

# City-Related Bills Filed

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### **Property Tax**

**1H.B. 3 (D. Bonnen) – Property Tax System:** this bill, known as the “Property Tax Payer Empowerment Act of 2017,” would make numerous changes to the process for adopting property tax rates. Of primary importance to cities, the bill would, among other things:

- require the comptroller to appoint a property tax administration advisory board to make recommendations to the comptroller regarding state administration of property taxation and state oversight of appraisal districts and local tax offices;
1. require the comptroller to prescribe tax rate calculation forms to be used by the designated officer or employee of each taxing unit in calculating the no-new-taxes tax rate and rollback tax rate for the taxing unit;
  2. provide that the calculation worksheet form must be in an electronic format and:
    - a. have blanks that can be filled in electronically;
    - b. be capable of being certified by the designated officer or employee after completion as accurately calculating the applicable tax rates and using values that are the same as the values shown in the taxing unit’s certified appraisal roll; and
    - c. be capable of being submitted electronically to the chief appraiser of each appraisal district in which the taxing unit is located;
  3. require the comptroller to prepare an annual list that includes the total tax rate imposed by each taxing unit in the state for the year in which the list is prepared that shall be sorted alphabetically according to:

- a. the county or counties in which each taxing unit is located; and
  - b. the name of each taxing unit;
- rename the “effective tax rate” and “effective maintenance and operations rate” the “no-new-revenue tax rate” and “no-new-revenue maintenance and operations rate,” respectively;
- require the designated officer or employee of a taxing unit to use the tax rate calculation forms prescribed by the comptroller in calculating the no-new-revenue tax rate and the rollback tax rate;
- provide that the designated officer or employee of a taxing unit may not submit the no-new-revenue tax rate and the rollback rate to the governing body of the taxing unit and unit may not adopt a tax rate until the designated officer or employee certifies on the tax rate calculation forms that the designated officer or employee has accurately calculated the tax rates and has used values that are the same as the values shown in the unit’s certified appraisal roll in performing the calculations;
4. require the chief appraiser of each appraisal district to deliver a specific property tax rate notice by regular mail or e-mail to each property owner by August 7<sup>th</sup>, or as soon thereafter as practicable;
- provide that a person who owns taxable property is entitled to an injunction restraining the collection of taxes by a taxing unit in which the property is taxable if the taxing unit has not complied with certain tax rate calculation, publication, and adoption requirements, without regard to whether the failure to comply was in good faith;
- provide that an action to enjoin the collection of taxes must be filed not later than the 15<sup>th</sup> date after the date the taxing unit adopts a tax rate;
- provide that a property owner is not required to pay the taxes imposed by a taxing unit on the owner’s property while an action filed by the property owner to enjoin the collection of taxes imposed by the taxing unit on the owner’s property is pending, and that if the property owner pays the taxes and subsequently prevails in the action, the property owner is entitled to a refund of the taxes paid, together with reasonable attorney’s fees and court costs;
- provide that the governing body of a taxing unit may not hold a public hearing on a proposed tax rate or a public meeting to adopt a tax rate until the 14<sup>th</sup> day after the date the officer or employee designated by the governing body of the unit to calculate the no-new-revenue tax rate and the rollback tax rate for the unit electronically submits to the chief appraiser the information required for the chief appraiser’s database of property tax-related information;
- provide that the governing body of a taxing unit other than a school district may not adopt a tax rate until:
- the chief appraiser of each appraisal district in which the taxing unit participates has:
  - delivered the required property tax notice; and
  - incorporated the tax rate calculation forms submitted to the appraisal district by the taxing unit into the property tax database maintained by the chief appraiser and made them available to the public;
  - the designated officer or employee of the taxing unit has entered in the property tax database maintained by the chief appraiser the requisite information for the current tax year; and

the taxing unit has posted the information required to be posted on the taxing unit's Internet website under Section Number 22 of this summary;

authorize a taxing unit with a low tax levy to post notice of the proposed tax rate prominently on the home page of the Internet website maintained by the taxing unit, if applicable;

require a taxing unit that owns, operates, or controls an Internet website to post notice of a public hearing on a proposed tax increase prominently on the home page of the website continuously for at least seven days immediately before the public hearing at least seven days immediately before the date of the vote proposing the increase in the tax rate;

require the chief appraiser of each appraisal district to create and maintain a property tax database that:

- is identified by the name of the county in which the appraisal district is established in stead of the name of the appraisal district;
- contains information that is provided by designated officers or employees of taxing units in the manner required by the comptroller;
- is continuously updated as preliminary and revised data become available to and are provided by the designated officers or employees of the taxing units;
- is accessible to the public; and
- is searchable by property address and owner;

require the chief appraiser's property tax database to include, with respect to each property listed on an appraisal roll:

- the property's identification number;
- the property's market value;
- the property's taxable value;
- the name of the each taxing unit in which the property is located;
- for each taxing unit other than a school district in which the property is located:
  - the no-new-revenue tax rate; and
  - the rollback tax rate;
- for each school district in which the property is located:
  - the rate to maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year; and
  - the rollback tax rate;
- the tax rate proposed by the governing body of each taxing unit in which the property is located;
- for each taxing unit other than a school district in which the property is located, the taxes that would be imposed on the property if the unit adopted a tax rate equal to:
  - the no-new-revenue tax rate; and
  - the proposed tax rate
- for each school district in which the property is located, the taxes that would be imposed on the property if the unit adopted a tax rate equal to:
  - the rate to maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year; and
  - the proposed tax rate;
- for each taxing unit other than a school district in which the property is located, the difference between the amount calculated for the no-new-revenue tax rate and the proposed tax rate;

for each school district in which the property is located, the difference between the amount calculated to maintain the same amount of state and local revenue per weighted student the district received in the school year beginning in the preceding year and the proposed tax rate;

the date and location of each public hearing, if applicable, on the proposed tax rate to be held by the governing body of each taxing unit in which the property is located; and

the date and location of the public meeting in which the tax rate will be adopted to be held by the governing body of each taxing unit in which the property is located;

require the property tax database to provide a link to the tax rate and budget information required to be posted on a taxing unit's website (See Section 22 of this summary);

require the officer or employee designated by the governing body of each taxing unit to calculate the no-new-revenue tax rate and rollback tax rate for the unit to electronically:

enter into the database the information described by Section 17 of this summary as the information becomes available; and

submit to the appraisal district the tax rate calculation forms at the same time the designated officer or employee submits the tax rates to the governing body of the taxing unit;

require the chief appraiser to deliver by e-mail to the designated officer or employee confirmation of receipt of the tax rate calculation forms, and require the chief appraiser to incorporate the forms into the database and make them available to the public not later than the third day after the date the chief appraiser receives them;

require each taxing unit to maintain an Internet website or have access to a generally accessible Internet website that may be used for purposes of posting the information required by Section 22 of this summary;

require each taxing unit to post on its Internet website the following information in a format prescribed by the comptroller:

the name and official contact information for each member of the governing body of the taxing unit;

the mailing address, e-mail address, and telephone number of the taxing unit;

the taxing unit's budget for the preceding two years;

the taxing unit's proposed or adopted budget for the current year;

the change in the amount of the taxing unit's budget from the preceding year to the current year, by dollar amount and percentage;

for a taxing unit other than a school district, the amount of property tax revenue budgeted for both maintenance and operations and debt service, respectively, for:

the preceding two years; and

the current year

the tax rate for both maintenance and operations and debt service, respectively, adopted by the taxing unit for the preceding two years;

the tax rate for both maintenance and operations and debt service, respectively, adopted by the taxing unit for current year; and

the most recent financial audit of the taxing unit;

eliminate the ability of a taxing unit to challenge before the appraisal review board the level of appraisals of any category of property in the appraisal district or in any territory in the appraisal district; and

provide that an appraisal office may increase the appraised value of a parcel of commercial or industrial real property for a tax year to an amount not to exceed the lesser of:

the market value of the property for the most recent tax year that the market value was determined by the appraisal office; or

the sum of:

20 percent of the appraised value of the property for the preceding tax year;

The appraised value of the property for the preceding tax year; and

The market value of all new improvements to the property.

