Forty-Six Days Left

The 84th legislative session has only 46 days remaining. How are things shaping up for Texas cities? It’s hard to be certain at this stage because there is plenty of time to pass legislation that would erode city authority. That being said, the session is looking relatively good for cities in the sense that revenue cap bills aren’t moving, appraisal cap bills appear dead, and most harmful land use bills are stuck in committee.

Of course, there is still risk for cities. A workable compromise on oil and gas drilling legislation could fall apart in the Senate; bad debt bills are still lurking; an expensive eminent domain bill is moving; and red light camera programs are in jeopardy. Further, bad bills that appear to be dead can be resurrected at any time in the form of floor amendments or in conference committee reports, which are frequently adopted with no opportunity for input or review.

As in past editions of the Legislative Update, readers will find summaries of “Significant Committee Actions” and “Significant Floor Actions.” 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.
Big Government Index:  
Austin Politicians Decide For You

To assist those city officials who have had enough of efforts to consolidate big government in Austin, the League has prepared the “Big Government Index.” The index is a list of every bill that would increase state government’s control over your city. A surprisingly large number of overreaching bills have been filed: 72 at last count. Click here to see all the ways Austin wants to decide for you.

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.

- Aaron Bovos, Chief Financial Officer, Fort Worth
- Alan Warrick, Councilmember, San Antonio
- Alison Ortowski, Assistant City Manager, Southlake
- Andrea Gardner, City Manager, Copperas Cove
- Barry Bondurant, Fire Chief, Mansfield
- Bert Miller, Mayor, Navasota
- Betsy Price, Mayor, Fort Worth
- Bill Lane, Director of Public Safety, Mansfield
- Bob Scott, Chief Financial Officer, Carrollton
- Brad Neighbor, City Attorney, Garland
- Bret Starr, Budget Administrator, Irving
- Bryan Langley, Assistant City Manager, Denton
- Carl Robinson, Councilmember, El Paso
- Cary Westin, Economic Development Managing Director, El Paso
- Chance Sparks, Director of Planning, Buda
- Charles Cox, Director of Finance, Farmers Branch
- Chris Boswell, Mayor, Harlingen
- Chris Moskey, Senior Assistant City Attorney, Fort Worth
- Chris Watts, Mayor, Denton
- Courtney Goodman-Morris, City Attorney, Denison
- Don Tymrak, City Manager, Karnes City
- Doug W. Wiersig, Director of Transportation & Public Works, Fort Worth
- Ed Broussard, City Manager, Tyler
- Ed Smith, Mayor, Marshall
- Floyd Simpson, Chief of Police, Corpus Christi
Significant Floor Actions

H.B. 497 (Wu), relating to the applicability of the law governing saltwater pipeline facilities located in the vicinity of public roads. Passed the House.
S.B. 1703 (Huffman), relating to the deadlines for certain processes and procedures involving an election. Passed the Senate.

**Significant Committee Actions**

**H.B. 208 (Leach)**, relating to the applicability of project design and construction requirements to agencies or instrumentalities of, or agreements between, governmental entities subject to those requirements. Reported from the House Committee on Government Transparency and Operation. As reported, the bill would provide that an economic development corporation must comply with the same procurement process methods for the design and construction of projects and construction services with which its authorizing city must comply.

**H.B. 509 (Raney)**, relating to the process for establishing speed limits on roads near certain schools. Reported from the House Committee on Transportation. As reported, the bill would provide that: (1) a municipal governing body, a commissioners court, or the Texas Transportation Commission, as applicable, may not reject a request for a prima facie speed limit by a public or private elementary or secondary school, an open-enrollment charter school, or an institution of higher education without first making a written finding stating a reasonable basis for the rejection; (2) the governing body of a school or institution of higher education may appeal a rejection of a request for a prima facie speed limit under this section to the district court of the county in which the school or institution is located not later than the 90th day after the date the written finding is made; (3) in an appeal under (2), above, if the governing body of the school shows by clear and convincing evidence that the rejection of the request was not based on accepted traffic management principles, the district court may grant the requested prima facie speed limit; and (4) the governing body of a school or institution of higher education may consult with the Texas Department of Transportation, the Texas Transportation Commission, and local transportation authorities on the feasibility of a prima facie speed limit during the acquisition and design of property for a public or private elementary or secondary school, an open-enrollment charter school.

**H.B. 910 (Phillips)**, relating to the authority of a person who is licensed to carry a handgun to openly carry a holstered handgun. Reported from the House Committee on Homeland Security and Public Safety.

