



Legislative UPDATE

February 27, 2015
Number 9

Call to Action: **Revenue Caps in Senate Finance Committee Next Week**

Senator Jane Nelson (R – Flower Mound), chair of the Senate Finance Committee, announced at a press conference last Tuesday that the committee will hold hearings beginning the week of March 2nd on property tax reform. The reforms come in the form of more than 30 bills that would make various changes to property taxes, sales taxes, and the state’s business franchise tax.

According to the committee notices, the plan is for senators to “lay out” their bills on Monday and Tuesday. No public testimony will be taken on those days.

Public testimony will take place beginning at 9:00 a.m. on Wednesday, March 4, in Room E1.036 of the Capitol Extension. The posting asks that testimony be limited to no more than three minutes. If submitting written testimony, the committee requests that witnesses bring 40 copies to the committee during the hearing.

Among the bills that are posted include this session’s harmful revenue cap bill:

- **S.B. 182 (Bettencourt) – Revenue Cap:** would: (1) lower the property tax rollback rate from eight percent to four percent, with an exception for a city located in an area declared a disaster area by the governor or president of the United States during the current tax year; and (2) provide that a city must hold a ratification election to adopt a tax rate that exceeds the four-percent rollback rate (as opposed to current law, which only requires an election if a petition is received from the citizens).

Interested city officials should strongly consider making a trip to Austin next week to testify against this detrimental bill. City officials are also encouraged to reach out to their senators as quickly as possible to express their opposition to the proposal, which – if passed – would punish cities for building and maintaining the infrastructure that makes Texas great.

The League has prepared [talking points](#) about the harmful effects of revenue caps.

State Preemption of City Authority: **It All Boils Down to This**

When it comes to legislative advocacy in Austin, cities' advocacy efforts stem from one, overarching principle: Leave cities alone to do the state's local work.

Property tax caps, preemption legislation, or any other limit on municipal authority comes down to one, universal truth: Local officials know best how to govern their cities.

Put another way, how could a legislator from the Panhandle possibly know what's best for a city on the Gulf Coast? How could a person who grew up in the deserts of far West Texas know what's best for the Piney Woods of Deep East Texas? They can't, and city officials who do know best for their own cities are beginning to speak up, and speak up loudly.

The mayor of Lubbock summed up this premise perfectly in a recent quote on his local Fox News affiliate:

While relief for taxpayers is the stated goal of these bills, opponents say a cap could limit funding for essential services like fire protection, law enforcement, and street maintenance.

“It's the routine day to day business of running your city. So to think that somebody, a legislator from Houston knows what's going on in Lubbock and should have a vote on it is absolutely ludicrous,” Mayor Glen Robertson said.

Some lawmakers disagree. For example, a House member from Plano was quoted in the Dallas Morning News as saying, “Local control generally sounds good until you realize that some cities are out of control.” A Tarrant County Senator, who has filed a bill to essentially eliminate home rule cities, added that he wants to prevent Texas from becoming a patchwork of regulations, pointing to fracking bans and minimum wage laws. “Local control is not a blank check,” he said.

Dallas mayor Mike Rawlings, in the same article, pointed out that state officials don't like that approach from the federal government. “Respect for our neighborhoods, citizens and cities has to be heard.”

City officials should be insulted, even angry, that some state legislators are questioning their ability to govern. Legislators need to hear from city officials early and often that city officials are elected from the same group of engaged and informed citizens that elected those state officials. Some legislators frame their assault on local control as “protection of liberty.” Government's responsibility is to protect liberty, and that responsibility is best kept local. The efforts of some legislators to control city councils sound more like centralizing power in Austin if you ask us.

Many legislators have said that they aren't hearing opposition from the cities in their respective districts. Go to this [page](#) on the TML website for information that you can use to advocate for your right to govern yourselves.

Reminder: Be Sure to Check Committee Actions and Floor Actions

In this issue (and in the weeks ahead), readers will find summaries of "Significant Committee Actions." Future issues will have those and "Significant Floor Actions" as well. These sections of the update are extremely important because they indicate bills that have momentum. You are encouraged to read these sections carefully and to contact TML staff if you have questions or concerns.

May 2015 Election Law Calendar

The Texas Municipal Clerks Association (TMCA), a Texas Municipal League affiliate, prepares an outstanding election calendar for the May election. The TMCA calendar is now available online at http://municlerks.unt.edu/pdf/2015_electioncalendar.pdf. The League's legal staff remains available to answer election-related questions.

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.

- Jungus Jordan, Councilmember, Fort Worth

Significant Committee Actions

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. Reported from the Senate Committee on State Affairs.

S.B. 17 (Estes), relating to the authority of a person who is licensed to carry a handgun to openly carry a holstered gun. Reported from the Senate Committee on State Affairs.

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. 1565 (J. White) – Property Tax Appraisal: would, under certain circumstances, require a chief appraiser to provide a person applying for a qualified timber land appraisal a comprehensive list of the public and private entities that provide professional forest management services to owners of land located in the appraisal district.

H.B. 1589 (Villalba) – Property Tax Appraisal: would, among other things: (1) clarify that a property owner who is entitled to a tax refund from a taxing unit due to a correction that decreases the property owner's tax liability is not required to apply for a refund in order to receive the refund; and (2) require a taxing unit participating in an appraisal district to deliver a property tax refund to a specified person instead of to the property owner. (Companion bill is **S.B. 683** by **Hancock**.)

H.B. 1675 (Bohac) – Freeport Property Tax Exemption: would 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. (Note: Cities that have enacted the Freeport incentive should carefully consider if this extension would be beneficial or harmful to their economic development efforts and tax revenues.) (See **H.J.R. 20**, below.)

H.B. 1772 (Lozano) – Property Tax Exemption: would authorize the governing body of a taxing unit to approve a property tax exemption of the mineral interests owned by nonprofit corporations organized for the exclusive purpose of generating income for certain charitable nonprofit corporations. (See **H.J.R. 23**, below.)

H.J.R. 20 (Bohac) – Freeport Property Tax Exemption: would amend the Texas Constitution to 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 **H.B. 1675**, above.)

H.J.R. 23 (Lozano) – Property Tax Exemption: would amend the Texas Constitution to authorize the governing body of a taxing unit to approve a property tax exemption of the mineral interests owned by nonprofit corporations organized for the exclusive purpose of generating income for certain charitable nonprofit corporations. (See **H.B. 1772**, above.)

H.J.R. 25 (Bohac) – Freeport Property Tax Exemption: would amend the Texas Constitution to 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 **H.B. 1675**, above.)