**1H.B. 4 (D. Bonnen) – Revenue Cap:** would make numerous changes to the process for calculating and adopting property tax rates. Of primary importance to cities, the bill would adjust the property tax rollback rate in the following ways:

define “small taxing unit” as a taxing unit other than a school district for which:

the maintenance and operations tax rate proposed for the current tax year is two cents per \$100 of taxable value; or

taxes of \$25 million or less are imposed when applied to the current total value for the taxing unit;

maintain an eight percent rollback rate for all small taxing units;

for a taxing unit other than a small taxing unit, provide for a rollback rate of five percent;

1. provide that any adopted rate of a taxing unit other than a small taxing unit exceeding the rollback rate would subject the taxing unit to an automatic rollback election to be held not less than 30 or more than 90 days after the day on which it adopted the tax rate, at which the voters would determine whether or not to reduce the tax rate adopted for the current year to the rollback rate; and

provide that the governing body of a taxing unit other than a small taxing unit may direct the designated officer or employee to calculate the rollback tax rate of the unit in the manner provided for a small taxing unit if any part of the unit is located in an area declared a disaster area during the current tax year by the governor or by the president of the United States.

**1H.B. 5 (D. Bonnen) – Appraisal Cap:** would provide that an appraisal office may increase the appraised value of a parcel of commercial or industrial real property for a tax year to an amount not to exceed the lesser of: (1) the market value of the property for the most recent tax year that the market value was determined by the appraisal office; or (2) the sum of: (a) 20 percent of the appraised value of the property for the preceding tax year; (b) the appraised value of the property for the preceding tax year; and (c) the market value of all new improvements to the property.

**1H.B. 32 (D. Bonnen) – Property Tax System:** this bill, known as the “Property Tax Payer Empowerment Act of 2017,” would make numerous changes to the process for adopting property tax rates. Of primary importance to cities, the bill would, among other things:

1. require the comptroller to appoint a property tax administration advisory board to make recommendations to the comptroller regarding state administration of property taxation and state oversight of appraisal districts and local tax offices;

2. require the comptroller to prescribe tax rate calculation forms to be used by the designated officer or employee of each taxing unit in calculating the no-new-taxes tax rate and rollback tax rate for the taxing unit;
3. provide that the calculation worksheet form must be in an electronic format and: (a) have blanks that can be filled in electronically; (b) be capable of being certified by the designated officer or employee after completion as accurately calculating the applicable tax rates and using values that are the same as the values shown in the taxing unit's certified appraisal roll; and (c) be capable of being submitted electronically to the chief appraiser of each appraisal district in which the taxing unit is located;
4. require the comptroller to prepare an annual list that includes the total tax rate imposed by each taxing unit in the state for the year in which the list is prepared that shall be sorted alphabetically according to: (a) the county or counties in which each taxing unit is located; and (b) the name of each taxing unit;
5. rename the "effective tax rate" and "effective maintenance and operations rate" the "no-new-revenue tax rate" and "no-new-revenue maintenance and operations rate," respectively;
6. require the designated officer or employee of a taxing unit to use the tax rate calculation forms prescribed by the comptroller in calculating the no-new-revenue tax rate and the rollback tax rate;
7. provide that the designated officer or employee of a taxing unit may not submit the no-new-revenue tax rate and the rollback rate to the governing body of the taxing unit and unit may not adopt a tax rate until the designated officer or employee certifies on the tax rate calculation forms that the designated officer or employee has accurately calculated the tax rates and has used values that are the same as the values shown in the unit's certified appraisal roll in performing the calculations;
8. require the chief appraiser of each appraisal district to deliver a specific property tax rate notice by regular mail or e-mail to each property owner by August 7th, or as soon thereafter as practicable;
9. provide that a person who owns taxable property is entitled to an injunction restraining the collection of taxes by a taxing unit in which the property is taxable if the taxing unit has not complied with certain tax rate calculation, publication, and adoption requirements, without regard to whether the failure to comply was in good faith;
10. provide that an action to enjoin the collection of taxes must be filed not later than the 15<sup>th</sup> date after the date the taxing unit adopts a tax rate;
11. provide that a property owner is not required to pay the taxes imposed by a taxing unit on the owner's property while an action filed by the property owner to enjoin the collection of taxes imposed by the taxing unit on the owner's property is pending, and that if the property owner pays the taxes and subsequently prevails in the action, the property owner is entitled to a refund of the taxes paid, together with reasonable attorney's fees and court costs;
12. provide that the governing body of a taxing unit may not hold a public hearing on a proposed tax rate or a public meeting to adopt a tax rate until the 14<sup>th</sup> day after the date the officer or employee designated by the governing body of the unit to calculate the no-new-revenue tax rate and the rollback tax rate for the unit electronically submits to the chief appraiser the information required for the chief appraiser's database of property tax-related information;

13. provide that the governing body of a taxing unit other than a school district may not adopt a tax rate until: (a) the chief appraiser of each appraisal district in which the taxing unit participates has: (i) delivered the required property tax notice; and (ii) incorporated the tax rate calculation forms submitted to the appraisal district by the taxing unit into the property tax database maintained by the chief appraiser and made them available to the public; (b) the designated officer or employee of the taxing unit has entered in the property tax database maintained by the chief appraiser the requisite information for the current tax year; and (c) the taxing unit has posted the information required to be posted on the taxing unit's Internet website under Section Number 22 of this summary;
14. authorize a taxing unit with a low tax levy to post notice of the proposed tax rate prominently on the home page of the Internet website maintained by the taxing unit, if applicable;
15. require a taxing unit that owns, operates, or controls an Internet website to post notice of a public hearing on a proposed tax increase prominently on the home page of the website continuously for at least seven days immediately before the public hearing at least seven days immediately before the date of the vote proposing the increase in the tax rate;
16. require the chief appraiser of each appraisal district to create and maintain a property tax database that: (a) is identified by the name of the county in which the appraisal district is established in stead of the name of the appraisal district; (b) contains information that is provided by designated officers or employees of taxing units in the manner required by the comptroller; (c) is continuously updated as preliminary and revised data become available to and are provided by the designated officers or employees of the taxing units; (d) is accessible to the public; and (e) is searchable by property address and owner;
17. require the chief appraiser's property tax database to include, with respect to each property listed on an appraisal roll: (a) the property's identification number; (b) the property's market value; (c) the property's taxable value; (d) the name of the each taxing unit in which the property is located; (e) for each taxing unit other than a school district in which the property is located; (i) the no-new-revenue tax rate; and (ii) the rollback tax rate; (f) for each school district in which the property is located: (i) the rate to maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year; and (ii) the rollback tax rate; (g) the tax rate proposed by the governing body of each taxing unit in which the property is located; (h) for each taxing unit other than a school district in which the property is located, the taxes that would be imposed on the property if the unit adopted a tax rate equal to: (i) the no-new-revenue tax rate; and (ii) the proposed tax rate; (iii) for each school district in which the property is located, the taxes that would be imposed on the property if the unit adopted a tax rate equal to: (iv) the rate to maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year; and (v) the proposed tax rate; (j) for each taxing unit other than a school district in which the property is located, the difference between the amount calculated for the no-new-revenue tax rate and the proposed tax rate; (k) for each school district in which the property is located, the difference between the amount calculated to maintain the same amount of state and local revenue per weighted student the district received in the school year beginning in the preceding year and the proposed tax rate; (l) the date and location of each public hearing, if applicable, on the proposed tax rate to be held by the governing body of each taxing unit in which the property is located;

