform landscape management unless approved by the commission; and (3) a person commits a Class C misdemeanor if the person performs landscape management without first obtaining approval of the commission.

S.B. 1972 (Huffman) – Major Events Security Grant Program: would create a grant program to provide money to cities and counties for security at major events that: (1) are held annually; (2) have a total economic impact on the local economy of more than \$300 million; and (3) serve a state purpose or a public purpose of the development and diversification of the economy, the elimination of unemployment or underemployment, or the development or expansion of commerce. (Companion bill is **H.B. 1860** by **Hunter**.)

Personnel

H.B. 3584 (Scott Turner) – E-Verify: would: (1) require a governmental entity, including a city, to either: (a) enroll in E-Verify for its new employees; or (b) verify status through employee documentation; and (2) authorize the Texas Workforce Commission to adopt rules and forms for implementation of this requirement. (Companion bill is **S.B. 1841** by **Hall**.)

H.B. 3950 (Schaefer) – Employment Authorizations: would: (1) make invalid employment authorizations of foreign nationals that were created by the federal executive department and not ratified by Congress; and (2) prohibit an employer, including a city, from employing someone whose authorization is one created as described above. (Companion bills are **S.B. 1801** by **L. Taylor** and **H.B. 4076** by **Fallon**.)

H.B. 3964 (Fletcher) – Applicant Credit Reports: would prohibit an employer, including a city, from using the credit report or credit score of a recently returned veteran when making an employment decision.

H.B. 4070 (Shaheen) – Employment Ordinances: would: (1) notwithstanding any other provision of state law, a political subdivision, including a city, may not adopt or enforce an order or ordinance pertaining to the subject matter of the Labor Code; (2) preempt all local ordinances, rules, or regulations adopted by a political subdivision, including a city, relating to employment; (3) nullify an order or ordinance adopted by a county, city, or political subdivision before the date this provision becomes law and that violates (1); and (4) to the extent to which there is a conflict between this section and any other section of this Code, this provision controls.

H.B. 4076 (Fallon) – Employment Authorizations: this bill is identical to **H.B. 3950**, above. (Companion bill is **S.B. 1801** by **L. Taylor**.)

H.B. 4091 (Lozano) – Employment Discrimination Complaints: would extend the statute of limitations for the submission of an employment discrimination complaint from 180 days to 210 days.

S.B. 208 (Campbell) – Texas Workforce Commission: would, among other things, repeal the Texas Workforce Commission's authorization to review fire department exams for discrimination. (Companion bill is **H.B. 3294** by **Burkett**.)

S.B. 1681 (Huffines) – Police Chief Election: would require nonpartisan retention election for any appointed police chief in a city with a population of 5,000 or more every two years. (See **S.J.R. 55**, below.)

S.B. 1684 (Huffines) – Concealed Handguns: would: (1) allow a first responder, including police, fire, and Emergency Medical Services (EMS) personnel, to carry a gun while on duty if he or she takes certain handgun training; (2) create a license with a special designation allowing a first responder to carry a weapon while on duty; (3) prohibit a city from adopting any rule or regulation that prohibits a first responder that has a license under this chapter from carrying a

gun on duty or storing a gun in a city vehicle; and (4) not create a new cause of action or preclude an existing cause of action.

S.B. 1768 (Creighton) – Disease Presumption: would provide that: (1) a firefighter or emergency medical technician (EMT) who has a heart attack or stroke while on duty is presumed to have suffered the illness or death during the course and scope of employment, which means he or she would be covered by workers' compensation for that condition; and (2) a rebuttal made by a government employer regarding 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. (Companion bill is **H.B. 1388** by **Bohac**.)

S.B. 1801 (L. Taylor) – Employment Authorizations: this bill is identical to **H.B. 3950** and **H.B. 4076**, above.

S.B. 1841 (Hall) – E-Verify: this bill is identical to **H.B. 3854**, above.