S.B. 1 (Nelson) – Property Tax Exemption: would, among other things: (1) entitle a person to an exemption from taxation by a school district of a portion of the appraised value of the person's residence homestead equal to 25 percent of the median market value in the current tax

year of all residence homesteads in the state; (2) require the Legislative Budget Board to determine the median market value in a given tax year of all residence homesteads in the state as of September 30 and publish that value in the Texas Register; and (3) require additional state aid to school districts to make up for any loss in revenue resulting from an increase in the homestead exemption and application of an additional limitation on tax increases. (**Note:** S.B. 1, an important tax relief bill that has broad support, directly affects city property tax in only one way: the bill would prohibit the governing body of a taxing unit (including a city) that has adopted a local-option residence homestead exemption from reducing the amount of or repealing the exemption until December 31, 2024.) (See **S.J.R. 1**, below.)

S.B. 624 (Hinojosa) – Property Tax Delinquency: would, among other things, provide that with regard to installment payments of property taxes on a residence homestead: (1) the second of four installments must be paid before the first day of the second month after the delinquency date; (2) the third installment must be paid before the first day of the fourth month after the delinquency date; and (3) the fourth installment must be paid before the first day of the sixth month after the delinquency date.

S.B. 676 (Creighton) – Property Tax Appraisal: would prohibit the chief appraiser from using the income method of appraisal to determine the market value of commercial real property.

S.B. 683 (Hancock) – Property Tax Appraisal: this bill is identical to **H.B. 1589**, above.

S.B. 732 (Nichols) – Property Tax Exemption: would exempt eggs from property taxes as a “farm product.” (Companion bill is **H.B. 275** by Ashby.)

S.B. 744 (Zaffirini) – Property Tax: would modify the verbal motion to adopt an ordinance setting a property tax rate that exceeds the effective tax rate to read as follows: “I move that a tax rate of (specify tax rate) be adopted, which exceeds the effective tax rate by (insert percentage by which the proposed tax rate exceeds the effective tax rate) percent.” (Companion bill is **H.B. 1086** by Isaac.)

S.J.R. 1 (Nelson) – Property Tax Exemption: would amend the Texas Constitution to: (1) entitle a person to an exemption from taxation by a school district of a portion of the appraised value of the person’s residence homestead equal to 25 percent of the median market value in the current tax year of all residence homesteads in the state; (2) prohibit the governing body of a political subdivision (including a city) that adopted a local-option residence homestead exemption from reducing the amount of or repealing the exemption. (See **S.B. 1**, above.)

Sales Tax

H.B. 1625 (Faircloth) – Sales Tax Exemption: would exempt LED light bulbs from the sales and use tax.

H.B. 1737 (Fallon) – Sales Tax Exemption: would exempt from sales and use taxes the sale of a firearm or hunting supplies if the sale takes place on March 2nd.

H.B. 1841 (G. Bonnen) – Sales Tax Exemption: would provide that a service performed on behalf of an insured by a person licensed as a public insurance adjuster is not subject to sales taxes.

H.B. 1871 (G. Bonnen) – Sales Tax Allocation: would: (1) require the comptroller to send additional information to a city when a city reports that a person has collected or reported taxes incorrectly, including a description of the action the comptroller is taking to collect the delinquent tax, and either: (a) the date and periods covered by the most recent audit of the person by the comptroller or a statement that the comptroller has not conducted an audit of the person; (b) a certification that the person is obligated for the municipal tax, the periods for which the person is obligated, the amount of the tax due, and a statement as to whether the tax due has been credited to the city's account; or (c) a statement authorizing a person employed by or designated by the city to perform the duties assigned to the comptroller regarding investigations and audits; (2) authorize a city that disagrees with a determination made by the comptroller to petition the comptroller for a redetermination; (3) authorize the comptroller to set and collect from the city or other governmental entity reasonable fees to cover the expense of compiling and providing information or providing access to the administrative appeals process; and (4) provide that a city that submits a report to the comptroller preserves the right to receive from the comptroller any tax due to the city and collected by the comptroller from the person that is the subject of the report for the four years preceding the date the comptroller receives the report from the city and for each subsequent reporting period until the comptroller has fulfilled the comptroller's duties.

S.B. 693 (West) – Street Maintenance Sales Tax: would, among other things, authorize street maintenance sales tax revenue to be used for city sidewalks.

Purchasing

H.B. 1784 (Workman) – Construction Defects: would: (1) apply to a claim: (a) asserted by a person to recover the actual costs incurred in curing a construction defect from the person who originally designed, administered, constructed, or repaired an improvement to real property; and (b) regardless of whether the claim is asserted by a person who contracted for the construction or repair; and (2) provide that the amount of actual damages for the cost to cure a construction defect that might otherwise be awarded in a claim subject to this section is reduced by 10 percent for each anniversary of the date of substantial completion of the construction or repair that occurs before the date the action asserting the claim is filed.

Elections

H.B. 1615 (Fallon) – Elections: would provide that: (1) in an election in which the authority ordering the election has established at least five temporary branch polling places in the territory served by the early voting clerk, early voting by personal appearance at no less than 80 percent of the temporary branch polling places shall be conducted on the same days and during the same hours as voting is conducted at the main early voting polling place; (2) for all other elections, early voting by personal appearance at a temporary branch polling place may be conducted on any one or more days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the branch; and (3) the authority

authorized to order early voting on a Saturday or Sunday may order such voting at any temporary branch polling place that is not required to conduct voting on the same days and during the same hours as voting is conducted at the main early voting polling place under (2), above.

H.B. 1632 (Romero) – Elections: would provide that, in accordance with rules adopted by the secretary of state, an application for a ballot to be voted by mail may be completed electronically on a device capable of capturing a voter’s signature and allowing the voter to complete an electronic form.

H.B. 1645 (Gutierrez) – Elections: would require counties with a population of more than 1.5 million in which more than 75 percent of the population lives in a single city to participate in the countywide polling place program.

H.B. 1646 (J. White) – Elections: would: (1) expand the duration of the pilot program allowing certain military voters on active duty overseas to cast a ballot electronically to September 1, 2017; and (2) require the secretary of state to select a number of willing counties to participate in the program.

H.B. 1735 (D. Miller) – Elections: would require the early voting clerk, on written request, to provide a list of all voters: (1) whom the early voting clerk provided with a ballot to be voted by mail in the most recent election; and (2) to whom the early voting clerk is required, as of the date of the request, to send a ballot to be voted by mail in the next election because those voters are eligible to receive mail ballots for more than one election.

S.B. 733 (Fraser) – Elections: would authorize a city council that holds its general election on the May uniform election date to take action to change the date of its general election to the November uniform election date provided the city acts to do so not later than December 31, 2016. (Companion bill is **H.B. 947** by **Workman**.)