- and (m) the date and location of the public meeting in which the tax rate will be adopted to be held by the governing body of each taxing unit in which the property is located;
18. require the property tax database to provide a link to the tax rate and budget information required to be posted on a taxing unit's website (See Section 22 of this summary);
  19. require the officer or employee designated by the governing body of each taxing unit to calculate the no-new-revenue tax rate and rollback tax rate for the unit to electronically:  
(a) enter into the database the information described by Section 17 of this summary as the information becomes available; and (b) submit to the appraisal district the tax rate calculation forms at the same time the designated officer or employee submits the tax rates to the governing body of the taxing unit;
  20. require the chief appraiser to deliver by e-mail to the designated officer or employee confirmation of receipt of the tax rate calculation forms, and require the chief appraiser to incorporate the forms into the database and make them available to the public not later than the third day after the date the chief appraiser receives them;
  21. require each taxing unit to maintain an Internet website or have access to a generally accessible Internet website that may be used for purposes of posting the information required by Section 22 of this summary;
  22. require each taxing unit to post on its Internet website the following information in a format prescribed by the comptroller: (a) the name and official contact information for each member of the governing body of the taxing unit; (b) the mailing address, e-mail address, and telephone number of the taxing unit; (c) the taxing unit's budget for the preceding two years; (d) the taxing unit's proposed or adopted budget for the current year; (e) the change in the amount of the taxing unit's budget from the preceding year to the current year, by dollar amount and percentage; (f) for a taxing unit other than a school district, the amount of property tax revenue budgeted for both maintenance and operations and debt service, respectively, for: (i) the preceding two years; and (ii) the current year; (g) the tax rate for both maintenance and operations and debt service, respectively, adopted by the taxing unit for the preceding two years; (h) the tax rate for both maintenance and operations and debt service, respectively, adopted by the taxing unit for current year; and (i) the most recent financial audit of the taxing unit; and
  23. eliminate the ability of a taxing unit to challenge before the appraisal review board the level of appraisals of any category of property in the appraisal district or in any territory in the appraisal district.

**1H.B. 42 (Keough) – Appraisal Districts:** would, among other things, provide that: (1) one director is elected from each of the four commissioners precincts of the county for which the appraisal district is established and one director is elected at large from the county; (2) the county assessor-collector serves as a nonvoting director, unless ineligible; and (3) the directors other than the county assessor-collector are elected at the general election for state and county officers and serve two-year terms beginning on January 1 of odd-numbered years.

**1H.B. 44 (Keough) – Appraisal Cap:** would reduce the property tax appraisal cap on homesteads from ten to five percent and apply the new appraisal cap to all real property. (See **1 H.J.R. 16**, below.)

**1H.B. 45 (Keough) – Appraisal Districts:** would, among other things, require the chief appraiser of an appraisal district to be elected at the general election for state and county officers every two years.

**1H.B. 48 (Keough) – Appraisal Review Boards:** would, among other things, provide: (1) that an appraisal review board consists of five members elected by the voters of the county in which the appraisal district is established at the general election for state and county officers; and (2) that the members of the appraisal review board serve two-year terms beginning on January 1st of odd-numbered years.

**1H.B. 49 (Geren) – Property Tax Appeals:** would: (1) authorize a property owner to appeal an order of the appraisal review board determining that the appraisal review board lacks jurisdiction to finally determine a protest by the property owner because the property owner failed to comply with a statutory requirement; (2) provide that a property owner who establishes that the appraisal review board had jurisdiction to issue a final determination of the protest is entitled to a final determination by the court of the protest on any ground, regardless of whether the property owner included the ground in the property owner’s notice of protest; and (3) provide that for certain appeals, if a plea to the jurisdiction is filed in the appeal on the basis that the property owner failed to exhaust the property owner’s administrative remedies, the court may, in lieu of dismissing the appeal for lack of jurisdiction, remand the action to the appraisal review board with instructions to allow the property owner an opportunity to cure the property owner’s failure to exhaust administrative remedies.

**1H.B. 71 (Bohac) – Appraisal Cap:** would reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **1H.J.R. 19**, below.)

**1H.B. 72 (Bohac) – Property Tax Exemption:** would provide that a Purple Heart recipient and the surviving spouse of a Purple Heart recipient are entitled to an exemption from property taxation of the total appraised value of the Purple Heart recipient’s residence homestead. (See **H.J.R. 20**, below.)

**1H.B. 81 (Darby) – Rollback Elections:** would provide that a petition for a property tax rollback election is valid if it is signed by a number of registered voters of the taxing unit equal to at least: (1) one percent of the number of registered voters of the taxing unit according to the most recent list of registered voters if the tax rate adopted for the current tax year would impose taxes for maintenance and operations in an amount of at least \$10 million; or (2) three percent of the number of registered voters of the taxing unit according to the most recent official list of registered voters if the tax rate adopted for the current tax year would impose taxes for maintenance and operations in an amount of less than \$10 million.

**1H.B. 84 (Metcalf) – Appraisal Cap:** would reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **1H.J.R. 22**, below.)

**1H.B. 88 (Bell) – Appraisal Cap:** would reduce the property tax appraisal cap on homesteads from ten to five percent, and apply the new appraisal cap to all real property. (See **1H.J.R. 23**, below.)

**1H.B. 87 (Bell) – Appraisal Review Board:** would require the appraisal review board to deliver notice of a protest hearing by electronic mail if, in the notice of protest, the property owner requests delivery by electronic mail and provides a valid electronic mail address.

**1H.B. 91 (Swanson) – Property Taxes:** would: (1) establish the intent of the legislature to abolish property taxes and to create a more equitable means of funding the provision of essential services to residents of this state by local governmental entities and of meeting the state’s constitutional duty to make suitable provision for the support and maintenance of an efficient system of public free schools; and (2) require the comptroller to conduct a comprehensive study of alternative methods of taxation to replace local tax revenue that will be lost when property taxes are abolished.

**1H.B. 92 (E. Rodriguez) – Property Tax Exemption:** would, among other things: (1) require, for purposes of appraisal of qualified open-space land, that a chief appraiser distinguish between the degree of intensity required for various agricultural production methods like organic, sustainable, pastured poultry, rotational grazing, and other uncommon production methods or systems; (2) provide that the production of fruits and vegetables is considered to be an “agricultural use” for purposes of appraisal of qualified open-space land; and (3) require the comptroller to establish appraisal guidelines for uncommon agricultural uses.

**1H.B. 95 (Swanson) – Property Tax Exemption:** would: (1) provide that an individual is entitled to an exemption from taxation of the total appraised value of the individual’s residence homestead if the individual is 75 years of age or older; and (2) provide that the surviving spouse of an individual who qualified for an exemption under (1) is entitled to an exemption from taxation of the total appraised value of the same property to which the deceased spouse’s exemption applied if: (a) the deceased spouse died in a year in which the deceased spouse qualified for the exemption; (b) the surviving spouse was 55 years of age or older when the deceased spouse died; and (c) the property was the residence homestead of the surviving spouse when the deceased spouse died and remains the residence homestead of the surviving spouse. (See **1H.J.R. 24**, below.)

**1H.B. 99 (Springer) – Appraisal Districts:** would: (1) provide that if an appraisal district employee testifies as to the value of real property in certain appeals and the appraised or market value, as applicable, of the property as determined by the order of the appraisal review board is less than \$1 million, the court may give preference to an employee who is a person authorized to perform an appraisal of real estate; and (2) an appraisal district employee may not testify as to the value of real property in certain appeals if the appraised or market value, as applicable, of the property as determined by the order of the appraisal review board is \$1 million or more unless the person is authorized to perform an appraisal of real estate.

