



Legislative UPDATE

February 20, 2015
Number 8

Revenue Caps: Communicate with Your Legislators

League staff has learned that senators who support the dangerous revenue cap bill, S.B. 182, are already attempting to count votes on the senate floor. (It's also possible that the revenue cap bill could be rolled into broad property-tax relief legislation being considered.) Accordingly, city officials should immediately contact their senators and express concern with this risky idea.

Some legislators have said that they aren't hearing opposition from the cities in their respective districts. Click [here](#) for an example resolution opposing revenue cap legislation. Cities that adopt the resolution should send it to the legislators and copy the TML Legislative Department at legislative@tml.org or 1821 Rutherford Lane, Suite 400, Austin, Texas 78754.

Cities (and counties) are not the problem when it comes to property taxes. The state's ever-increasing reliance on property tax revenue to fund schools is the problem.

Survey Results Favor Local Decision Making

The League recently participated in a statewide opinion poll that included questions related to city and county authority. The poll results clearly indicate Texas voters overwhelmingly support local-level governmental decision making, rather than state or federal, on taxing and spending matters. Page 4 of the poll [results](#) provides a percentage-based look at how participants responded to each poll question, followed by a more detailed data analysis on Page 5.

Court Upholds Attorney-Client Privilege Under Public Information Act

In [City of Dallas v. Paxton](#), the Corpus Christi Court of Appeals held that, even if a city fails to follow the procedural requirements of the Public Information Act (PIA), attorney-client privileged information may be withheld from public disclosure.

When a city seeks to withhold information from the public, but misses a procedural deadline under the PIA, there are two possible results:

- If the information is “confidential by law,” it may be withheld regardless of the failure to follow the PIA procedures. These are called “mandatory exceptions” and may not be waived. For example, a social security number is confidential by law and may never be released in response to a request.
- If the information is protected under a “permissive (discretionary) exception” and the city misses the PIA deadline, it must be released to the public. For example, a city may wish to withhold information related to a law enforcement investigation for obvious reasons, but it is not required to do so. If the city misses its PIA deadline, the information is “deemed” public.

For many years, the attorney general has concluded that the attorney-client privilege is a permissive (discretionary) exception. That meant, for example, if a city failed to timely request a ruling regarding attorney-client privileged communications, the communications had to be released to the public.

[City of Dallas v. Paxton](#) and another recent case out of the Austin Court of Appeals, [Abbott v. City of Dallas](#), protect the sanctity of attorney-client privilege and work to reverse what many have long perceived as an overly restrictive interpretation of the PIA by the attorney general.

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.

- Don McKinney, Assistant Police Chief, Houston
- Art Acevedo, Police Chief, Austin
- Will Johnson, Police Chief, Arlington

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. 1328 (C. Turner) – Property Tax Exemption: would provide that the owner of real property is entitled to a credit against the taxes imposed in a tax year on the property by each taxing unit that taxes the property if: (1) the property is used as a group home or an intermediated care facility for persons with developmental, physical, or intellectual disabilities under certain circumstances; and (2) the credit would be related to the amount of the costs incurred by the property owner in maintaining, operating, and making improvements to the property during the preceding year. (See **H.J.R. 87**, below.)

H.B. 1374 (T. King) – Heavy Equipment Appraisal: would modify the method for appraising certain dealer’s heavy equipment inventory by minimizing the ability to tie the appraised value of the inventory to the lease or rental price.

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

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

H.B. 1513 (Fletcher) – Property Tax Appraisal: would: (1) authorize land to qualify as “open-space land” for property tax purposes if the land is currently devoted principally to agricultural use or to the production of timber for the preceding year; (2) provide that “agricultural use” includes the use of land to raise or keep bees for pollination or for the production of human food or other tangible products having a commercial value, provided that the land used is not less than

two or more than 20 acres; and (3) limit the additional tax imposed on land appraised for property tax purposes as open-space land if a change in use of the land occurs.