Open Government

H.B. 1578 (Guillen) – Motor Vehicle Accident Report: would: (1) require that a governmental entity redact the driver’s license number, date of birth, address, license plate number, and vehicle identification number before releasing a copy of a motor vehicle accident report; and (2) provide that (1), above, does not apply to information released to: (a) a person involved in the accident or that person’s legal guardian if the person is younger than 18 years; (b) a person who establishes financial responsibility for a vehicle involved in the accident; (c) an insurance company that issued a liability insurance policy covering a vehicle involved in the accident; or (d) an attorney representing a person involved in the accident.

H.B. 1764 (Hunter) – Public Information: would: (1) define “custodian” to mean a public officer or employee who: (a) by law, ordinance, or policy is in charge of an office that creates or receives a local government record; or (b) in the transaction of official business, creates or receives public information that the officer or employee has not provided to the records management officer or officer for public information (PIO); (2) require that a PIO obtain information from a custodian who has access to public information being requested from the

governmental body; (3) provide that a current or former officer or employee of the city does not have a personal or property right to the city's public information and must surrender that information upon request or demand by the custodian or PIO; (4) authorize a requestor, custodian, or PIO to sue in district court for an injunction or mandamus to compel a current or former officer or employee to surrender or return public information; (5) require a governmental body, custodian, or PIO to obtain possession, custody, or control of public information from a current or former officer or employee in order to produce public information for inspection or copying, and provide that the governmental body, custodian, or PIO may be included in a suit under (4), above, for failure to do so; (6) authorize a requestor or the attorney general to file suit for writ of mandamus to compel a PIO to make information available for public inspection if the PIO fails to request an attorney general decision when required, fails to promptly supply public information, or fails to promptly supply information as directed by the attorney general; (7) provide that a custodian commits an offense if, with criminal negligence, the custodian fails or refuses to give access to, or permit or provide copying of, public information to a requestor; and (8) provide certain affirmative defenses in regard to an offense described in (7), above. (Note: This bill would overrule the recent court of appeals opinion in *El Paso v. Abbott*, which concluded that the Public Information Act doesn't force a city employee or official to turn over public information in his or her possession.)

Other Finance and Administration

H.B. 1554 (Shaheen) – Local Debt: would: (1) require the comptroller to prepare a report of local government operations every five years that includes for each local government in the state: (a) a variety of financial data including information on the total revenue and expenditures in the previous fiscal year, as well as information on local debt issued; (b) the authority establishing the local government and the local government's ability to tax; (c) the local government's method of governance; and (d) the year and method by which the local government was established; and (2) require a local government to comply with a request from the comptroller for information related to the report.

H.B. 1558 (Parker) – Overnight Shelters: would: (1) prohibit a city from adopting an ordinance, or enforcing an existing ordinance, that prohibits a church from providing overnight shelter for children 17 years of age and younger; (2) provide that a city ordinance or regulation that relates to the safe and sanitary operation of a homeless shelter for children applies to a church that provides overnight shelter for children; and (3) authorize a city to adopt or enforce an ordinance establishing limits on the number of nights a child may use an overnight shelter provided by a church or on the number of children that can be housed in the shelter per night.

H.B. 1626 (Johnson) – Banking Development Districts: would: (1) allow a local government, in conjunction with a financial institution, to submit an application to the finance commission for the designation of a banking development district; (2) authorize the finance commission to approve an application establishing a banking development district; (3) authorize the governing body of a local government in which a banking development district has been designated to adopt a resolution designating a financial institution located in the district as a banking district depository, and authorize the local government to deposit funds with a banking district depository; and (4) authorize the governing body of a local government to enter into a tax

abatement agreement with a financial institution that owns property within a banking development district.

H.B. 1630 (Romero) – Settlement: would prohibit a city or other governmental entity from agreeing to a liability settlement if the settlement: (1) is more than \$30,000; and (2) a settlement condition includes that a party cannot disclose the reason for the settlement or facts related to the settlement.

H.B. 1647 (Murphy) – Local Debt: would: (1) require a political subdivision (except for a political subdivision with fewer than 250 registered voters) on the date the governing body adopts a bond election order, to prepare a separate voter information document for each proposed issuance of bonds secured by property taxes before the proposition is submitted to the voters for the election; (2) require the voter information document to state: (a) the language that will appear on the ballot; (b) the purpose for which the bonds are to be authorized; (c) the taxes sufficient to pay the annual principal and interest of the bonds to be authorized; (d) the maximum rate of interest for the bonds to be authorized; (e) the maturity date of the bonds to be authorized or that the bonds to be issued mature over a specified number of years for the bonds to mature; (f) the following information as a total amount and a per capita amount: (i) the principal of the bonds to be authorized; (ii) the estimated interest for the bonds to be authorized; (iii) the estimated combined principal and interest required to pay the bonds to be authorized on time and in full; (iv) the principal of all outstanding bonded debt of the political subdivision secured by and payable from property taxes; (v) the estimated remaining interest of all outstanding bonds of the political subdivision secured by and payable from property taxes; and (vi) the estimated combined principal and interest required to pay all outstanding bonds of the political subdivision secured by and payable from property taxes; (g) the debt service property tax rate as it currently exists and the estimated rate if the bonds are issued, as well as the estimated percentage increase in the rate if the bonds are issued; (h) the amount of the debt service property tax levy of the political subdivision per residence based on the current average residential property value in the political subdivision as it currently exists and the estimated rate if the bonds are issued, as well as the estimated percentage increase in the rate if the bonds are issued; (i) the address where a person may submit a public information request; and (j) any other information that the political subdivision considers relevant or necessary to explain the values that are required to be included in the voter information document; (3) require a political subdivision to provide notice of the voter information document not later than the 21st day before the date of the bond election by: (a) publishing the document in the newspaper and posting the document on the bulletin board used for meeting notices; (b) posting the document on the political subdivision's Internet website until the first day after the date of the bond election; and (c) making the document available to any person under the Public Information Act; (4) require the Texas Ethics Commission to provide guidelines for political subdivisions regarding how to provide additional information on a voter information document without violating electioneering and political advertising laws; and (5) require a political subdivision to maintain an Internet website to comply with the requirement to post a voter information document.

H.B. 1654 (M. White) – United Nations Agenda 21: would prohibit governmental entities, including cities, from entering into agreements or contracts with, accepting money from, or granting money or financial aid to a nongovernmental or intergovernmental organization

accredited by the United Nations to implement a policy that originated in the Agenda 21 plan adopted by members of the United Nations. (Companion bill is **S.B. 445** by **Hall**.)

H.B. 1681 (Bohac) – County Real Property Records: would authorize the county clerk to require a person to present photo identification in order to file in the real property records of the county.

H.B. 1690 (P. King) – Offenses Against Public Administration: would, among other things: (1) require the chief justice of the Texas Supreme Court to appoint, for a two-year term, a special prosecutor to prosecute offenses against public administration; (2) require a local law enforcement agency to cooperate with the special prosecutor described in (1), above, by providing information requested by the prosecutor and as allowed by law; and (3) authorize the Texas Rangers to investigate certain offenses against public administration.