**1H.B. 108 (Murphy) – Property Tax Deferral:** would provide that the rate at which interest accrues in connection with the deferral or abatement of the collection of property taxes on certain residence homesteads in the five-year Constant Maturity Treasury Rate reported by the Federal Reserve as of January 1 of the year in which the deferral or abatement was obtained.

**1H.B. 115 (G. Bonnen) – Property Tax Deferral:** would provide that: (1) an eligible person serving on active duty in any branch of the United States armed forces may pay delinquent property taxes on property in which the person owns any interest without penalty or interest no later than the 60<sup>th</sup> day after the date on which: (a) the person is discharged from active military service; (b) the person returns to the state for more than 10 days; or (c) the person returns to non-active duty status in the reserve; and (b) a delinquent tax for which a person defers payment under (a) that is not paid on or before the date the deferral period expires: (a) accrues interest at a rate of six percent for each year or portion of a year the tax remains unpaid; and (b) does not incur a penalty.

**1H.B. 116 (Uresti) – Installment Payments:** would: (1) expand the types of groups who may be able to pay off delinquent property taxes in quarterly installment payments; and (2) for a residence homestead, authorize a person who is disabled or over 65 or disabled veterans and their unmarried surviving spouses to pay off delinquent property taxes in monthly installment payments.

**1H.B. 119 (Shine) – Property Tax Exemption:** would: (1) authorize the governing body of a taxing unit other than a school district to adopt a residence homestead property tax exemption, expressed as a dollar amount, of a portion of an individual’s residence homestead if the exemption is adopted by the governing body before July 1st in the manner provided by law for official action; (2) provide that the amount of the exemption is \$5,000 of the appraised value of the residence homestead, except that if the average market value of residence homesteads in the taxing unit in the tax year in which the exemption is adopted exceeds \$25,000, the governing body may authorize an exemption in a larger dollar amount not to exceed an amount equal to 20 percent of the average market value of residence homesteads in the taxing unit in the tax year in which the exemption is adopted; (3) provide that a city or county that adopted a percentage-based homestead exemption for the 2014 tax year may repeal the exemption by December 31, 2019, if the governing body adopts an exemption as provided by (1) in an amount greater than \$5,000; and (4) provide that, for a taxing unit that has ceased granting a percentage-based homestead exemption and adopted an exemption under (1), an individual who would have been entitled to a percentage-based residence homestead exemption had the governing body not ceased granting the exemption is entitled to continue to receive the percentage-based exemption in lieu of the dollar-amount homestead exemption if the individual otherwise qualifies for the exemption and the amount of the percentage-based exemption exceeds the amount of the dollar-amount exemption. (See **1H.J.R. 25**, below.)

**1H.B. 120 (Shine) – Property Tax Lien:** would provide that, if the chief appraiser adds property or appraised value that was erroneously exempted in a prior year to the appraisal roll, a tax lien may not be enforced against the property to secure the payment of any taxes, penalties, or interest imposed for that year on the property as a result of the addition of the property or appraised value if at any time after January 1 of that year the property was sold in an arm’s length transaction to a person who was not related to the seller within the first degree by consanguinity or affinity. (See **1H.J.R. 26**, below.)

**1H.B. 129 (Leach) – Property Tax Exemption:** would exempt from property taxes part of the appraised value of the residence homestead of a partially disabled veteran or the surviving

spouse of a partially disabled veteran based on the disability rating of the veteran. (See **1H.J.R. 27**, below.)

**1H.B. 154 (Phelan) – Appraisal District:** would, among other things, provide that: (1) an appraisal district is governed by a board of five directors; (2) one director is elected from each of the four commissioners precincts of the county for which the appraisal district is established; (3) the county assessor-collector is a director by virtue of the person's office; (4) if the county assessor-collector is ineligible to serve pursuant to a contract, the appraisal district is governed by the four directors elected from the commissioners precincts and a director elected from the county at large; and (5) the directors other than the county assessor-collector are elected at the general election for state and county officers and serve two-year terms beginning on January 1 of odd-numbered years.

**1H.B. 155 (Phelan) – Appraisal Review Board:** would: (1) authorize the appraisal review board, on motion of the chief appraiser or a property owner, to direct by written order changes in the appraisal roll or related records as provided by (2); and (2) authorize the appraisal review board to order the appraised value of the owner's property in the current tax year and either of the two preceding tax years to be changed to the sales price of the property in the current tax year if, for each tax year for which the change is to be made: (a) the property qualifies as that owner's residence homestead; (b) the sales price of the property is at least ten percent less than the appraised value of the property; and (c) the board makes a finding that the sales price reflects the market value of the property.

**1H.B. 158 (Metcalf) – Property Tax Deferral:** would provide that interest accrues at a rate of five percent in connection with the deferral or abatement of the collection of property taxes on an appreciating residence homestead.

**1H.B. 159 (Metcalf) – Property Tax Deferral:** would provide that the annual rate at which interest accrues in connection with the deferral or abatement of the collection of property taxes on residence homesteads of elderly or disabled persons is five percent.

**1H.B. 160 (Metcalf) – Property Tax Appraisal:** would, among other things, provide that the chief appraiser is elected for a two-year term at the general election for state and county officers by the voters of the county in which the appraisal district is established.

**1H.B. 165 (Geren) – Property Tax Appeals:** would: (1) authorize a property owner to appeal an order of the appraisal review board determining that the appraisal review board lacks jurisdiction to finally determine a protest by the property owner because the property owner failed to comply with a statutory requirement; (2) provide that a property owner who establishes that the appraisal review board had jurisdiction to issue a final determination of the protest is entitled to a final determination by the court of the protest on any ground, regardless of whether the property owner included the ground in the property owner's notice of protest; and (3) provide that for certain appeals, if a plea to the jurisdiction is filed in the appeal on the basis that the property owner failed to exhaust the property owner's administrative remedies, the court may, in lieu of dismissing the appeal for lack of jurisdiction, remand the action to the appraisal review

board with instructions to allow the property owner an opportunity to cure the property owner's failure to exhaust administrative remedies.

**1H.B. 174 (Metcalf) – Appraisal Districts:** would, among other things, provide that: (1) one director is elected from each of the four commissioners precincts of the county for which the appraisal district is established and one director is elected at large from the county; (2) the county assessor-collector serves as a nonvoting director, unless ineligible; and (3) the directors other than the county assessor-collector are elected at the general election for state and county officers and serve two-year terms beginning on January 1 of odd-numbered years.

**1H.B. 179 (Roberts) – Property Tax Exemption:** would provide that qualifying disabled first responders and their surviving spouses are entitled to an exemption from property taxes of the total appraised value of the qualifying disabled first responder's residence homestead.

**1H.B. 192 (P. King) – Property Tax Appraisal:** would provide that the chief appraiser may not increase the appraised value of property following the year in which the appraised value of the property is lowered as a result of protest or appeal unless the increase by the chief appraiser is reasonably supported by clear and convincing evidence when all of the reliable and probative evidence in the record is considered as a whole.

**1H.B. 196 (Metcalf) – Appraisal Cap:** would impose a five percent appraisal cap on the appraised value of real property other than a residence homestead. (See **1H.J.R. 33**, below.)

**1H.B. 203 (Miller) – Property Tax System:** would make several changes to the property tax system, including: (1) that an appraisal review board consists of five members elected by the voters of the county in which the appraisal district is established at the general election for state and county officers; and (2) that the members of the appraisal review board serve two-year terms beginning on January 1st of odd-numbered years.