S.B. 1968 (Huffman) – Union Dues: would: (1) prohibit a city from withholding union dues from an employee's wages except under current statutory provisions allowing such a deduction; (2) limit statutory deductions to fire, police, and EMS employees; and (3) prohibit a collective bargaining or meet and confer agreement from preempting statutory prohibitions on union wage deductions.

S.J.R. 55 (Huffines) – Police Chief Election: proposes a constitutional amendment that would require nonpartisan retention elections for a police chief in a city with 5,000 or more in population. (See **S.B. 1681**, above.)

Public Safety

H.B. 3668 (Workman) – Wiretapping: would add arson investigation unit members to the list of law enforcement personnel who can engage in wiretapping. (Companion bill is **S.B. 1838** by **Menendez**.)

H.B. 3677 (Workman) – Emergency Detention: would: (1) authorize a peace officer to take a person into custody who has been admitted to a mental health facility, a hospital/hospital emergency room, or emergency medical care facility; (2) authorize a mental health facility, a hospital/hospital emergency room, or emergency medical care facility to detain a person who voluntarily requests treatment or who lacks the capacity to consent to treatment if: (a) the person expresses a desire or attempts to leave before the exam or treatment is complete; and (b) a physician at the facility believes that the person has a mental illness and there is a substantial risk of serious harm to the person or others unless the person is immediately restrained, and there is insufficient time to file an application for emergency detention; and (3) require a facility to release a person detained under (2), above, after four hours unless the facility arranges for a peace officer to take the person into custody or an order of protective custody is issued. (Companion bill is **S.B. 359** by **West**.)

H.B. 3740 (Faircloth) – DNA Records: would require a person arrested for any offense punishable as a Class A misdemeanor or higher to provide a DNA sample.

H.B. 3764 (Metcalf) – Regulation of Honey: would prohibit a local health department or city from regulating honey production by a small honey production operation. (Companion bill is **S.B. 1766** by Creighton.)

H.B. 3768 (Zedler) – Sexually Oriented Businesses: would: (1) create a state licensing scheme for sexually oriented businesses; and (2) provide that, to the extent of a conflict between the bill and a municipal or county regulation, the bill controls. (Companion bill is **S.B. 1653** by L. Taylor.)

H.B. 3790 (Fletcher) – Wiretapping: would allow a peace officer to obtain an administrative subpoena, court order, or warrant to obtain call detail records, telecommunication identifying information, and other customer data from a communications service provider without giving the subscriber or customer notice.

H.B. 3791 (Geren) – Intoxication Arrest Videos: would, for a intoxication offense arrest, require that a police department release a copy of any video of the stop, arrest, field sobriety tests, and all other interactions with the officer.

H.B. 3809 (Hernandez) – Petroleum Coke: would allow a city to adopt regulations governing petroleum coke storage or transport.

H.B. 3817 (Elkins) – Photographic Traffic Enforcement: would prohibit a local authority from enforcing a traffic law only by photographic means or pursuing civil enforcement based only on evidence obtained through photographic means. (Companion bill is **S.B. 1340** by Huffines.)

H.B. 3884 (Dutton) – Knives: would remove illegal knife from the list of prohibited weapons under the criminal offense of unlawfully carrying a weapon.

H.B. 3889 (Dutton) – Controlled Substances: would add certain substances to Penalty Group 2 of the Texas Controlled Substances Act, increase the penalties for certain controlled substance offenses, and establish a pilot program for field-testing controlled substances.

H.B. 3909 (Stickland) – Warrants: would: (1) prohibit a peace officer from breaking down the door of any house for the purpose of making an arrest for a misdemeanor offense; and (2) prohibit the evidence obtained as a result of a law enforcement officer violating the Code of Criminal Procedure provision regarding breaking down a door from being admitted into evidence at trial.