H.B. 1750 (Shaheen) – Capital Appreciation Bonds: would prohibit a county, city, special district, school district, junior college district, or other political subdivision from issuing capital appreciation bonds that are secured by property taxes, unless the capital appreciation bonds are being issued as refunding bonds or for the purpose of financing transportation projects.

H.B. 1751 (Simpson) – Federal Law: would: (1) provide that the state legislature, by a two-thirds vote of all members, may find that a federal law violates Article I, Texas Constitution; and (2) prohibit a city from executing or enforcing a provision, penalty, or sanction provided by federal law that the legislature has found to violate Article I, Texas Constitution.

H.B. 1754 (Pickett) – Economic Development: would authorize a city that has entered into an economic development agreement with an entity under Local Government Code Chapter 380 to transfer to the entity real property or an interest in real property, if the entity agrees to use the property in a manner that primarily promotes a public purpose of the city relating to economic development. (Companion bill is **S.B. 583** by **Rodriguez**.)

H.B. 1761 (Guillen) – Border Security: would: (1) provide that the Border Security Advisory Council (Council) must consist of various individuals including certain local governmental entities receiving local border security grant funding from the Department of Public Safety and at least three mayors of cities in which state appropriations for purposes related to security at the border are spent (or their designees); and (2) provide that the Council in (1), above: (a) make recommendations to the Homeland Security Council (rather than the office of governor) and publish those recommendations on the governor's website; and (b) report on certain information, including the assessment of the performance of, reporting requirements for, and allocation of state agency funding for state border security activities.

H.B. 1766 (Hunter) – Libel Action: would provide that the publication by a newspaper or other periodical of allegations made by a third party regarding matters of public concern (regardless of the truth or falsity of the allegations) is privileged and is not a ground for a libel action, so long as it was not republished with actual malice after it had ceased to be of public concern. (Companion bill is **S.B. 627** by **Huffman**.)

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

H.B. 1860 (Hunter) – 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.

S.B. 633 (Fraser) – Events Trust Funds: would: (1) transfer administration of the Pan American Games Trust Fund, Olympic Games Trust Fund, Major Events Trust Fund, Motor Sports Racing Trust Fund, and Events Trust Fund for sporting and non-sporting events from the comptroller to the office of the governor; and (2) eliminate the Special Events Trust Fund.

S.B. 634 (Taylor) – Anticorruption Task Force: would establish a task force to examine the adequacy of state law, rules, and procedures governing unethical and unlawful misconduct by public officials.

S.B. 651 (V. Taylor) – Major Events Trust Fund: would: (1) require the state auditor to conduct an audit of the Major Events Trust Fund; and (2) provide that the state auditor is entitled to access all of the books, accounts, reports, vouchers, or other records of a city or other entity receiving a disbursement from the fund.

S.B. 700 (Eltife) – Alcoholic Beverage Commission: would: (1) require the Texas Alcoholic Beverage Commission (TABC) to expedite the processing of applications for licenses, permits and certificates by using electronic means, and authorize TABC to charge a reasonable fee to applicants choosing to apply for licenses, permits, and certificates electronically; and (2) provide that electronic signatures on TABC records, documents, and applications have the same force and effect as a manual signature.

S.B. 710 (Burton) – Liberty Cities: would, among other things: (1) create a new type of city called a “Liberty City,” which would be in addition to the current types of A, B, and C general law and home rule cities; (2) allow incorporation as or conversion to a Liberty City; (3) provide that a Liberty City is bound by a “bill of rights” as stated in the bill; (4) provide that a Liberty City may not: (a) annex unless the annexation is voter-approved; (b) impose a property tax; (c) issue debt in most circumstances; (d) enact zoning or prepare a comprehensive plan; and (5) mandate that the budget for a Liberty City be a zero-based budget.

S.B. 711 (Burton) – Lobbying: would: (1) prohibit a city council from spending public money to directly or indirectly influence or attempt to influence the outcome of any legislation pending before the legislature; (2) except from the prohibition in (1), above: (a) an officer or employee of

a city providing information for a member of the legislature or appearing before a legislative committee at the request of the committee or member; or (b) an elected officer of a city advocating for or against or otherwise influencing or attempting to influence the outcome of legislation while acting as an officer of the city; (3) allow a city council to spend, in the name of the city, public money for membership fees and dues of a nonprofit state association or organization of similarly situated political subdivisions only if: (a) a majority of the city council votes to approve membership in the association or organization; (b) the association or organization exists for the betterment of local government and the benefit of all local officials; (c) the association or organization is not affiliated with a labor organization; (d) neither the association or organization nor an employee of the same directly or indirectly influences or attempts to influence the outcome of legislation pending before the legislature; and (e) the association or organization does not directly or indirectly contribute money, services, or other valuable things to a political campaign or endorse a candidate or group of candidates for public office; (4) provide that (3)(d), above, does not prevent a person from providing information for a member of the legislature or appearing before a legislative committee at the request of the committee or member; (5) prohibit a city from employing in any capacity a person required to register as a lobbyist; and (6) provide that if a city engages in an activity prohibited by (1) or (5), above, or an association or organization engages in an activity prohibited by (3)(d)-(e), above, a taxpayer that pays fees or dues to the association or organization is entitled to appropriate injunctive relief and may recover reasonable attorney's fees and costs if successful in seeking such relief.

S.B. 716 (Hall) – Financial Statements: would, in cities with a population of 100,000 or more, permit the city clerk or secretary to deliver the personal financial statement forms by mail, personal delivery or electronic mail (or any other means of electronic transfer) to an officer or person who is required to file the form. (Current law allows delivery by mail.) (Companion bill is **H.B. 1246** by **Koop**.)

S.B. 736 (V. Taylor) – 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.

Municipal Courts

H.B. 1594 (Murr) – Contempt of Court: would allow a municipal court to order that a child be confined for a period not to exceed 24 hours for contempt of court.

H.B. 1564 (White) – Judicial Donation Trust Fund: would: (1) grant a city the authority to establish a judicial donation trust fund as a separate account outside the municipal treasury; (2) allow a city to accept a gift, grant, donation, or other consideration from a public or private source that is designated for the judicial donation trust fund; (3) task the city council with adopting procedures necessary to receive and disburse money from the fund; and (4) allow a judge to award money from the fund to eligible children who appear before the court for a truancy or curfew violation.

H.B. 1567 (Turner) – Driving While License Invalid: would allow a person to rebut the presumption of actual notice of license suspension by presenting evidence that the person moved to a new residence address before the notice was mailed.

H.B. 1753 (White) – Failure to Attend School: would allow a municipal court to dismiss a charge against a defendant alleging the defendant committed the offense of failure to attend school, if the court finds that a dismissal would be in the interest of justice because: (1) there is a low likelihood or recidivism by the defendant; or (2) sufficient justification exists for the failure to attend school.