H.B. 1518 (Sylvester Turner) – Property Tax Exemption: would: (1) authorize the governing body of a taxing unit to adopt an exemption from taxation of either a percentage of the appraised value of an individual’s residence homestead or a portion, expressed as a dollar amount, of the appraised value of an individual’s residence homestead, but not both; (2) provide that the governing body of a taxing unit that adopts the exemption must do so before July 1 of the tax year in which the exemption applies; and (3) provide that if a governing body adopts an exemption of a portion, expressed as a dollar amount, of the appraised value of a residence homestead, the amount of the exemption in a tax year may not be less than \$5,000. (See **H.J.R. 17**, below.)

H.B. 1537 (Dutton) – Property Tax Collection: would require the Sunset Advisory Commission to review the authority of governing bodies of taxing units to contract with attorneys to represent the taxing units in the enforcement of the collection of delinquent property taxes.

H.J.R. 17 (Sylvester Turner) – Property Tax Exemption: would amend the Texas Constitution to authorize the governing body of a political subdivision to exempt from property taxation a portion, expressed as a dollar amount not less than \$5,000, of the market value of the residence homestead of a married or unmarried adult, including one living alone. (See **H.B. 1518**, above.)

H.J.R. 87 (C. Turner) – Property Tax Exemption: would amend the Texas Constitution to allow the legislature to provide for a credit against the ad valorem taxes imposed on property used to provide housing to persons with disabilities based on the costs the owner of the property incurs to maintain, operate, or make improvements to the property. (See **H.B. 1328**, above.)

H.J.R. 88 (Guillen) – Property Tax Exemption: would amend the Texas Constitution to authorize the governing body of a political subdivision to exempt from property taxes the real and tangible personal property of a business during the first ten years the business operates in this state if: (1) the business first begins operating in the state on or after January 1, 2016; and (2) the property is located in a county with a population of 250,000 or less.

S.B. 545 (L. Taylor) – Property Tax Exemption: would exempt from property taxation the real property owned by a person that is leased to a charter school if: (1) the real property is used exclusively by the school for education functions; (2) the real property is reasonably necessary for the operation of the school; (3) the property owner certifies by affidavit to the school that the rent for the lease of the real property will be reduced by a commensurate amount; (4) the property owner provides the school with a disclosure document stating the amount by which the taxes on the real property are reduced due to the exemption and the method to be implemented to ensure that the rent charged reflects the reduction; and (5) the rent charged for the lease of the real property reflects the reduction in the amount of property taxes due to the exemption through a monthly or annual credit against the rent. (Companion bill is **H.B. 1276** by **Murphy**.)

S.B. 593 (Watson) – Property Tax Appraisal: would, among other things, provide that if an appraisal district makes a written settlement offer to a property owner on or before the 45th day before the date the trial began, the amount by which the property owner’s tax liability is reduced as a result of the property tax determination suit is computed by subtracting the property owner’s tax liability resulting from the court’s final determination of the suit from the property owner’s tax liability that would have resulted had the property owner accepted the most recent settlement offer.

S.J.R. 30 (L. Taylor) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from property taxation any real property that is leased for use as a charter school for educational purposes. (See **S.B. 545**, above.)

Sales Tax

H.B. 1458 (Bohac) – Sales Tax Exemption: would expand the types of aircraft personal property and repair services that are exempt from sales and use taxes.

S.B. 608 (Hancock) – Sales Tax Exemption: would exempt certain tangible personal property related to medical data centers from the sales and use tax.

Purchasing

S.B. 598 (Rodriguez) – Public Private Partnerships: would amend the current public/private partnership statute to define a “qualifying project” to include any improvements necessary or desirable to real property owned by a governmental entity or to real property owned by another person, including a contracting person, that is made available or is to be made available for public use.

Elections

H.B. 1308 (Schofield) – 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.

H.B. 1345 (S. Thompson) – Elections: would expand the timeframe for the early voting ballot board to verify and count provisional ballots from not later than the seventh day after the election to not later than the eighth day after the election.

H.B. 1405 (Leach) – Political Contribution and Expenditure Reports: would: (1) require the clerk of a city with a population of 50,000 or more that maintains a website to make certain reports filed with the clerk by a candidate, officeholder, or specific-purpose committee in connection with the office of mayor or city councilmember available to the public on the city’s website not later than the fifth business day after the date the report is received (this requirement currently only applies to cities with 500,000 or more population); (2) require the city clerk to clearly state on the city’s website that reports, as described in (1), above, and filed by an

independent candidate, a third-party candidate, or a specific-purpose committee for supporting or opposing an independent or third-party candidate will not be available if the candidate or committee has not yet filed a report; and (3) require that a report described in (1), above, be made available on the website until the 10th anniversary of the date the report is first made available.