H.B. 3929 (Fletcher) – License Plate Readers: would: (1) authorize a law enforcement agency to use data from an automatic license plate reader for certain law enforcement purposes, require the adoption of certain rules regarding that use, and require that certain information be reported

to the Department of Public Safety (DPS) regarding such use; (2) require the DPS to establish a database to retain data from an automatic license plate reader, and to report certain information to the legislature; (3) provide that captured plate data is confidential and not subject to public release; and (4) make it a Class A misdemeanor offense to use captured plate data for an unauthorized purpose.

H.B. 3979 (Dukes) – Public School Students: would restrict the use of certain sprays, stun guns, and Tasers against public school students on school property or while attending school-sponsored events.

H.B. 4010 (Burns) – Bounce Houses: would: (1) allow a city prosecutor to prosecute civil violations of state bounce house regulations through a court action for a \$200 per day civil penalty plus reasonable attorneys fees, court costs, and other costs related to the suit; and (2) allow the city to keep the penalty, fees, and costs if the city prosecutor is the one who brings the action.

H.B. 4011 (Martinez-Fischer) – Apartment Sprinklers: would require a city fire department to report to the fire marshal: (1) the number of high-rise apartments in the city that do not have a fire protection sprinkler system; (2) what high-rise residential buildings have partial fire sprinkler systems and where the sprinkler systems are located; (3) the address, owner, and occupants of the buildings; (4) whether the buildings have seniors, disabled, or mobility impaired; (5) previous safety violations; and (6) any other information requested by the fire marshal.

H.B. 4031 (Rose) – Alert System for Missing Adults: would require the Texas Department of Public Safety (DPS) to develop and implement a statewide Kelley alert to be activated on behalf of a missing adult, including the adoption of procedures to be used by local law enforcement agencies to determine when DPS should be notified of a missing adult.

H.B. 4050 (Kuempel) – Autopsy: would require a city to pay for the autopsy of a body found within the city limits.

H.B. 4051 (Fletcher) – Residential Fire Sprinklers: would provide that: (1) a certified fire inspector for a political subdivision or state may inspect or review plans for the sprinkler portion only of a multipurpose residential fire protection sprinkler installation, repair or replacement; and (2) remove the current law provision that grandfathers municipal ordinances adopted prior to January 1, 2009, that require fire sprinkler systems in residential dwellings.

H.B. 4061 (Fletcher) – Firearms: would provide that: (1) a city may not adopt regulations relating to the transfer, purchase, sale, taxation, manufacture, storage, carrying, wearing, private ownership, keeping, transportation, licensing, or registration of firearms, air guns, ammunition, or firearm or air gun supplies; (2) a political subdivision or an officer of a political subdivision may not adopt or enforce a local regulation relating to a firearm or ammunition unless authorized by state law; (3) a person who is adversely affected by a violation of the bill may file suit against the political subdivision; (4) governmental immunity to suit and liability is waived and abolished to the extent of liability for the relief allowed under the bill; (5) a district court may award a

plaintiff in a civil action brought under the bill declaratory relief, injunctive relief to prevent the threatened violation or continued violation, actual damages of not more than \$100,000, and reasonable attorney's fees, court costs, and other reasonable expenses required in bringing the action; (6) a city employee who knowingly and willfully violates the bill is personally liable to the state for a civil penalty of not more than \$5,000.

H.B. 4071 (Burrows) – Body Cavity Searches: would prohibit a peace officer from conducting a body cavity search of a person arrested or detained without a search warrant authorizing the search.

H.B. 4082 (Alonzo) – Vehicles for Hire: would: (1) require a for hire motor vehicle to display specialty license plates issued by the Department of Transportation; and (2) make it a class C misdemeanor to fail to display the required specialty plates.

H.B. 4117 (Fallon) – Immigration Status: would: (1) prohibit a city from adopting a rule, order, ordinance, or policy that prohibits the enforcement of laws of this state or federal law relating to immigrants or immigration, including the federal Immigration and Nationality Act; and (2) deny state grant funds to and allow a citizen to file a complaint with the attorney general against a city that violates the prohibition in (1), above.