S.B. 631 (Campbell) – Jurisdiction: would allow a city with a population of 1.325 million or more to enter into an agreement with a contiguous city to provide concurrent jurisdiction for all criminal cases arising from state law offenses.

S.B. 645 (Rodriguez) – Juvenile Records Committee: would create a state advisory committee, which would include municipal court judges, court clerks, peace officers, to examine and recommend revisions to any state laws pertaining to juvenile records.

S.B. 715 (Hall) – Probable Cause Affidavit: would: (1) allow a magistrate to accept a sworn affidavit provided to support the issuance of a search warrant by telephone or electronic communication; and (2) allow a magistrate to accept other documentation in support of the issuance of a warrant by fax, e-mail, or other electronic means. (Companion bill is **H.B. 1166** by **Burkett**.)

S.B. 740 (West) – Court Costs: would limit court costs assessed against a defendant to once per single criminal action, even if the defendant is convicted of two or more offenses or of multiple counts of the same offense.

S.B. 741 (West) – School Offense: would: (1) require a municipal court to dismiss a complaint made by a school district that is not sworn to, accompanied by a statement from a school employee, and accompanied by a statement by a victim of the alleged conduct; and (2) create an affirmative defense to prosecution of an offense if the actor was at least 10 years old but younger than 15 years of age and did not have sufficient capacity to understand that the conduct engaged in was wrong.

Community and Economic Development

H.B. 1562 (Schofield) – Eminent Domain: would, in relation tolling a property owner's right of repurchase: (1) eliminate the following as elements establishing "actual progress" on a project: (a) the acquisition of a tract or parcel of real property adjacent to the property for the same public use project for which the owner's property was acquired; or (b) for a governmental entity, the adoption by a majority of the entity's governing body at a public hearing of a development plan for a public use project that indicates that the entity will not complete more than one tolling action before the tenth anniversary of the date of acquisition of the property; and (2) require three of five remaining elements to be met to establish actual progress. (Companion bill is **S.B. 479** by **Schwertner**.)

H.B. 1736 (Villalba) – Energy Codes: would provide that: (1) the State Energy Conservation Office shall establish the Building Energy Efficiency Advisory Committee composed of 13 members who have an interest in the adoption of energy codes, including two building code officials; (2) the committee may submit to the Texas A&M Energy Systems Laboratory and the office: (a) comments on energy codes under consideration for adoption; and (b) recommended energy rating indexes for each climate zone in this state that may be used to measure compliance in a voluntary compliance path recognized by the International Residential Code energy efficiency provisions or the International Energy Conservation Code; (3) the office may amend or establish an energy rating index that is used to measure compliance in a voluntary compliance path of an energy code edition before adopting the edition; (4) the office may adopt an energy rating index for each climate zone in this state; (5) a local amendment may not conflict with the compliance paths established by the office; (6) the office may adopt and substitute the latest published edition of the International Residential Code energy efficiency provisions or the latest published edition of the International Energy Conservation Code, based on written findings from the Texas A&M Energy Systems Laboratory on the stringency of the editions and comments and recommendations from the Building Energy Efficiency Advisory Committee; and (7) the office may not adopt an edition more often than once every six years and shall establish by rule an effective date for an adopted edition that is not earlier than nine months after the date of adoption.

H.B. 1791 (Lozano) – Annexation: would provide that a city that proposes to annex any portion of a county road or territory that abuts a county road must also annex the entire width of the county road and the adjacent right-of-way on both sides of the county road.

H.B. 1792 (Springer) – Short-Term Rental Units: would: (1) require a residential short-term rental unit to provide a safe and ample water supply; be equipped with an approved system of sewage disposal; be kept sanitary; have any gas stove properly installed, maintained, and vented; maintain sanitary appliances; keep any food served in a sanitary condition; and be thoroughly cleaned between rental to different occupants; (2) declare a residential short-term rental unit that does not comply with certain health and safety standards to be a public health nuisance; (3) impose certain fire escape requirements on a residential short-term rental unit that has a lot area greater than 5,000 square feet; (4) define a residential short-term rental unit as a “hotel” for the purposes of certain smoke detector requirements; (5) require the owner or keeper of a residential short-term rental unit to post the daily room rate; (6) require cities in certain counties (with some exceptions) to: (a) characterize and treat a residential short-term rental unit in the same manner as a hotel for purposes of consumer protection, public health and human safety, taxation, licensing, and zoning and other land use regulations; or (b) adopt an ordinance to specifically regulate residential short-term rental units; (7) provide that before listing a residential short-term rental on its website or mobile application, a listing service must obtain an affidavit signed by the owner or tenant of the unit: (a) stating compliance with all applicable state and local laws, deed restrictions, land use covenants, or leases; (b) providing the hotel taxpayer identification number applicable to the unit; and (c) including any documents relevant to demonstrating compliance with a local city ordinance; (8) require a residential short-term rental listing service to cooperate with a governmental entity that chooses to audit or attempts to identify the owner of a unit listed

on the service’s website or mobile application; and (9) create a criminal offense if a person violates certain requirements regarding a residential-short term rental.

H.B. 1830 (Kuempel) – Eight Liners: would provide: (1) that the current law authorizing one county to regulate “amusement redemption machines” is expanded to authorize any county to do so; and (2) for additional county regulatory authority over such machines. (Note: It is unclear whether the bill applies within a city’s limits and/or would preempt municipal regulations.)

Personnel

H.B. 1553 (Shaheen) – E-Verify: would: (1) require a political subdivision, including a city, to enroll and use the E-Verify program; and (2) eliminate state funding for any political subdivision who does not enroll and use E-Verify.

H.B. 1582 (Simpson) – Elected Official Compensation: would require a governmental entity, including a city, to post online or post physically where public notices are kept if the city has no website, information about the amount of compensation received by each current or former elected official from the entity including travel reimbursement, health care premiums, retirement benefits, and anything that is reportable to the IRS as compensation.

H.B. 1590 (S. Thompson) – Minimum Wage: would: (1) make the minimum wage in Texas \$8.25 or the federal minimum wage, whichever is greater; and (2) repeal the prohibition on a city setting a minimum wage by ordinance or charter that is higher than the state or federal mandate.

H.B. 1620 (Galindo) – Emergency Volunteers: would: (1) prohibit an employer, who has 50 or more employees, including a city, from disciplining an employee who is absent or late to work because they are a volunteer emergency responder who is responding to a declared emergency; (2) only allow a volunteer emergency responder to be free from discipline under the above provision if they are absent 14 days or less in a year, unless the employer approves additional absences; (3) require a volunteer emergency responder to provide notice, when able, and proof of response to an emergency; (4) allow an employer to require the responder to use accrued leave time or lessen an employee's wages who is absence due to an emergency response; and (5) creates a civil action for damages and reinstatement based on the above provisions. (Companion bill is **S.B. 612** by **Burton**.)