**1H.B. 220 (Shaheen) – Revenue Cap:** would make numerous changes to the process for calculating and adopting property tax rates. Of primary importance to cities, the bill would adjust the property tax rollback rate in the following ways:

define "small taxing unit" as a taxing unit other than a school district for which the maintenance and operations tax rate proposed for the current tax year is: (a) two cents per \$100 of taxable value; or (b) would impose taxes of \$10 million or less when applied to the current total value for the taxing unit;

maintain an eight percent rollback rate for all small taxing units;

for a taxing unit other than a small taxing unit, provide for a rollback rate of five percent;

1. provide that any adopted rate of a taxing unit other than a small taxing unit exceeding the rollback rate would subject the taxing unit to an automatic rollback election to be held not less than 30 or more than 90 days after the day on which it adopted the tax rate, at which the voters would determine whether or not to reduce the tax rate adopted for the current year to the rollback rate; and

provide that the governing body of a taxing unit other than a small taxing unit may direct the designated officer or employee to calculate the rollback tax rate of the unit in the

manner provided for a small taxing unit if any part of the unit is located in an area declared a disaster area during the current tax year by the governor or by the president of the United States.

(See **1H.J.R. 2**, below.)

**1H.B. 223 (Nichols) – Property Tax Appraisal:** would provide that land used principally as an ecological laboratory by a public or private college or university does not qualify for appraisal as qualified open-space land unless the land was appraised as qualified open-space land on the basis of that use for the 2017 tax year. (Companion bill is **1S.B. 78** by **Nichols**.)

**1H.B. 239 (Capriglione) – Property Tax Exemption:** would: (1) exempt from property taxation precious metal that is held in the Texas Bullion Depository regardless of whether the precious metal is held or used by the person for the production of income; and (2) prohibit the governing body of a taxing unit from providing for the taxation of precious metal exempted from taxation under (1). (See **1H.J.R. 38**, below.)

**1H.B. 249 (Phillips) – Property Tax Exemption:** would provide that, if a change is made in the use of land appraised as qualified open-space land, an additional tax is imposed on land equal to the difference between the taxes imposed on the land for each of the three years preceding the year in which the change of use occurred, plus interest at an annual rate of five percent calculated from the dates on which the differences would have become due.

**1H.B. 251 (Phillips) – Property Tax Appraisal:** would define “wildlife management” for purposes of a property tax appraisal as actively using land in specific ways in accordance with standards developed by the Parks and Wildlife Department and the comptroller.

**1H.B. 261 (Neave) – Property Tax Limitation:** would provide that: (1) for a residence homestead that is located in an area declared by the governor to be a disaster area following a natural disaster and rendered uninhabitable or unusable as a result of the disaster, a taxing unit may not increase the total amount of property taxes the taxing unit imposes on a residence homestead above the amount of the taxes the taxing unit imposed on the residence homestead for the tax year in which the residence homestead was rendered uninhabitable; and (2) the limitation described in (1): (a) takes effect on January 1 of the first tax year following the tax year in which the natural disaster that renders the residence homestead uninhabitable or unusable occurs; and (b) expires on January 1 of the earlier of the first tax year: (i) following the tax year in which the fifth anniversary of the natural disaster occurs; or (ii) in which the property no longer qualifies as the property owner or surviving spouse’s residence homestead. (See **1H.J.R. 40**, below.)

**1H.B. 266 (Munoz) – Appraisal District:** would, among other things, provide that: (1) an appraisal district is governed by a board of five directors; (2) one director is elected from each of the four commissioners precincts of the county for which the appraisal district is established; (3) the county assessor-collector is a director by virtue of the person’s office; (4) if the county assessor-collector is ineligible to serve pursuant to a contract, the appraisal district is governed by the four directors elected from the commissioners precincts and a director elected from the county at large; and (5) the directors other than the county assessor-collector are elected at the

general election for state and county officers and serve two-year terms beginning on January 1 of odd-numbered years.

**1H.B. 298 (Cosper) – Appraisal Cap:** would: (1) impose a seven percent appraisal cap on the appraised value of a residence homestead; and (2) provide that an appraisal office may increase the appraised value of real property other than a homestead for a tax year to an amount not to exceed the lesser of: (1) the market value of the property for the most recent tax year that the market value was determined by the appraisal office; or (2) the sum of: (a) 20 percent of the appraised value of the property for the preceding tax year; (b) the appraised value of the property for the preceding tax year; and (c) the market value of all new improvements to the property. (See **1H.J.R. 43**, below.)

**1H.B. 299 (Metcalf) – Appraisal Review Boards:** would, among other things, provide: (1) that an appraisal review board consists of five members elected by the voters of the county in which the appraisal district is established at the general election for state and county officers; and (2) that the members of the appraisal review board serve two-year terms beginning on January 1st of odd-numbered years.

**1H.B. 314 (Gervin-Hawkins) – Property Tax Exemption:** would provide that an eligible peace officer is entitled to a property tax exemption for the total appraised value of the officer's residence homestead if the residence homestead is located in a qualified high crime area. (See **1H.J.R. 44**, below.)

**1H.B. 331 (S. Davis) – Property Tax Appraisal:** would provide that the chief appraiser of an appraisal district that appraises property for a taxing unit that is located partly or entirely inside an area declared to be a disaster area by the governor shall, within 45 days after the date the governor declares the area to be a disaster area, reappraise all property that the Federal Emergency Management Agency or its successor agency estimates to have sustained five percent or greater damage as a result of the disaster at its market value immediately after the disaster.

**1H.B. 337 (Burrows) – Property Tax Appeals:** would provide that: (1) in an appeal of an excessive or unequal appraisal, the appraisal district has the burden of establishing the value of the property by a preponderance of the evidence presented at the trial; and (2) if the appraisal district fails to meet the burden of proof required by (1), the court shall determine the appeal in favor of the property owner.

**1H.B. 339 (Sanford) – Appraisal Review Board:** would authorize the appraisal review board to direct by written order changes in the appraisal roll for any of the five preceding years to correct an error in the square footage of a property described in the appraisal roll.

**1H.B. 348 (Burkett) – Property Tax Appraisal:** would, among other things, provide that: (1) for an appraisal district established in a county with a population of less than 200,000, the appraisal district is governed by a board of five directors with one director being elected from each of the four commissioners precincts and the county assessor-collector serving as a director by virtue of the person's office; and (2) for an appraisal district established in a county with a population of 200,000 or more, the appraisal district is governed by a board of seven directors,

with one director being elected from each of the four commissioners precincts, two directors elected from the county at-large, and the county assessor-collector serving as a director by virtue of the person's office.

**1H.B. 349 (Burkett) – Appraisal Cap:** would impose a four percent appraisal cap on the appraised value of real property other than a residence homestead. (See **1H.J.R. 47**, below.)

**1H.B. 350 (Burkett) – Property Tax Exemption:** would provide that a business that employs 500 or fewer employees is entitled to an exemption from property taxation of the tangible personal property that is owned by the business and that is held or used by the business for production of income. (See **1H.J.R. 48**, below.)

**1H.B. 359 (Villalba) – Appraisal Cap:** would provide that: (1) an appraisal office may not increase the appraised value of a residence homestead for a tax year to an amount that exceeds the sum of: (a) 25 percent of the lowest appraised value of the property for any of the ten tax years preceding the current tax year in which the appraisal cap was in effect; (b) the appraised value of the property for the tax year used to make the computation under (1)(a); and (c) the sum of the market value of all new improvements to the property made after January 1 of the tax year used to make the computation under (1)(a), based on the market value of each new improvement in the tax year in which the value of the improvement was included in the appraised value of the property; and (2) the appraisal cap under (1) applies only to the 2018-2027 tax years. (See **1H.J.R. 50**, below.)

**1H.B. 360 (Villalba) – Property Tax Freeze:** would: (1) repeal the local option property tax freeze statute for the elderly and disabled; and (2) impose on all taxing units a mandatory property tax freeze for individuals who are elderly or disabled. (See **1H.J.R. 51**, below.)

**1H.B. 364 (Lucio) – Property Tax Appeals:** would authorize a court on the motion of either party to enter an order abating discovery during the period for conducting pretrial settlement discussions in certain property tax appeals.