H.B. 1448 (Sheets) – Elections: would require a ballot submitted by mail to include a voter’s thumbprint.

H.B. 1452 (Schofield) – Elections: would provide that: (1) an election officer is required to ask if a voter has changed residence; (2) if the voter’s address is not current because the voter has changed residence to a different county within 30 days of the date of an election, the voter may vote in the election precinct in which the voter is registered; and (3) in a joint election, if the voter’s address is not current because the voter has changed residence within the county, the voter may vote in the election precinct in which the voter is registered.

H.B. 1499 (S. Davis) – Elections: would provide that if notice of an election is given by publishing the notice in a newspaper, the notice may provide the address of an Internet website that lists the location of each polling place instead of stating the location of each polling place.

H.B. 1540 (Thompson) – Elections: would, among other things, require the early voting ballot board to deliver to the early voting clerk any early voting application for a ballot to be voted by mail for an election held on the November uniform election date.

S.B. 555 (V. Taylor) – Candidate Qualifications: would: (1) provide that to be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, a person must not be required to register as a lobbyist; and (2) except from (1), above, any office for which the federal or state constitution prescribes exclusive qualification requirements.

Open Government

H.B. 558 (Burton) – Public Information Act: would repeal the provision of the Public Information Act that provides that certain information pertaining to economic development negotiations is confidential.

H.B. 1019 (Flynn) – Internet Notice: would provide that: (1) notwithstanding any other law, a governmental entity (including a city) may satisfy a requirement in another law for the governmental entity to provide publication of notice in a newspaper by publishing the notice on a newspaper’s Internet website; (2) publication of notice on a newspaper’s Internet website must be in substantially the same form as required under the general or special law requiring or authorizing the publication of notice in a newspaper by a governmental entity; (3) to meet “official newspaper” eligibility requirements, a newspaper must: (a) establish an Internet-only option for publication of notice by a governmental entity; (b) charge a reasonable fee not to exceed \$25 for the Internet publication of notice; and (c) establish an archive of the publications of notice posted on the newspaper’s Internet website that allows free public access to the current and archived publications of notice and that is searchable by keyword and county; and (4) a

newspaper that publishes a notice on the newspaper's Internet website may electronically provide to the governmental entity the bill, clipping, and verified statement containing the information required under current law.

Other Finance and Administration

H.B. 1378 (Flynn) – 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 a 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 (CO) if the voters voted down a bond proposition for the same purpose within the preceding three years.

H.B. 1380 (Flynn) – Local Debt: would: (1) provide that with respect to a proposition seeking voter approval of the issuance of bonds, the following information would need to be included in the proposition language: (a) the total amount of the political subdivision's debt currently outstanding; (b) the total amount of the political subdivision's current debt payments; (c) the total amount of the political subdivision's current debt obligations per capita; and (d) the estimated tax burden per capita of the bonds to be authorized, if approved; (2) provide that with respect to a proposition that seeks voter approval of the imposition or increase of a tax, the following information would need to be included in the proposition language: (a) the estimated tax burden per capita of the imposition or increase of a tax, if approved; and (b) a detailed description of the purposes for which the tax is to be imposed or increased, if approved; and (3) provide that with respect to a proposition that seeks voter approval of the reduction of a tax, the proposition language would need to include the estimated tax reduction per capita of the imposition or increase of a tax, if approved.

H.B. 1385 (Raymond) – Eight Liners: would: (1) authorize a commissioners court to order, on proper petition, a local option election to legalize or prohibit the operation of eight-liners in the county, a city, or a justice precinct; and (2) authorize the imposition of a fee on eight-liner owners and provide for the allocation of the fee revenue as follows: (a) 30 percent to the state's general revenue fund; and (b) 70 percent to a city in which the eight-liner is located. (See **H.J.R. 92**, below.)

H.B. 1396 (Workman) – Statutory Construction: would provide that, except for a criminal offense or penalty under the Penal Code, a statute or rule that creates or defines a criminal offense or penalty shall be strictly construed against the government and in favor of the actor if any part of the statute or rule is susceptible to more than one objectively reasonable interpretation.