H.B. 1666 (Bonnen) – Liability for Training: would protect a person from liability for damages caused by: (1) certain fire training exercises; and (2) certain emergency training exercises so long as the person does not engage in reckless conduct or intentional, wilful or wanton misconduct.

H.B. 1707 (Stephenson) – Emergency Services Retirement System: would allow a governmental entity, including a city, to use wire transfer or an ACH debit for deposits to the Texas Emergency Services Retirement System.

H.B. 1720 (Deshotel) – Employee Background Checks: would prohibit an employer, including a city, from: (1) asking about an employment applicant’s criminal history record

information unless: (a) the applicant has been offered a conditional offer of employment or an interview; or (b) a criminal history information check is required by other law; and (2) considering any criminal history information regarding an offense that occurred more than seven years before the employment decision.

H.B. 1740 (S. Thompson) – 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.

H.B. 1749 (Elkins) – Union Dues: would: (1) provide for certain union wage deductions from fire personnel pay for a membership organization where the fire fighter requests the deduction in writing and the receiver is a bona fide employee association named by the fire fighter; (2) prohibit a city from withholding union or labor organization dues from an employee’s paycheck except in the case of certain peace officer and fire personnel deductions to certain bona fide employee associations; and (3) prohibit a trade union from entering the premises of another trade union without permission.

H.B. 1777 (Giddings) – Employment: would: (1) make it an illegal employment practice for an employer, including a city, to: (a) require or request that an employee or applicant give their user name, password, or other access to their personal electronic accounts, such as an e-mail or a social networking site account; (b) use an employee’s or applicant’s user name or password or accesses the employee’s or applicants personal online account; and (2) allow an employer to: (a) monitor or access electronic accounts or equipment that are employer-owned; or (b) access information about an employee or applicant on the Internet that is open to the public.

H.B. 1790 (Marquez) – Civil Service: would provide that a co-worker of a civil service fire fighter or peace officer may work in place of that person any time such a fire fighter or peace officer is using the temporary disability provisions of the state civil service act, rather than solely when the officer or fire fighter meets the definition of “injured.”

S.B. 664 (V. Taylor) – Employment: would: (1) allow an employer, including a city, to terminate an employee who falsifies or misrepresents his or her military record; (2) make any employment contract void if such a falsification or misrepresentation is found; and (3) create a cause of action for wrongful termination under this section if an employee is wrongfully terminated under these provisions.

S.B. 666 (Eltife) – Workers’ Compensation: would provide that, unless the general contractor and subcontractor have entered into a written agreement providing otherwise, a subcontractor and the subcontractor’s employees are not employees of the general contractor for purposes of this subtitle if the subcontractor: (1) is operating as an independent contractor; and (2) has entered into a written agreement with the general contractor that evidences a relationship in which the subcontractor assumes the responsibilities of an employer for the performance of work. (Note: This bill would codify the holding of a 2009 Texas Supreme Court opinion in *Entergy Gulf States, Inc. v. Summers.*)

S.B. 727 (Watson) – Employee Leave: would: (1) require an employer, including a city, to give an employee paid time off to obtain an election identification certificate if: (a) the person is eligible to vote or registered to vote; (b) the person does not have a form of identification necessary to vote; and (c) the employee takes 8 hours or less of leave within a shift to obtain the certificate; (2) create a cause of action for retaliation for an employee who is suspended or terminated for taking time off to obtain an election identification certificate; (3) require an employer, including a city, to post a conspicuous sign about an employee’s rights under this section; and (4) require an employee to: (a) present documentation about the employee’s absence from work; and (b) give the employer at least 24 hours notice of the need for time off.

S.B. 728 (Watson) – Employment Discrimination: would expand the offense of unlawfully prohibiting an employee from voting to include: (1) refusing to allow an employee to be absent to vote during early voting; or (2) threatening an employee for early voting.

Public Safety

H.B. 1557 (Alonzo) – Emergency Response: would require the State Division of Emergency Management to establish and operate a search and rescue task force in each disaster region to assist in search, rescue, and recovery efforts before, during, and after a natural or man-made disaster.

H.B. 1573 (J. White) – Juvenile Justice Information System: would allow the Texas Department of Public Safety (DPS) to disseminate information in the juvenile justice information system to a district court, the Department of Family and Protective Services, and, in some instances, a noncriminal justice agency to which the DPS may grant access to adult criminal history record information. (Companion bill is **S.B. 409** by **Rodriguez**.)

H.B. 1595 (Murr) – Testing of Confined Persons: would require testing of an incarcerated person for a communicable disease if the person’s bodily fluids come into contact with a peace officer, magistrate, or employee of a correctional facility where the person is confined.

H.B. 1627 (Coleman) – Deadly Force: would provide that a person may only use deadly force if he or she is unable to retreat from a threat, except when in the person’s own home.

H.B. 1649 (S. Turner) – Firearms: would allow a person to store firearms and ammunition on the campus of an institution of higher education in a locked, privately-owned vehicle, regardless of whether the person holds a concealed handgun license.

H.B. 1651 (S. Turner) – Open Carry: would provide that a concealed handgun licensee may carry a concealed or unconcealed handgun.

H.B. 1703 (Dukes) – Pawnshops: would: (1) require the state to create an online database of pawn shop goods to be accessible to law enforcement officials; (2) require pawnshops to register goods on the state database; (3) provide a penalty for pawnshops who fail to use the online database; and (4) create a statutory two week hold period for items acquired by a pawn broker.

H.B. 1710 (Bohac) – Red Light Cameras: would: (1) require a city to submit to its voters the question of repealing an ordinance establishing red light cameras if the city council receives a petition requesting the election signed by 10 percent of the registered voters; (2) prohibit a city from adopting another red light camera ordinance if a majority of the votes cast at an election described in (1), above, favor repealing the ordinance; and (3) prohibit an election described in (1), above, from being held more often than every two years.

H.B. 1721 (Koop) – Illegal Parking: would: (1) allow a peace officer who charges a person with committing a Class A or B misdemeanor offense for illegally stopping or parking in a disabled parking space to issue a citation to the person instead of taking the person before a magistrate; and (2) authorize a city to declare the violation of an ordinance related to illegally parking or stopping a vehicle in a disabled parking space to be a civil offense.

H.B. 1733 (Smithee) – Transportation Network Services: would: (1) define transportation network company as an entity operating in Texas that provides prearranged transportation network services for compensation through an online-enabled application or platform that connects a passenger with a participating driver; (2) require a transportation network company to provide written disclosure of the company’s insurance policy to drivers; (3) require the insurance coverage to satisfy the Motor Vehicle Liability Insurance Act and include uninsured motorist and personal injury protection coverage; and (4) require that the company’s insurance cover each participating driver beginning at the time the driver accepts a ride request on the company’s application and ending at the later of: (a) the time the driver completes the transaction on the application or (b) the time the passenger is no longer occupying the driver’s vehicle.