**H.B. 946 (Workman)**, relating to painting and marking requirements for certain towers. Reported from the House Committee on Agriculture and Livestock.

**H.B. 1248 (Lucio)**, relating to the renewal or amendment of certain permits issued by groundwater conservation districts. Reported from the House Committee on Natural Resources.

**H.B. 2027 (G. Bonnen)**, relating to establishing precincts for elections held on a uniform election date. Reported from the House Committee on Elections.
H.B. 2049 (Darby), relating to indemnification and duties of engineers and architects under certain governmental contracts. Reported from the House Committee on Licensing and Administrative Procedures. As reported, this bill would prohibit a city from requiring a “duty to defend” in a construction contract with an engineer or architect.

H.B. 2083 (Darby), relating to the requirement a protest or appeal based upon inequality of appraisal be determined by the application of generally accepted appraisal methods and techniques. Reported from the House Committee on Ways and Means.

H.B. 2177 (Huberty), relating to the power of certain commissioners courts to authorize ad valorem tax sales of real property to be conducted by means of online auctions. Reported from the House Committee on Ways and Means.

H.B. 2354 (Farney), relating to changing the date of the May uniform election. Reported from the House Committee on Elections. As reported, the bill would change the May uniform election date from the second Saturday in May to the first Saturday in May.

H.B. 2358 (Lucio), relating to the exemption from certain registration and licensing requirements and taxes for certain businesses and employees who enter this state in response to a disaster or emergency. Reported from the House Committee on Homeland Security and Public Safety.

H.B. 2510 (Lucio), relating to the Department of State Health Services, the provision of health services in this state, and the regulation of certain health-related occupations and activities. Reported from the House Committee on Health and Human Services.

H.B. 2634 (Kuempel), relating to the construction manager-at-risk used by a governmental entity. Reported from the House Committee on Government Transparency and Operation.

H.B. 2712 (Geren), relating to the temporary exemption of certain tangible personal property related to large data center projects from the sales and use tax. Reported from the House Committee on Ways and Means.

S.B. 185 (Perry), relating to the right of municipal officers to obtain information, documents, and records. Reported from the Senate Subcommittee on Border and Security. This is the so-called “sanctuary city” bill. As reported, the bill would limit certain provisions to commissioned peace officers (rather than all employees) and would include certain exceptions related to victims of or witnesses to a criminal offense (presumably in order to encourage crime reporting to law enforcement).

S.B. 336 (V. Taylor), relating to the right of municipal officers to obtain information, documents, and records. Reported from the Senate Business and Commerce Committee.
S.B. 476 (Kolkhorst), relating to the duties of certain law enforcement officials under procedures regulating the making or transfer of firearms. Reported from the Senate State Affairs Committee.

S.B. 479 (Schwertner), relating to establishing actual progress for the purposes of determining the right to repurchase real property from a condemning entity. Reported from the Senate State Affairs Committee.

S.B. 714 (Hall), relating to the authority of the governing body of a local authority to impose a civil penalty for certain violations recorded by an automated traffic control system or a photographic traffic signal enforcement system. Reported from the Senate Transportation Committee. As reported, the bill would prohibit the use of red light cameras.

S.B. 1165 (Fraser), relating to the express preemption of regulation of oil and gas operations and the exclusive jurisdiction of those operations by the state. Reported from the Senate Natural Resources and Economic Development Committee. This is the Senate version of the oil and gas bill. The House version, H.B. 40, has been substantially improved and is the subject of a negotiated agreement between the League and the Texas Oil and Gas Association. This bill does not contain those improvements.

S.B. 1358 (Campbell), relating to the Texas Military Preparedness Commission and strategic planning regarding military bases and defense installations. Reported from the Senate Veterans Affairs/Military Installations Committee.

S.B. 1366 (Kolkhorst), relating to the allocation to the Parks and Wildlife Department of the proceeds from taxes imposed on the sale, storage, or use of sporting goods. Reported from the Senate Finance Committee.

S.J.R. 60 (Campbell), proposing a constitutional amendment authorizing the governing body of a political subdivision to adopt a local option exemption from ad valorem taxation of a portion, expressed as a dollar amount, of the market value. Reported from the Senate Finance Committee.

City-Related Bills Filed This Week

Each week, League staff summarizes in this section the city-related bills filed during the previous week. For a cumulative list of all city-related bills filed to date, click here. There were no additional city-related bills filed this week.

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