**1H.B. 366 (Paul) – Revenue Cap:** would make numerous changes to the process for calculating and adopting property tax rates. Of primary importance to cities, the bill would adjust the property tax rollback rate in the following ways:

1. define “small taxing unit” as a taxing unit other than a school district for which: (a) the maintenance and operations tax rate proposed for the current tax year is two cents per \$100 of taxable value; or (b) taxes of \$40 million or less are imposed when applied to the current total value for the taxing unit;
2. maintain an eight percent rollback rate for all small taxing units;
3. for a taxing unit other than a small taxing unit, provide for a rollback rate of five percent;
4. provide that any adopted rate of a taxing unit other than a small taxing unit exceeding the rollback rate would subject the taxing unit to an automatic rollback election to be held not less than 30 or more than 90 days after the day on which it adopted the tax rate, at which the voters would determine whether or not to reduce the tax rate adopted for the current year to the rollback rate; and

5. provide that the governing body of a taxing unit other than a small taxing unit may direct the designated officer or employee to calculate the rollback tax rate of the unit in the manner provided for a small taxing unit if any part of the unit is located in an area declared a disaster area during the current tax year by the governor or by the president of the United States.

**1H.J.R. 2 (D. Bonnen) – Appraisal Cap:** would propose an amendment to the Texas Constitution to authorize the legislature by general law to limit the maximum appraised value of a parcel of commercial or industrial real property for a tax year to an amount not to exceed the lesser of: (1) the most recent market value of the property as determined by the appraisal entity; or (2) 120 percent, or a greater percentage, of the appraised value of the property for the preceding tax year of the appraised value of the property for the preceding tax year. (See **1H.B. 5**, above.)

**1H.J.R. 16 (Keough) – Appraisal Cap:** would amend the Texas Constitution to reduce the property tax appraisal cap on homesteads from ten to five percent and apply the new appraisal cap to all real property. (See **1H.B. 44**, above.)

**1H.J.R. 19 (Bohac) – Appraisal Cap:** would amend the Texas Constitution to authorize the legislature to reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **1H.B. 71**, above.)

**1H.J.R. 20 (Bohac) – Property Tax Exemption:** would amend the Texas Constitution to authorize the legislature to exempt from property taxation the total appraised value of the residence homestead of a Purple Heart recipient and the surviving spouse of a Purple Heart recipient. (See **1H.B. 72**, above.)

**1H.J.R. 22 (Metcalf) – Appraisal Cap:** would amend the Texas Constitution to authorize the legislature to reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **1H.B. 84**, above.)

**1H.J.R. 23 (Bell) – Appraisal Cap:** would amend the Texas Constitution to reduce the property tax appraisal cap on homesteads from ten to five percent and apply the new appraisal cap to all real property. (See **1H.B. 88**, above.)

**1H.J.R. 24 (Swanson) – Property Tax Exemption:** would amend the Texas Constitution to provide that: (1) an individual is entitled to an exemption from taxation of the total appraised value of the individual's residence homestead if the individual is 75 years of age or older; and (2) the surviving spouse of an individual who qualified for an exemption under (1) is entitled to an exemption from taxation of the total appraised value of the same property to which the deceased spouse's exemption applied if: (a) the deceased spouse died in a year in which the deceased spouse qualified for the exemption; (b) the surviving spouse was 55 years of age or older when the deceased spouse died; and (c) the property was the residence homestead of the surviving spouse when the deceased spouse died and remains the residence homestead of the surviving spouse. (See **1H.B. 95**, above.)

**1H.J.R. 25 (Shine) – Property Tax Exemption:** would amend the Texas Constitution to: (1) authorize the governing body of a taxing unit other than a school district to adopt a residence homestead property tax exemption, expressed as a dollar amount, of a portion of an individual’s residence homestead if the exemption is adopted by the governing body in the manner provided by law for official action; (2) provide that the amount of the exemption is \$5,000 of the appraised value of the residence homestead, except that if the average market value of residence homesteads in the taxing unit in the tax year in which the exemption is adopted exceeds \$25,000, the governing body may authorize an exemption in a larger dollar amount not to exceed an amount equal to 20 percent of the average market value of residence homesteads in the taxing unit in the tax year in which the exemption is adopted; (3) provide that the legislature by general law may prohibit the governing body of a political subdivision that adopts an exemption under (1) from reducing the amount of or repealing the exemption; and (4) provide that, for a taxing unit which has ceased granting a percentage-based homestead exemption and adopted an exemption under (1), an individual who would have been entitled to a percentage-based residence homestead exemption had the governing body not ceased granting the exemption is entitled to continue to receive the percentage-based exemption in lieu of the dollar-amount homestead exemption if the individual otherwise qualifies for the exemption and the amount of the percentage-based exemption exceeds the amount of the dollar-amount exemption. (See **1H.B. 119**, above).

**1H.J.R. 26 (Shine) – Property Tax Lien:** would amend the Texas Constitution to provide that, if the chief appraiser adds property or appraised value that was erroneously exempted in a prior year to the appraisal roll, a tax lien may not be enforced against the property to secure the payment of any taxes, penalties, or interest imposed for that year on the property as a result of the addition of the property or appraised value if at any time after January 1 of that year the property was sold in an arm’s length transaction to a person who was not related to the seller within the first degree by consanguinity or affinity. (See **1H.B. 120**, above.)

**1H.J.R. 27 (Leach) – Property Tax Exemption:** would amend the Texas Constitution to exempt from property taxes part of the appraised value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran based on the disability rating of the veteran. (See **1H.B. 129**, above.)

**1H.J.R. 30 (Roberts) – Property Tax Exemption:** would amend the Texas Constitution to provide that qualifying disabled first responders and their surviving spouses are entitled to an exemption from property taxes of the total appraised value of the qualifying disabled first responder’s residence homestead. (See **1H.B.179**, above.)

**1H.J.R. 33 (Metcalf) – Appraisal Cap:** would amend the Texas Constitution to impose a five percent appraisal cap on the appraised value of real property other than a residence homestead. (See **1H.B. 196**, below.)

**1H.J.R. 35 (D. Bonnen) – Appraisal Cap:** would propose an amendment to the Texas Constitution to authorize the legislature by general law to limit the maximum appraised value of a parcel of commercial or industrial real property for a tax year to an amount not to exceed the lesser of: (1) the most recent market value of the property as determined by the appraisal entity;

or (2) 120 percent, or a greater percentage, of the appraised value of the property for the preceding tax year of the appraised value of the property for the preceding tax year.

**1H.J.R. 38 (Capriglione) – Property Tax Exemption:** would amend the Texas Constitution to authorize the legislature to exempt from property taxation precious metal held in the Texas Bullion Depository.

**1H.J.R. 40 (Neave) – Property Tax Limitation:** would propose an amendment to the Texas Constitution to provide that for a temporary period following a natural disaster the total amount of property taxes imposed on a residence homestead by a political subdivision may not exceed the amount of taxes the political subdivision imposed on the property in the year in which the property was rendered uninhabitable or unusable as a result of the disaster. (See **1H.B. 261**, above.)

**1H.J.R. 43 (Casper) – Appraisal Cap:** would propose an amendment to the Texas Constitution to authorize the legislature, by general law, to: (1) impose a seven percent appraisal cap on the appraised value of a residence homestead; and (2) limit the maximum appraised value of a parcel of real property for a tax year to an amount not to exceed the lesser of: (a) the most recent market value of the property as determined by the appraisal entity; or (2) 120 percent, or a greater percentage, of the appraised value of the property for the preceding tax year of the appraised value of the property for the preceding tax year.. (See **1H.B. 298**, above.)

**1H.J.R. 44 (Gervin-Hawkins) – Property Tax Exemption:** would propose an amendment to the Texas Constitution to provide that an eligible peace officer is entitled to a property tax exemption for the total appraised value of the officer’s residence homestead if the residence homestead is located in a qualified high crime area. (See **1H.B. 314**, above.)