H.B. 1758 (Zedler) – Public Employee Information: would: (1) make it a crime for a person to post the address of a public servant, or a relative of a public servant, online with the intent to cause harm or threaten harm to the individual or their family; and (2) make it a second degree felony if an individual posts the address information online and it results in the bodily injury of the public servant or a member of his or her family.

H.B. 1778 (Capriglione) – Immigration Status of Arrestee: would: (1) require a law enforcement agency that has custody of a person, not later than 48 hours after a person is arrested and before the person is released on bond, to verify the person’s immigration status; (2) require a law enforcement agency to notify certain judges or magistrates and the United State Immigration and Customs Enforcement if the information obtained under (1), above, indicates the person is not a citizen or not lawfully present; (3) except a law enforcement agency from the duties in (1) and (2), above, with respect to a person who is transferred to the custody of the agency by another law enforcement agency if the transferring agency performed those duties before transferring custody of the person.

H.B. 1800 (Walle) – Dangerous Dogs: would: (1) define “aggressive dog” as a dog that: (a) makes an unprovoked attack and causes serious bodily injury to a person while on the property where the dog is kept; (b) leads a person to reasonably believe there will be an unprovoked attack by the dog on the property where the dog is kept; (c) interferes with a person’s freedom of movement in a public right-of-way; (d) a peace officer reasonably believes has a dangerous disposition and is likely to injure a person or pet; (e) is in a group of dogs that displays the

attributes above; (2) define “public nuisance dog” as a dog that has substantially interfered with the right to enjoyment or life or property of a person other than the dog’s owner by: (a) barking or howling; (b) repeated defecation on another’s property; (c) damaging another’s property; (d) attacked a pet; (e) has run at large; or (f) is part of a group of dogs of which one has run at large; (3) require an owner of a “public nuisance dog”, within 30 days of learning that the dog is a “public nuisance dog”, to: (a) abate the nuisance activity of the dog; (b) comply with a city or county ordinance regarding a “public nuisance dog”; (4) prohibit an animal control authority from seizing a “public nuisance dog” unless the dog is running at large; (5) require the owner of an “aggressive dog” to: (a) register the dog with local animal control authority; (b) restrain the dog at all times by leash or in a secure enclosure; (c) comply with a city ordinance or county order related to an “aggressive dog”; (6) create a system where a dog may be determined to be “aggressive” or a “public nuisance dog” through a justice, county, or municipal court proceeding the same as those done for dangerous dogs; (7) remove the cap for registration fees related to dangerous, aggressive, or public nuisance dogs; (8) allow a city to microchip a dog rather than tag it; and (9) allow a city or county to exempt the city or county from the requirements on “public nuisance dogs” if the city or county determines that local regulations adequately provide for the abatement of “public nuisance dogs”. (Companion bill is **S.B. 708** by **Garcia**).

H.B. 1808 (Giddings) – 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.

H.B. 1840 (Reynolds) – Police Investigation: would: (1) require the attorney general’s office to appoint a special prosecutor to investigate officer-involved injuries or deaths; and (2) require a police department, including a city police department, to: (a) report an officer-involved injury or death to the attorney general’s office; and (b) cooperate with the special prosecutor.

H.B. 1872 (Murphy) – Sex Offenders: would permit a general law city to prohibit a registered sex offender from going in, on, or within a specified distance of a child safety zone within the city.

H.B. 1877 (Springer) – Disclosure of Visual Material: would create civil and criminal liability for the disclosure of certain intimate visual material on the internet.

S.B. 621 (Estes) – Filming of Peace Officer: would: (1) in regard to the offense of assault, provide that it is a defense to prosecution that the conduct engaged in by the defendant consisted only of filming, recording, photographing, documenting, or observing a peace officer; (2) in regard to the offense of interference with a peace officer performing a duty, provide that it is a

defense to prosecution that the conduct engaged in by the defendant consisted only of filming, recording, photographing, documenting, or observing a peace officer; (3) provide that the requirement to comply with a lawful order or direction of a peace officer does not apply to an order or direction to cease filming, recording, photographing, documenting, or observing a peace officer while the officer is engaged in the performance of official duties; (4) create a cause of action for an individual prosecuted for assault, interference with an officer, or failing to obey an officer, who is acquitted based on the above defenses, for the cost of the individual's attorney's fees; and (5) waives sovereign immunity for the cause of action described above.

S.B. 625 (Hinojosa) – Subduing Students: would prohibit a school district peace officer, security personnel, and other employees and peace officers from using pepper spray, a stun gun, or a Taser to subdue a student on school property or while attending a school-sponsored activity, unless the student possesses a weapon and the student is believed to pose an imminent risk of causing bodily injury to another person.

S.B. 628 (V. Taylor) – Biometric Identifiers: would: (1) define biometric identifier to mean blood, hair, skin, DNA, body scan, retina/iris scan, fingerprint, voiceprint, or hand/face geometry; and (2) prohibit a governmental body from capturing or possessing a biometric identifier, as defined in (1), above, of an individual unless the governmental body has specific, explicit statutory authority to capture the identifier or the written consent of the individual or the individual's legal guardian.

S.B. 696 (Taylor) – Court Cost: would raise the fee paid by a defendant for services performed in the case by a peace officer for commitment or release from \$5 to \$90.

S.B. 698 (Taylor) – Ignition Interlock: would increase the maximum amount of a fee for verification or monitoring of an ignition interlock device as a condition of bond from \$10 to \$30.

S.B. 714 (Hall) – Red Light Cameras: would: (1) prohibit a city from implement or operating an automated traffic control system; and (2) provide that if before June 1, 2015, a city has enacted an ordinance and entered into a contract for the administration enforcement of an automated traffic control system, the city may continue to operate the system under the terms of the contract until the expiration date specified in the contract.

S.B. 708 (Garcia) – Dangerous Dogs: this bill is identical to **H.B. 1800**, above.

S.B. 737 (Rodriguez) – Protective Orders: would: (1) allow a magistrate to send a copy of an emergency protective order and any related information electronically to the chief of police with jurisdiction over the location of the victim's current address; and (2) require the law enforcement agency that receives a copy of the order to enter the required information into the statewide law enforcement system maintained by the Department of Public Safety.

Transportation

H.B. 1622 (Guillen) – Transportation Funding: would provide that three-fourths of the state gasoline tax shall be deposited to the credit of the state highway fund.