H.B. 1399 (Goldman) – Local Debt: (1) provide that, except in a case of grave public necessity to meet an unusual and unforeseen condition, a city may not issue a certificate of obligation (CO) if the voters voted down a bond proposition for the same purpose within the preceding three years; (2) extend the timeframe to publish newspaper notice of intention to issue a CO from 30 to 45 days before the passage of the ordinance; (3) require a city issuing a CO to maintain an Internet website, and to continuously post notice of intention to issue a CO on its website for 45 days before the passage of the CO issuance ordinance; (4) require that the notice of intention to issue a CO include the following information: (a) the then-current principal of all outstanding debt obligations of the issuer, stated as a total amount and as a per capita amount; (b) the then current combined principal and interest required to pay all outstanding debt obligations of the issuer on time and in full, stated as a total amount and as a per capita amount; (c) the principal of the COs to be authorized, stated as a total amount and as a per capita amount; (d) the estimated combined principal and interest required to pay the COs to be authorized on time and in full, stated as a total amount and as a per capita amount; (e) the estimated rate of interest for the COs to be authorized; (f) the maturity date of the COs to be authorized; and (g) a specific statement of the process by which a petition may be submitted requesting an election on the issuance of the COs; (5) change the threshold number of voters needed to petition to force an election on the issuance of a CO from five percent of the qualified voters of the issuer to five percent of the total number of voters that voted in the most recent gubernatorial general election in the city; and (6) make COs issued for personal or professional services subject to the notice requirements. (Companion bill is **S.B. 310** by **Campbell**.)

H.B. 1400 (R. Anderson) – Public Funds Investment Act: would reduce the amount of Public Funds Investment Act training hours for local finance and investment officers from ten hours every two years to six hours every two years.

H.B. 1406 (Sheets) – Governmental Immunity: would provide that, for property acquired by a political subdivision that was bid off to the political subdivision under a tax sale or conveyed to the political subdivision owed the largest amount of delinquent property taxes, the Texas Tort Claims Act does not apply to a claim arising: (1) after the date the land was acquired and before the date the land is sold, conveyed, or exchanged by the political subdivision; and (2) from the condition of the land, a premises defect on the land, or an action committed by a person on the land, other than an agent or employee of the political subdivision. (Companion bill is **S.B. 450** by **Schwertner**.)

H.B. 1436 (Smithee) – 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.

H.B. 1488 (Sheets) – Roofing Contractors: would provide: (1) that a person may voluntarily register with the Department of Insurance as a roofing contractor; and (2) a roofing contractor shall comply with local ordinances and regulations relating to roofing services.

H.B. 1522 (Farrar) – Discrimination: would: (1) provide, with certain exceptions, that a person commits a discriminatory practice in violation of law if the person, because of sexual orientation or gender identity or expression of an individual, denies the individual full and equal accommodation in a place of public accommodation or otherwise discriminates against or segregates the individual based on sexual orientation or gender identity or expression; and (2) authorize a person aggrieved because of a violation of law described in (1), above, to file a civil action in district court.

H.J.R. 92 (Raymond) – Eight Liners: would amend the Texas Constitution to give the legislature the authority to: (1) allow a local option election by a city, county, or justice precinct on whether to allow eight liners; (2) impose a fee on eight liners; and (3) allow a city or other political subdivision to impose a fee on eight liners. (See **H.B. 1385**, above.)

S.B. 573 (Campbell) – Capital Appreciation Bonds: would provide that the total amount of capital appreciation bonds issued by a political subdivision that are secured by ad valorem taxes, except for refunding bonds and capital appreciation bonds for financing transportation projects, may not exceed 25 percent of the political subdivision’s total outstanding bonded indebtedness at the time of the issuance, including the amount of principal and interest to be paid on the outstanding bonds until maturity.

S.B. 583 (Rodriguez) – 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.

S.B. 619 (Burton) – Local Debt: would require the proposition submitted for an election to authorize a political subdivision to issue bonds supported by property taxes to: (1) distinctly state the annual increase in property taxes attributable to the bonds to be issued that each homeowner of an average-priced home within the political subdivision may be required to pay; and (2) certain additional information if the bonds to be issued are capital appreciation bonds.