**1H.J.R. 47 (Burkett) – Appraisal Cap:** would amend the Texas Constitution to impose a four percent appraisal cap on the appraised value of real property other than a residence homestead. (See **1H.B. 349**, above.)

**1H.J.R. 48 (Burkett) – Property Tax Exemption:** would amend the Texas Constitution to authorize the legislature by general law to exempt from property taxation the tangible personal property that is owned by a small business and that is held or used for the production of income. (See **1H.B. 350**, above.)

**1H.J.R. 50 (Villalba) – Appraisal Cap:** would amend the Texas Constitution to authorize the legislature by general law to limit the maximum appraised value of a residence homestead for property tax purposes in a tax year to the least of the most recent market value of the residence homestead, 110 percent or a greater percentage of the appraised value of the residence homestead for the preceding tax year, or 125 percent or a greater percentage of the lowest appraised value of the residence homestead for any of the preceding 10 tax years. (See **1H.J.R. 359**, above.)

**1H.J.R. 51 (Villalba) – Property Tax Freeze:** would amend the Texas Constitution to: (1) repeal the local option property tax freeze statute for the elderly and disabled; and (2) impose on

all taxing units a mandatory property tax freeze for individuals who are elderly or disabled. (See **1H.B. 360**, above.)

**1S.B. 1 (Bettencourt) – Revenue Cap:** this bill, known as the “Texas Property Tax Reform and Relief Act of 2017,” would make numerous changes to the process for calculating and adopting property tax rates. Of primary importance to cities, the bill would:

1. adjust the property tax rollback rate in the following ways:
  - a. define “small taxing unit” as a taxing unit other than a school district for which:
    - i. the maintenance and operations tax rate proposed for the current tax year is two cents per \$100 of taxable value; or
    - ii. taxes of \$10 million or less are imposed when applied to the current total value for the taxing unit.
  - b. maintain an eight percent rollback rate for all small taxing units (Note: this is the same as current law, although there would be a lowered petition requirement for a rollback election as detailed by Section Number 2, below);
  - c. for a taxing unit other than a small taxing unit, provide for a rollback rate of four percent;
  - d. provide that the governing body of a taxing unit other than a small taxing unit may direct the designated officer or employee to calculate the rollback tax rate of the unit in the manner provided for a small taxing unit if any part of the unit is located in an area declared a disaster area during the current tax year by the governor or by the president of the United States;
2. provide that any adopted tax rate of a small taxing unit exceeding the rollback rate would subject the taxing unit to an election if a petition is signed by at least ten percent of the number of registered voters of the taxing unit who voted in the most recent gubernatorial election;
3. provide that any adopted rate of a taxing unit other than a small taxing unit exceeding the rollback rate would subject the taxing unit to an automatic rollback election held on the November uniform election date in the applicable tax year, at which the voters would determine whether or not to reduce the tax rate adopted for the current year to the rollback rate; and
4. make numerous calendar changes to the property tax appraisal, collection, and rate-setting process in order to have property tax rollback elections for taxing units other than small taxing units on the November uniform election date.

Additionally – and more specifically – the bill would, among other things:

1. require the comptroller to appoint a property tax administration advisory board to make recommendations to the comptroller regarding state administration of property taxation and state oversight of appraisal districts and local tax offices;
2. require an appraisal district to appraise property in accordance with appraisal manuals prepared and issued by the comptroller;
3. require the comptroller to prescribe tax rate calculation forms to be used by the designated officer or employee of each taxing unit to calculate and submit the equivalent tax rate and the rollback tax rate for the unit;

4. require the forms described in Section Number 3 to be in an electronic format and
  - a. have blanks that can be filled in electronically;
  - b. be capable of being certified by the designated officer or employee after completion as accurately calculating the applicable tax rates and using values that are the same as the values shown in the taxing unit's certified appraisal roll; and
  - c. be capable of being electronically incorporated into the real-time tax rate database maintained by the tax rate officer of each appraisal district and submitted electronically to the county assessor-collector of each county in which all or part of the territory of the taxing unit is located;
5. require the comptroller to prepare an annual list that includes the total tax rate imposed by each taxing unit in the state for the year in which the list is prepared that shall be sorted alphabetically according to:
  - a. the county or counties in which each taxing unit is located; and
  - b. the name of each taxing unit;
6. require the comptroller to publish on the comptroller's Internet website the list required in Section Number 5, above, not later than January 1 of the following year;
7. require the chief appraiser to establish an office of tax rate notices in the appraisal district that is responsible for delivering notice of the tax rate and creating and maintaining the real-time tax rate database;
8. make numerous calendar changes to the property tax appraisal, collection, and rate-setting process in order to have property tax rollback elections on the November uniform election date, including among others:
  - a. requiring the appraisal district to certify the appraisal roll to taxing units by July 10th (instead of July 25 under current law);
  - b. requiring the tax assessor/collector to submit the appraisal roll showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property to the governing body of the taxing unit by July 15th, or as soon thereafter as practicable (instead of August 1st under current law);
  - c. requiring the designated officer or employee of the taxing unit to submit the tax rates to the governing body by July 22;
  - d. requiring the designated officer or employee of the taxing unit to deliver by mail to each property owner in the unit, publish in a newspaper, or post prominently on the home page of the unit's Internet website by July 27 a lengthy notice that was determined by the legislature to be too confusing to the taxpayer only four years ago;
  - e. requiring taxing units adopting a tax rate exceeding the lowered rollback tax rate to do so before August 15 (instead of September 30, under current law) (Note: this would also require a city that adopts a tax rate exceeding the rollback rate to adopt its budget before August 15, as state law provides that property taxes may only be levied in accordance with the city budget);
9. provide that the designated officer or employee of a taxing unit may not submit the equivalent tax rate and the rollback tax rate to the governing body of the taxing unit and the governing body of the taxing unit may not adopt a tax rate until the designated officer or employee certifies on the tax rate calculation forms that the designated officer or employee has accurately calculated the tax rates and has used values that are the same as the values shown in the unit's certified appraisal roll in performing the calculations;

10. provide that as soon as practicable after the designated officer or employee calculates the equivalent tax rate and the rollback tax rate of the taxing unit, the designated officer or employee shall submit the worksheets used in calculating the rates to the county assessor-collector for each county in which all or part of the territory of the unit is located;
11. require the tax rate officer of each appraisal district to deliver a specific property tax rate notice by regular mail or e-mail to each property owner by July 22, or as soon thereafter as practicable;
12. require the governing body of a taxing unit to include as an appendix to the unit's budget for a fiscal year the worksheets used by the designated officer or employee of the unit to calculate the equivalent tax rate and the rollback tax rate of the unit for the tax year in which the fiscal year begins;
  - provide that a person who owns taxable property is entitled to an injunction restraining the collection of taxes by a taxing unit in which the property is taxable if the taxing unit has not complied with certain tax rate calculation, publication, and adoption requirements, without regard to whether the failure to comply was in good faith;
  - provide that an action to enjoin the collection of taxes must be filed not later than the 15 date after the date the taxing unit adopts a tax rate;
  - provide that a property owner is not required to pay the taxes imposed by a taxing unit on the owner's property while an action filed by the property owner to enjoin the collection of taxes imposed by the taxing unit on the owner's property is pending, and that if the property owner pays the taxes and subsequently prevails in the action, the property owner is entitled to a refund of the taxes paid, together with reasonable attorney's fees and court costs;
13. require a taxing unit to adopt a property tax rate before the later of September 30 or the 60<sup>th</sup> day after the date the certified appraisal roll is received by the taxing unit, except that the governing body must adopt a tax rate that exceeds the rollback tax rate before August 15;
14. prohibit the governing body of a taxing unit from holding a public hearing on a proposed tax rate or a public meeting to adopt a tax rate until the 14<sup>th</sup> day after the date the officer or employee designated by the governing body of the unit to calculate the equivalent tax rate and the rollback tax rate for the unit enters all required information into the real-time tax rate database;
15. prohibit the governing body of a taxing unit from adopting a tax rate until:
  - a. the tax rate officer of each appraisal district in which the taxing unit participates has delivered the required property tax notice;
  - b. the designated officer or employee of the taxing unit has:
    - i. entered in the real-time tax rate database maintained by the tax rate officer the required information for the current tax year; and
    - ii. incorporated the completed tax rate calculation forms into the real-time tax rate database maintained by the tax rate officer; and
  - c. the taxing unit has posted the required information on the taxing unit's Internet website;
16. provide new specified forms of notice for public hearings on the tax rate under different scenarios depending upon the proposed tax rate and whether or not a taxing unit is considered to be a "small taxing unit;"