S.B. 1637 (Whitmire) – Peace Officer Training: would require a peace officer to complete a canine encounter and behavior training program established by the Texas Commission on Law Enforcement: (1) not later than the second anniversary of the date the officer is licensed; or (2) as a requirement for an intermediate or advanced proficiency certificate.

S.B. 1647 (West) – Criminal Offense Reporting: would, among other things: (1) require the Texas Department of Public Safety (DPS) to develop a plan for implementing and expanding the use of an incident-based reporting system by local law enforcement agencies to report information and statistics concerning criminal offenses committed in this state; (2) require that the plan described in (1), above, contain input from law enforcement agencies and law enforcement associations, contain measures to track the progress and success of certain incident-based reporting by local law enforcement agencies, and examine the feasibility and desirability of developing a records management system for local law enforcement agencies; and (3) authorize the DPS to use money appropriated to it from the law enforcement officer standards and education fund account to award grants to local law enforcement agencies for training on incident-based reporting systems. (Companion bill is **H.B. 1808** by **Giddings**.)

S.B. 1676 (Huffines) – Asset Forfeiture: would, among other things, raise the state's burden of proof from "preponderance of the evidence" to "clear and convincing" in certain criminal asset forfeiture proceedings.

S.B. 1715 (Ellis) – Passing City Vehicles: would make the offense of improperly passing certain vehicles applicable to: (1) a vehicle operated by or for the Texas Department of Transportation (TxDOT), a county, a city, or a toll project entity; and (2) a stationary vehicle

operated by or for TxDOT, a county, a city, or a toll project entity assisting a stranded driver or disabled vehicle and using visual signals.

S.B. 1717 (Ellis) – Speed Limits: would make the default speed limit on residential streets in urban districts 25 miles per hour.

S.B. 1766 (Creighton) – Regulation of Honey: companion bill is **H.B. 3764** by **Metcalf**, above.

S.B. 1838 (Menéndez) – Wiretapping: would add an arson investigation unit member commissioned by a city, county, or the state as a peace officer who is authorized to engage in wiretapping. (Companion bill is **H.B. 3668** by **Workman**.)

S.B. 1855 (Lucio) – Dangerous Dogs: would: (1) require an animal control authority to notify the owner of a dog in writing that the dog is determined to be dangerous; (2) give the owner of a dog that is declared dangerous by an animal control authority the right to request a jury trial on the issue; (3) preempt state law or municipal ordinance that would not allow for a jury trial as described in (2), above; (4) allow an appeal to county court or county court at law of a municipal court or justice court order regarding a dangerous dog; and (5) require a dog owner who utilizes the appeal process referenced in (4), above, to post a bond in the amount of the cost to house the animal during the appeal. (Companion bill is **H.B. 1436** by **Smithee**.)

S.B. 1863 (Burton) – Asset Forfeiture: would repeal civil asset forfeiture provisions and establish criminal asset forfeiture in this state, and among other things: (1) authorize a convicting court to order a person convicted of violating a law subject to forfeiture to forfeit certain property, but only after the state establishes by clear and convincing evidence that the requirements for forfeiture are met or enters into a court-approved plea agreement for the forfeiture of the property; (2) provide that contraband is not subject to forfeiture, but must be disposed in accordance with state law; (3) establish procedures for the seizure of real and personal property and for the defendant to challenge the seizure; (4) provide that a forfeiture proceeding must be held following the trial of the related alleged offense; (5) require that the comptroller dispose of all forfeited and abandoned property and deposit the money in the general revenue fund, except that the court may order a portion of the proceeds to be used to pay for the expenses for the seizure, storage and maintenance or custody of the items; (6) prohibit a law enforcement agency from: (a) retaining any forfeited or abandoned property; or (b) selling any forfeited or abandoned property directly or indirectly to an employee, a person related to an employee, or another law enforcement agency; (7) require law enforcement agencies to report certain forfeiture information to the Department of Public Safety; (8) require a law enforcement agency to return property under certain circumstances and make the agency responsible for any damage, storage fees, and related costs applicable to the property; and (9) prohibit the transfer of seized property to the federal government, with some exceptions. (Companion bill is **H.B. 3171** by **Simpson**.)