S.J.R. 31 (Ellis) – Gambling: would amend the Texas Constitution to authorize certain forms of gambling and provide that a city would be entitled to a small portion of a gaming tax on casinos located within the city.

Municipal Courts

H.B. 1359 (Wu) – Juvenile Admonishment: would require a municipal court to inform a defendant younger than 18 years of age of the potential consequences a criminal record may have on the defendant, including on the defendant’s college applications, military service, and

employment prospects, before accepting a defendant's plea. (This bill is identical to **H.B. 1365** by **Guillen** and **S.B. 560** by **Lucio**.)

H.B. 1365 (Guillen) – Juvenile Admonishment: this bill is identical to **H.B. 1359**, above.

H.B. 1386 (Raymond) – Municipal Court: would remove the limitation in current law that municipal court cases may have only one attorney conducting the prosecution or defense.

H.B. 1425 (Fletcher) – Court Cost: would authorize a \$75 fee to be assessed upon conviction of any offense to pay for the services of a peace officer who has executed or processed an arrest warrant, *capias*, or *capias pro fine*.

H.B. 1490 (Huberty) – Truancy Prevention: would: (1) require a school district to adopt a progressive truancy intervention system for students who violate compulsory attendance requirements; and (2) require a peace officer to refer a student to a juvenile court if the progressive truancy interventions fail to meaningfully address the student's conduct. (Note: previously a peace officer could file a complaint against the student in a municipal court.)

S.B. 560 (Lucio) – Juvenile Admonishment: this bill is identical to **H.B. 1359** and **H.B. 1365**, above.

S.B. 563 (Hinojosa) – Order of Nondisclosure: would provide a procedure for an individual to receive an order of nondisclosure for a Class C misdemeanor, other than a traffic offense.

Community and Economic Development

H.B. 1418 (Bell) – Annexation: would authorize a general law city to annex an area in its extraterritorial jurisdiction if: (1) the owner of a noncontiguous area petitions the city to be annexed; (2) a public highway or road exists that would make the area contiguous to the city; and (3) the city also annexes the highway or road as authorized by the bill to make the area contiguous.

H.B. 1422 (Lozano) – Tree or Vegetation Removal: would provide that a city, county, or other political subdivision may not enact or enforce any ordinance, rule, or other regulation that restricts the ability of a property owner to remove a tree or vegetation on the owner's property that the owner believes poses a risk of fire to a structure on the property or adjacent property, with certain exceptions.

H.B. 1472 (Workman) – Permit Vesting: would provide that: (1) the attorney general may bring an action to enforce Chapter 245 of the Local Government Code (the "Permit Vesting" Statute); and (2) a city that violates that chapter is liable for actual damages and attorney's fees. (Note: Current law authorizes enforcement only through mandamus, declaratory relief, or injunction.)

S.B. 610 (Perry) – Recreational Use Limited Liability: would limit the liability of an agritourism entity involved in an agritourism activity. (Companion bill is **H.B. 1203** by **Murr**).

S.B. 615 (Burton) – Annexation/Incorporation: would provide that a city must allow an area in the city’s extraterritorial jurisdiction and targeted for annexation to instead incorporate as a general law city if certain procedures are met.

S.B. 616 (Burton) – Annexation: would provide that, beginning September 1, 2015, a city may not annex an area (including through the use of a strategic partnership) for the limited purposes of applying its planning, zoning, health, and safety ordinances in the area.

Personnel

H.B. 1355 (Shaheen) – Religious Targeting: would provide that: (1) an elected officer of a city may be removed from office under the city’s removal procedures for the use of the office to threaten, punish, or intimidate an individual based on the individual’s religious beliefs; and (2) add religious targeting to the offense of official misconduct.

H.B. 1381 (Moody) – Injured Public Safety Employee Discharge: would: (1) prohibit a governmental entity, including a city, from discharging a fire fighter or peace officer who was injured on the job before the employee reaches maximum medical improvement; (2) provide for damages and reinstatement for an employee discharged in violation of the above provision; and (3) place the burden of proof on the peace officer or fire fighter in the case of a suit under this provision.

H.B. 1388 (Bohac) – 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 must include a detailed statement of the evidence used to determine that that the disease in question was not caused by the individual’s employment.