H.B. 1637 (Guillen) – Transportation Funding: would provide that: (1) the comptroller shall credit 25 percent of the money deposited to the state highway fund to an account in that fund known as the “energy-producing regions account;” and (2) money in the energy-producing regions account may be appropriated only to pay for constructing, maintaining, or acquiring rights-of-way for local public roadways, other than toll roads, in energy-producing regions of this state.

H.B. 1652 (S. Turner) – Transportation Funding: would provide that money in the state highway fund may be used only to improve the state highway system.

H.B. 1738 (Isaac) – Highway Right-of-Way: would authorize a city that has received a grant of highway right-of-way from the Texas Department of Transportation (TxDOT) that is subject to a reservation to enter into an agreement with TxDOT under which: (1) TxDOT agrees to recommend to the governor that an instrument releasing the reservation be executed and, if executed, record the instrument in the county deed records; and (2) the city, if the instrument releasing the reservation is executed, agrees to transfer the right-of-way to one or more landowners in exchange for real property that is of equal or greater value to use for public road purposes, and to execute and record in the county deed records a restrictive covenant that grants the real property to the state if the real property ceases to be used for public road purposes.

H.B. 1836 (Sanford) – Transportation Funding: would provide: (1) that 10 percent of the state’s sales and use tax revenue be deposited in state highway fund; and (2) none of that revenue can be used for a toll road or a mass transit rail system.

H.J.R. 24 (Harless) – Transportation Funding: would allocate most motor vehicle sales tax proceeds to the state highway fund.

S.B. 704 (Creighton) – Transportation Funding: would generally provide for a formula by which certain state revenue would be used to reduce the amount of state transportation debt.

S.B. 731 (Rodriguez) – Transportation Funding: would provide that the Texas Department of Transportation shall develop a transportation project grant program to make grants to a governmental entity located in a department district that is adjacent to the border between Texas and Mexico or a private entity that owns or operates an international port of entry between this state and the United Mexican States.

Utilities and Environment

H.B. 1581 (Simpson) – Fluoride: would require a water supply system, including a city system, that furnishes drinking water to which fluoride has been added to disclose in a conspicuous place on the system’s website: (1) the amount of fluoride that occurs naturally in the drinking water,

(2) the amount of fluoride added to the drinking water, (3) the combined amount of fluoride, (4) the identity of the person who supplies the fluoride additive, and (5) the annual cost of adding fluoride to the drinking water.

H.B. 1635 (Guillen) – Texas Groundwater Protection Committee: would: (1) require the Texas Groundwater Protection Committee to develop and adopt a groundwater classification system based on salinity; and (2) require state agencies to consider the classification system when adopting rules.

H.B. 1642 (Pickett) – Environmentally Contaminated Property: would: (1) extend the statute of limitations for a suit for damages arising from an injury to property caused by environmental contamination originating from a source not located on the property to 10 years after the date notice of the contamination is reported in writing to the Texas Commission on Environmental Quality and the affected property owner; (2) allow an innocent owner to apply to TCEQ for an order directing the responsible party to promptly remediate the contamination of the property; and (3) would authorize TCEQ to charge an application fee for reviewing an application for an order to remediate.

H.B. 1662 (Sheets) – Drainage Charges: would allow a city to exempt property used for cemetery purposes from drainage charges if the cemetery is closed to new interments.

H.B. 1665 (Bonnen) – Water Level Fluctuations: would require a seller of real property adjoining an impoundment of water to provide the purchaser with written notice that the water levels fluctuate. (Companion bill is **S.B. 483** by **Kolkhorst**.)

H.B. 1760 (Geren) – Environmental Enforcement: would, with regard to the current authority of a city to seek civil penalties against an environmental polluter, provide that:

1. to recover a civil penalty, a city must prove that a person knowingly or intentionally committed a violation of state law relating to air or water quality;
2. when determining the amount of a civil penalty to be assessed, the court or jury shall consider the same factors that the Texas Commission on Environmental Quality (TCEQ) must consider under current law;
3. the maximum civil penalty for each violation is \$25,000 for each day of each violation, up to a maximum of 120 days;
4. if a person is found to have committed a violation and that violation is a continuing violation that exceeds the 120-day duration, the person may be assessed for each violation an additional civil penalty of up to \$1,000 for each day of each violation beyond the 120-day period;
5. a city is limited to recovering civil penalties from a person for continuing daily violations at a single site in an amount not to exceed \$4.34 million;
6. a city may not recover civil penalties for the time period from the date on which a person initiates written notification and performs any necessary assessment or remediation under a program administered by the TCEQ;
7. a suit for civil penalties must be brought not later than five years from the earlier of: (a) the date a person initiates written notification to TCEQ and complies with the

- requirements in (6), above; or (b) the date the person received a notice of enforcement from the TCEQ with respect to the alleged violation; and
8. a suit for injunctive relief remains as an enforcement remedy.

(Companion bill is **H.B. 1794** by **Geren**.)

H.B. 1794 (Geren) – Environmental Enforcement: this bill is identical to **H.B. 1760**, above.

H.B. 1823 (Anchia) – Texas Energy Commission: would rename the Texas Railroad Commission as the Texas Energy Resources Commission and provide for three elected commissioners to serve six year terms.

H.B. 1856 (Isaac) – Groundwater Conservation Districts: would: (1) require a groundwater conservation district to renew an operating permit without a hearing if the permit holder is not requesting a change related to the renewal that would require a permit amendment under district rules; and (2) provide that if the holder of an operating permit requests a change to the permit, the original permit will remain in effect until the later of the conclusion of the permit amendment or renewal process or the final settlement on whether the change requires a permit amendment.

H.B. 1865 (Morrison) – Contested Case Hearings: would: (1) create a presumption that an applicant's filing with the administrative law judge of the draft permit, the executive director of the Texas Commission on environmental Quality's preliminary decision, and any other supporting documentation in the administrative record establishes a prima facie presumption that the permit application meets all state and federal legal and technical requirements and the permit would be protective of the public's health and physical property and the environment; (2) shift the burden to the protesting party to the contested case hearing to rebut the established presumption by presenting evidence that the draft permit violates specific state or federal legal or technical requirements; and (3) provide that in determining whether a person seeking a contested case hearing is an affected person, the TCEQ may: (a) weigh and resolve matters relating to the merits of the application, (b) evaluate the administrative record, (c) not find that a group or association is an affected person unless the group or association identifies a member who would be an affected person in the person's own right, and (d) not find that a hearing requester is an affected person unless the hearing requester timely submitted comments. (Companion bill is **S.B. 709** by **Fraser**.)

S.B. 709 (Fraser) – Contested Case Hearings: this bill is identical to **H.B. 1865**, above.

S.B. 720 (Burton) – Hydraulic Fracturing: would prohibit a political subdivision from adopting or enforcing an order, ordinance, or similar measure that prohibits or has the effect of prohibiting hydraulic fracturing.

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