S.B. 1864 (Burton) – Search Warrants: would require a peace officer to obtain a search warrant issued by a district judge in the same judicial district as the law enforcement agency or

the likely location of the device in order to search a person's cellular telephone or other wireless communications device.

S.B. 1899 (Campbell) – Emergency Medical Services Personnel: would authorize 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. (Companion bill is **H.B. 2020** by **Martinez**.)

S.B. 1901 (Campbell) – Infection Control: would: (1) require each entity with first responders, including a city, to designate an infection control officer and an alternate infection control officer; (2) require 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) require hospitals to inform designated infection control officers of possible infectious disease exposures. (Companion bills are **H.B. 2770** and **S.B. 1574**.)

S.B. 1919 (Watson) – Speed Limits: would: (1) allow the Texas Transportation Commission to establish a variable speed limit program for use during inclement weather, congestion, road construction, or any other traffic condition; and (2) make a speed limit established under this program effective when it is displayed.

Transportation

H.B. 13 (Pickett) – Transportation Funding: would limit the authority of the Texas Transportation Commission to issue debt for transportation funding. In addition to many other things, the bill would also provide that: (1) the Texas Department of Transportation shall develop and implement, and the commission shall approve, 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 department goals and objectives established by the legislature and the commission; (2) the department shall work with all local transportation entities in the state to develop and adopt uniform guidelines governing the funding prioritization of the entities' transportation projects; and (3) in making prioritization recommendations under (2), the department shall consider many factors, including the local contribution to be made to construct the project.

H.B. 3763 (Fletcher) – Transportation Funding: would provide that: (1) the Texas Department of Transportation may establish an economic impact zone around a transportation project, subject to certification by the state's Legislative Budget Board; (2) to the greatest extent practicable, the department shall collaborate with a city or county in which a zone will be located in establishing the zone; and (3) the comptroller shall transfer the incremental increase in sales tax in the zone as follows: (a) 20 percent to the credit of the state highway fund; and (b) the remainder to the credit of the general revenue fund.

H.B. 3783 (Kacal) – Railroads: would provide that a railway company commits an offense if its train obstructs for more than 10 minutes a street, rail crossing, or public highway, and as a result an authorized emergency vehicle is prevented from taking the most direct route to an emergency.

H.B. 3796 (Allen) – Public Transportation: would require a public transportation provider, including a city, to provide notice to individuals with disabilities who reside in the provider's service area that they may use another provider's service for not more than 21 days without an additional application to the provider.

H.B. 3825 (Fletcher) – Transportation Funding: would allocate a small percentage (7.5 percent after certain deductions) of the state's oil and gas severance taxes to the credit of the state infrastructure fund.

H.B. 4014 (Martinez Fischer) – Public Transit: would increase the criminal penalty for certain offenses committed on the premises of a municipal transit department. (Companion bill is **S.B. 1573** by **Uresti**.)

H.J.R. 13 (Pickett) – Transportation Funding: would amend the Texas Constitution to provide that: (1) in each state fiscal year, the comptroller of public accounts shall deposit an amount equal to \$3 billion of the total net revenue derived from the state sales and use tax to the credit of the state highway fund; (2) in addition to the deposit made under (1), the comptroller shall deposit an amount equal to two percent of the net revenue derived from the state sales and use tax to the credit of the state highway fund; and (3) revenue deposited to the credit of the state highway fund under the bill can be used only to: (a) construct, maintain, or acquire rights-of-way for public roadways other than toll roads; (b) repay the principal of and interest on certain state transportation debt.