H.B. 1390 (S. Thompson) – Workers’ Compensation: would: (1) waive governmental immunity for a city or other governmental entity that discriminates against an employee based on a workers’ compensation claim; and (2) limit the damages that an employee could receive under this type of suit to the damages allowed under the Tort Claims Act.

H.B. 1515 (Canales) – Employment Discrimination: would: (1) prohibit an employer, including a city, from: (a) directly or indirectly requiring or requesting access to a credit report or other credit information as a condition of employment; (b) using or accepting an employee’s or applicant’s credit report or other credit information; (c) discharging, disciplining, or discriminating against an employee or applicant based on the employee’s or applicant’s credit report or other credit information or because the employee or applicant refuses to release the information to the employer; (d) discriminating against an employee or applicant who opposes a violation of these requirements by filing a charge or otherwise participating in a charge related to these requirements; (2) create an administrative penalty for violation of these requirements; and (3) create a civil cause of action for damages and equitable relief related to these requirements.

H.B. 1524 (Farrar) – Employment Notices: would require the state agencies responsible for unemployment compensation and workers’ compensation to provide all notices in the two languages most commonly spoken in this state.

H.B. 1538 (Meyer) – Retirement Benefits: would: (1) make an elected individual ineligible for a public retirement annuity if: (a) they are convicted of a felony or class A or B misdemeanor related to the performance of their public service; and (b) a judge makes a finding that they are ineligible; (2) prohibit a conviction from affecting the annuity of an alternate payee; (3) require the governing body of a public retirement system to create rules to implement the bill’s requirements; and (4) make the system resume full payments if an individual is later determined not guilty or innocent of the crime that lead to the ineligibility. (Companion bill is **S.B. 110** by **V. Taylor**.)

S.B. 612 (Burton) – 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 he or she is a volunteer emergency responder who is responding to a declared emergency; (2) only allow a volunteer emergency responder to be protected from discipline under the above provision if the employee is 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 related to absence from work; (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) create a civil action for damages and reinstatement based on the above provisions.

Public Safety

H.B. 1310 (Geren) – Animal Encounter Training: would require a peace officer to complete a canine encounter and behavior training program established by the Texas Commission on Law Enforcement, on or after January 1, 2016: (1) during the officer’s basic training course or not later than the first anniversary of the date the officer is licensed; or (2) as a requirement for an intermediate or advanced proficiency certificate.

H.B. 1323 (Gutierrez) – Synthetic Drugs: would authorize a city attorney, among others, to institute an action in district court to collect a civil penalty from a person who, in the course of business, sells or delivers an abusable synthetic substance.

H.B. 1338 (Naishtat) – Brain Injury Training: would require the Department of Public Safety to create and maintain a peace officer and first responder training program on handling individuals with brain injuries.

H.B. 1352 (C. Turner) – Cell Phone Ban: would: (1) with some exceptions, prohibit the use of a wireless communication device: (a) to send text-based communications while operating a motor vehicle when a minor is present; (b) while operating a passenger bus with a minor passenger present; (c) while operating a motor vehicle in a school crossing zone or on certain school property; and (d) by a person under 18 years of age while operating a motor vehicle; and

(2) provide that a city ordinance, rule, or regulation that is consistent with or more stringent than a prohibition in (1), above, is not preempted.

H.B. 1369 (Dutton) – Peace Officer Misconduct: would: (1) create a special prosecution division of the office of the attorney general to be responsible for prosecuting “peace officer misconduct,” defined to include any criminal offense committed by a peace officer acting under authority of the city; (2) provide that not later than 48 hours after the receipt of an allegation of peace officer misconduct, a law enforcement agency employing the officer must report the allegation to the special prosecution division of the office of the attorney general; and (3) require that a law enforcement agency submitting a report under (2), above, cooperate with the attorney general’s office in any investigation and resulting prosecution arising from the report.

H.B. 1417 (Elkins) – Peace Officer Identification Cards: would: (1) require a law enforcement agency that issues an identification card to a peace officer, reserve law enforcement officer, or honorably retired peace officer to issue a duplicate card if the card is lost or stolen, and provide that the agency may require the officer to submit an affidavit stating that the identification card was lost or stolen; and (2) repeal certain statutory provisions related to identification cards for retired peace officers.

H.B. 1424 (Lozano) – Synthetic Drugs: would: (1) designate certain synthetic compounds to Penalty Group 2 or 2-A of the Texas Controlled Substances Act; and (2) increase the penalties for certain persons convicted of the manufacture, delivery, or possession of controlled substances.

H.B. 1437 (S. Turner) – EMS and Trauma Facilities: would: (1) abolish the regional trauma account administered by the Health and Human Services Commission; and (2) transfer the red light camera revenue that formerly went to the regional trauma account described in (1), above, to the designated trauma facility and emergency medical services account administered by the Department of State Health Services.

H.B. 1450 (Workman) – Border Security: would create the Texas Border Security Division, which among other things would: (1) assist and collaborate with law enforcement in investigating crime or terrorism; and (2) assist and collaborate with law enforcement, including a city police department, to interdict, investigate, and prosecute criminal activity in the border region or in a county with border-related criminal activity.

H.B. 1481 (Murphy) – Drones: would: (1) prohibit the use of a drone over certain energy facilities or pipelines; and (2) allow the use of a drone over such facilities and pipelines if operated by the government, including a city, or by a person under contract with a law enforcement agency.

H.B. 1496 (S. Davis) – DNA Specimens: would provide that a search warrant may be issued to search for and seize a DNA specimen obtained through a buccal swab or otherwise.

H.B. 1530 (Peña) – Offenses Against Property or Public Administration: would alter the punishment for various offenses, including criminal mischief, interference with railroad property, graffiti, theft, theft of service, organized retail theft, trademark counterfeiting, false statement to obtain property or credit in the provision of certain services, hindering secured creditors, fraudulent transfer of a motor vehicle, credit card transaction record laundering, illegal recruitment of an athlete, misapplication of fiduciary property or property of financial institution, securing execution of document by deception, breach of computer security, unauthorized use of telecommunications service, theft of telecommunications service, money laundering, insurance fraud, Medicaid fraud, and abuse of official capacity. (Companion bill is **S.B. 393** by **Burton**.)

H.B. 1547 (Kuempel) – EMS and Trauma Care: would establish a catastrophic emergency medical services account as a dedicated account in the general revenue fund not to exceed \$2 million and to be funded out of certain unexpended reserve funds for extraordinary emergencies.

S.B. 538 (Schwertner) – Communicable Disease: would: (1) allow the governor by executive order or proclamation to declare a state of infectious disease emergency; (2) provide that such an executive order or proclamation gives the commissioner of state health services authority for all state and local public health policy decisions, procedure, and disease controls measures necessary to contain the infectious disease emergency; (3) allow a peace officer, without a warrant, to take an individual ill with, exposed to, or carrying a communicable disease into custody if the officer has reason to believe that the individual is not complying with a written control order the department of health or a health authority has issued to that individual; (4) require a peace officer to immediately notify the health authority that issued the control order of the individual's detention; (5) only allow an individual apprehended to be detained for 48 hours; (6) create the Task Force on Infectious Disease Preparedness and Response, as an advisory panel to the governor; (7) require the Texas Department of Health to establish a stockpile of personal protective equipment to support responses to infectious disease emergencies in the state; (8) require the Texas Department of Transportation and the Texas Commission on Environmental Quality to develop procedures to dispose of medical waste; and (9) allow a crematory to cremate human remains without receipt of a cremation authorization form if the Department of State Health Services certifies that the person was infected with a communicable disease and burial of the body would pose a public health risk.

S.B. 582 (Kolkhorst) – Farmers Market Regulation: would: (1) require that any food demonstration at a farmers market be supervised by an individual who has completed a food handler training program; (2) prohibit a local health jurisdiction from charging a fee for a food service worker certificate; and (3) approve the food handler training provided by the American National Standards Institute.