S.J.R. 62 (Nichols) – Transportation Funding: would provide that several fee, toll, and sale revenues to the state shall be used for construction of state roads, other than toll roads.

Utilities and Environment

H.B. 14 (Morrison) – Texas Emissions Reduction Plan: would: (1) extend the expiration of Texas Emissions Reduction Plan programs; and (2) increase the amount and number of grants that can be obtained from the programs. (Companion bill is **S.B. 1619** by **Watson**.)

H.B. 2901 (E. Rodriguez) – Railroad Commission: would provide that the Railroad Commission shall establish: (1) a method by which a person may submit a written complaint to the commission: (a) through email in a manner that allows the commission to provide follow-up assistance in identifying and obtaining information necessary for the commission to begin investigating the complaint; or (b) through a user-friendly format provided on the commission's website that helps users identify the information necessary for the commission to begin investigating the complaint; and (2) a toll-free telephone number through which a person may

obtain assistance in filing a written complaint with the commission. (Companion bill is **S.B. 1865** by **Zaffirini**.)

H.B. 3663 (Naishtat) – Continuation of Utility Service: would: (1) require a municipally owned utility to provide temporary utility service to the real property of the decedent of an individual that send a request accompanied by a death certificate; (2) require the utility to suspend imposition and collection of penalties or fees associated with nonpayment; and (3) provide that the costs associated with the service are a liability of the decedent’s estate, and the next of kin who requests the service is not personally liable. (This bill is identical to **H.B. 3428** by **Parker**.)

H.B. 3749 (Keffer) – Gas Rate Cases: would provide that: (1) in establishing a gas utility’s rates, a city shall allow a gas utility to recover through its rates on a system wide basis only, as an operating expense, the gas utility’s reasonable and necessary expenses of participating in a rate case proceeding; and (2) the gas utility in the ratemaking proceeding shall reimburse the governing body of the city for the reasonable cost of the services of a lawyer or consultant, and the amount paid as reimbursement is a reasonable and necessary expense of participating in a rate proceeding. (Note: this bill would clarify recent Railroad Commission rules that would erode municipal participation in gas rate cases.)

H.B. 3792 (Huberty) – Rights-of-Way Engineering: would provide that a regular full-time employee of a privately owned public utility or cooperative utility or of the utility’s affiliate, including any agents or engineering firms performing work on behalf of and under the supervision of such utility or affiliate, is exempt from the requirement to be a licensed engineer. (Note: this bill would overrule a recent advisory opinion by the Texas Board of Professional Engineers relating to the requirement that an engineer supervise certain work in a city’s right-of-way.)

H.B. 3821 (Ashby) – Application for Water Right: would: (1) provide a specific procedure for administrative review of a water right application by the Texas Commission on Environmental Quality; (2) provide a process for technical review of a water right application; and (3) provide a process for obtaining a hearing at the State Office of Administrative Hearings.

H.B. 3916 (Stickland) – Water and Electric Utility Service: would prohibit a city from providing water or electric utility service to a federal data collection and surveillance agency or to the property of a facility used to support a federal data collection and surveillance agency.

H.B. 3953 (Geren) – Municipally Owned Utilities: would: (1) require a municipally owned utility to disclose the number of ratepayers who reside outside the city limits to any person that requests the information; (2) require a municipally owned utility to provide a list of the names and addresses of the ratepayers who reside outside the city limits to any person that requests the information; (3) permit the State Office of Administrative Hearings, instead of the Public Utility Commission, to give notice of a hearing to a city; and (4) provide procedures for obtaining an emergency order. (Companion bill is **S.B. 1148** by **Watson**.)

H.B. 4097 (Hunter) – Seawater Desalination: would: (1) require the Texas Commission on Environmental Quality to adopt rules that allow desalinated water to be used for nonpotable uses; (2) allow the TCEQ to issue a permit to authorize diversion of water from the Gulf of Mexico for desalination and use for industrial purposes; and (3) allow TCEQ to issue a permit for the discharge of waste or pollutants from the desalination of seawater into the Gulf of Mexico.

H.B. 4112 (Burns) – Groundwater: would provide that a landowner has any other groundwater ownership right recognized under common law, including the right to produce or save a fair share of the groundwater.

S.B. 1685 (Huffines) – Texas Emissions Reduction Plan: would repeal the Texas emissions reduction plan and the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program.

S.B. 1738 (Hinojosa) – Marine Seawater Desalination: would: (1) require the Texas Commission on Environmental Quality (TCEQ) to issue a permit to use the bed and banks of any stream in the state to convey marine seawater, without a hearing; (2) require a water supply entity to treat marine seawater so that it meets water quality level of the receiving stream before putting the water in the stream; (3) require regional planning groups to submit opportunities for developing large-scale desalination facilities for marine seawater in their regional plan; (4) grant the right to political subdivisions to divert marine seawater from the Gulf of Mexico for a desalination project; and (5) require the TCEQ to adopt rules to allow water treated by a desalination facility to be used as public drinking water.

S.B. 1761 (Creighton) – Clean Power Plant Rule: would, among other things, provide that the governor and the attorney general, in consultation with the Texas Commission on Environmental Quality and the Public Utility Commission, shall work to prevent federal commandeering of state police powers, protect the sovereignty of this state under the federal Clean Air Act, and retain authority to develop a state plan to meet judicially or legislatively approved goals to reduce carbon dioxide emissions.

S.B. 1903 (Perry) – Aquifer Storage and Recovery: would: (1) allow a water right holder to undertake an aquifer storage and recovery (ASR) project without completing a pilot project; (2) provide the Texas Commission on Environmental Quality (TCEQ) with exclusive jurisdiction over the regulation and permitting of ASR injection wells and task the agency with associated rulemaking; (3) allow TCEQ to authorize the use of Class V injection wells and adopt technical standards to govern the wells; (4) require the project operator to install a meter on each ASR injection and recovery well associated with the ASR project; (5) require the project operator to provide TCEQ and the groundwater district with reports on volume of water injected and recovered; and (6) require a project operator to register the ASR injection and recovery wells with any groundwater district in which the wells are located. (Companion bill is **H.B. 655** by **Larson**.)

S.B. 1905 (Perry) – Gas Rate Cases: would provide that a rule adopted by the Railroad Commission on or after January 1, 2014, and before September 1, 2015, that relates to the

commission's ratemaking proceedings, including a rule relating to discovery limitations, alignment of parties, reimbursement of a city's reasonable cost of participating in ratemaking proceedings, or collection of rate case expenses from ratepayers of gas utilities, is null and void. (Note: this bill would overrule recent Railroad Commission rules that would erode municipal participation in gas rate cases.)

S.B. 1990 (Menendez) – Hydraulic Fracturing: would provide that the Texas Commission on Environmental Quality shall: (1) require an operator of a well on which a hydraulic fracturing treatment is performed to submit to the commission, among other things, the total volume of water used in the hydraulic fracturing treatment, with the volume from each source of water listed separately; and (2) create and maintain a website to collect and make available to the public the information.

S.B. 1954 (Hinojosa) – Clean Power Plant Rule: would, among other things, provide that: (1) the Texas Commission on Environmental Quality (TCEQ) is the primary authority responsible for ensuring that this state complies with and implements any federal Clean Power Plant rule; (2) the TCEQ shall, as necessary, submit to the United State Environmental Protection Agency a state plan or a federal plan implemented that the TCEQ has accepted; and (3) the TCEQ and the Public Utility Commission shall develop and adopt a memorandum of understanding as necessary to clarify or provide for their respective duties, responsibilities, or functions on any matter that relates to the Clean Power Plant rule and is not expressly assigned to one or the other. (Companion bill is **H.B. 3069** by **E. Rodriguez**.)

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