Transportation

H.B. 1324 (Israel) – Motor Bus Pilot Program: would: (1) require the Texas Department of Transportation (TxDOT), in consultation with the Department of Public Safety, and in conjunction with the elective participation of certain local mass transit entities, including a city transit department, to establish and operate a motor-bus-only lane pilot program for state highways that have shoulders of sufficient width and structural integrity; (2) provide that a

highway designated as part of the pilot program described in (1), above, be located in Bexar, El Paso, Tarrant or Travis County, or certain adjacent counties; (3) provide that the program described in (1), above: (a) allow motor buses to use highway shoulders as a low-speed bypass of congested highway lanes when the speed of vehicles being operated on the main traveled part of the adjacent highway is 35 miles per hour or less; (b) limit the maximum speed of a motor bus being operated in a motor-bus-only lane; (c) provide for attainment of local operation experience with the conversion of existing highway shoulders to motor-bus-only lanes during peak traffic periods; (d) be limited only to public transit motor buses operated by mass transit entities in the specified counties; and (e) include certain training, education, rules, roadside signs, and pavement markings; and (4) require TxDOT and the participating local mass transit entities to fund the implementation of the pilot program; require TxDOT to report on the results of the program; and authorize TxDOT to cancel the program if it finds increased vehicular accidents attributable to the program. (Companion bill is **S.B. 422** by **Watson**.)

H.B. 1361 (Isaac) – Gas Tax: would exempt cities from the state’s compressed natural gas and liquefied natural gas taxes.

H.B. 1370 (Phillips) – Transportation Funding: would provide that all net revenue derived from the tax on the sale of a motor vehicle sold in this state that exceeds the first \$2.5 billion of that revenue coming into the treasury for a state fiscal year (excluding amounts previously dedicated to school property tax relief) shall be deposited to the credit of the state highway fund and may be appropriated only to: (1) construct, maintain, or acquire rights-of-way for public roadways other than toll roads; or (2) repay the principal and interest on general obligation bonds. (Companion bill is **S.B. 5** by **Nichols**. See **H.J.R. 91**, below.)

H.B. 1432 (Howard) – Transportation Funding: would authorize Travis County to impose by commissioners court order an additional vehicle registration fee to fund certain transportation projects in the county.

H.J.R. 91 (Phillips) – Transportation Funding: would amend the Texas Constitution to provide that all net revenue derived from the tax on the sale of a motor vehicle sold in this state that exceeds the first \$2.5 billion of that revenue coming into the treasury for a state fiscal year (excluding amounts previously dedicated to school property tax relief) shall be deposited to the credit of the state highway fund and may be appropriated only to: (1) construct, maintain, or acquire rights-of-way for public roadways other than toll roads; or (2) repay the principal and interest on general obligation bonds. (Companion bill is **S.J.R. 5** by **Nichols**. See **H.B. 1370**, above.)

S.B. 579 (Watson) – Transportation Funding: would authorize Travis County to impose by commissioners court order an additional vehicle registration fee to fund certain transportation projects in the county.

Utilities and Environment

H.B. 1331 (King) – Drill Cuttings: would provide that a person who generates drill cuttings, or bits of rock or soil cut from a subsurface formation while drilling an oil or gas well, and transfers

them to another person with the contractual understanding that the drill cuttings will be used in connection with road building or another beneficial use cannot be held liable in tort for a consequence of the subsequent use of the drill cuttings.

H.B. 1419 (Clardy) – Contested Case Hearings: would: (1) allow a state agency to suspend a license if the agency determines that imminent peril to the public health, safety, or welfare requires emergency action; (2) permit a state agency to notify each party to a contested case of any decision or order of the agency by electronic means; (3) provide that if an adversely affected party or the party’s attorney of record does not receive required notice from a state agency or acquire actual knowledge of a signed order before the 15th day after the date the order is signed, then the deadline for a motion for rehearing begins when the party receives the notice or acquires actual knowledge of the signed order; and (4) require an adversely affected party to prove that the date the party received notice or acquired actual knowledge of an order was after the 14th day after the date the order was signed.

H.B. 1501 (Guillen) – Plastic Microbeads: would require the Texas Commission on Environmental Quality to conduct a study to determine the extent of the presence of plastic microbeads in water in the state and whether their presence causes pollution of that water.

S.B. 551 (Seliger) – Water Conservation Advisory Council: would allow the Water Conservation Advisory Council to make recommendations for legislation to advance water conservation in Texas in its annual report to the legislature.

S.B. 603 (Hinojosa) – Texas Emissions Reduction Plan: would extend Texas Emissions Reduction Plan programs for two additional years.

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