17. provide a new specified notice of a meeting to vote on a proposed tax rate that does not exceed the lower of the equivalent or rollback tax rate;
18. require the notice provided by a taxing unit under Sections Number 19 or 20, above, to include at the end of the notice a table that compares the taxes imposed on the average residence homestead in the preceding year to the taxes proposed to be imposed on the average residence homestead in the current year;
19. require the tax rate officer of each appraisal district to create and maintain a database that:
  - a. is identified by the name of the office of tax rate notices, instead of the name of the appraisal district, and as the “Real-time Tax Rate Database;”
  - b. contains information that is provided by designated officers or employees of the taxing units that are located in the appraisal district in the manner required by rules adopted by the comptroller;
  - c. is continuously updated as preliminary and revised data become available to and are provided by the designated officers or employees of taxing units
  - d. is accessible to the public; and
  - e. is searchable by property address and owner;
20. provide that the database must be capable of generating, with respect to each property listed on the appraisal roll for the appraisal district, a real-time tax rate notice that includes:
  - the property’s identification number;
  - the property’s market value;
  - the property’s taxable value;
  - a. the name of the each taxing unit in which the property is located;
 for each taxing unit other than a school district in which the property is located;
  - the equivalent tax rate; and
  - the rollback tax rate;
 for each school district in which the property is located:
  - the rate to maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year; and
  - the rollback tax rate;
  - the tax rate proposed by the governing body of each taxing unit in which the property is located;
 for each taxing unit other than a school district in which the property is located, the taxes that would be imposed on the property if the unit adopted a tax rate equal to:
  - the equivalent tax rate; and
  - the proposed tax rate
 for each school district in which the property is located, the taxes that would be imposed on the property if the unit adopted a tax rate equal to:
  - the rate to maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year; and
  - the proposed tax rate
 for each taxing unit other than a school district in which the property is located, the difference between the amount calculated for the equivalent tax rate and the proposed tax rate;

for each school district in which the property is located, the difference between the amount calculated to maintain the same amount of state and local revenue per weighted student the district received in the school year beginning in the preceding year and the proposed tax rate;

the date and location of each public hearing, if applicable, on the proposed tax rate to be held by the governing body of each taxing unit in which the property is located; and the date and location of the public meeting in which the tax rate will be adopted to be held by the governing body of each taxing unit in which the property is located; and

b. for each taxing unit in which the property is located, an e-mail address at which the taxing unit is capable of receiving written comments regarding the proposed tax rate of the taxing unit;

21. require the database to provide a link to the Internet website used by each taxing unit in which the property is located;
22. require the officer or employee designated by the governing body of each taxing unit to calculate the equivalent tax rate and rollback tax rate for the unit must electronically:
  - a. enter in the database the information described by Section Number 23, above, as the information becomes available; and
  - b. incorporate into the database the completed tax rate calculation forms prepared at the same time the designated officer or employee submits the tax rates to the governing body of the taxing unit;
23. require each taxing unit to establish an e-mail address for the purpose described in Section Number 23n, above;
24. require each taxing unit to maintain an Internet website or have access to a generally accessible Internet website in which the taxing unit shall post or cause to be posted the following information:
  - the name and official contact information for each member of the governing body of the taxing unit;
  - the mailing address, e-mail address, and telephone number of the taxing unit;
  - the taxing unit's budget for the preceding two years;
  - the taxing unit's proposed or adopted budget for the current year;
  - the change in the amount of the taxing unit's budget from the preceding year to the current year, by dollar amount and percentage;
  - for a taxing unit other than a school district, the amount of property tax revenue budgeted for both maintenance and operations and debt service, respectively, for:
    - the preceding two years; and
    - the current year
  - the tax rate for both maintenance and operations and debt service, respectively, adopted by the taxing unit for the preceding two years;
  - the tax rate for both maintenance and operations and debt service, respectively, adopted by the taxing unit for current year; and
  - the most recent financial audit of the taxing unit; andeliminate the ability of a taxing unit to challenge before the appraisal review board the level of appraisals of any category of property in the appraisal district or in any territory in the appraisal district.

**1S.B. 21 (Nelson) – Property Tax Protests:** would make several changes to the system for protesting or appealing certain property tax determinations.

**1S.B. 46 (Hinojosa) – Property Tax Lien:** would provide that, if the chief appraiser adds property or appraised value that was erroneously exempted in a prior year to the appraisal roll, a tax lien may not be enforced against the property to secure the payment of any taxes, penalties, or interest imposed for that year on the property as a result of the addition of the property or appraised value if at any time after January 1 of that year the property was sold in an arm’s length transaction to a person who was not related to the seller within the first degree by consanguinity or affinity. (See **1S.J.R. 7**, below.)

**1S.B. 49 (Schwertner) – Appraisal of Agricultural or Open-Space Land:** would, among other things, eliminate the requirement that a person pay interest along with additional taxes if land that has been designated for agricultural use in any year is sold or diverted to a nonagricultural use.

**1S.B. 50 (Buckingham) – Appraisal Review Boards:** would provide that the appraisal review board may not determine the appraised value of the property that is the subject of a protest to be an amount greater than the appraised value of the property as shown in the appraisal records submitted to the board by the chief appraiser unless agreed to by the parties to the protest.

**1S.B. 78 (Nichols) – Property Tax Appraisal:** would provide that land used principally as an ecological laboratory by a public or private college or university does not qualify for appraisal as qualified open-space land unless the land was appraised as qualified open-space land on the basis of that use for the 2017 tax year.

**1S.B. 93 (Bettencourt) – Revenue Cap:** this bill would make numerous changes to the process for calculating and adopting property tax rates. Of primary importance to cities, the bill would:

1. lower the property tax rollback rate from eight percent to five percent, and also modify the way in which property tax rates are calculated;
2. rename the “effective tax rate” and “effective maintenance and operations rate” the “no-new-taxes tax rate” and “no-new-taxes maintenance and operations rate,” respectively;
3. require the comptroller to prescribe the form of the worksheets used by the designated officer or employee of each taxing unit in calculating the no-new-taxes tax rate and rollback tax rate for the taxing unit;
4. provide that the calculation worksheet form must be in an electronic format and be capable of:
  - a. being completed electronically;
  - b. performing calculations automatically based on the data entered by the designated officer or employee;
  - c. being certified by the designated officer or employee after completion; and
  - d. being submitted electronically to the comptroller on completion and certification;
5. require the comptroller to prepare an annual list that includes the total tax rate imposed by each taxing unit in the state for the year in which the list is prepared that shall be sorted alphabetically according to:

- a. the county or counties in which each taxing unit is located; and
  - b. the name of each taxing unit;
6. require the comptroller to publish on the comptroller's Internet website the list required in Section Number 5, above, not later than January 1 of the following year;
  7. require the comptroller to create and maintain a property tax database that:
    - a. contains information that is provided by designated officers or employees of taxing units in the manner required by the comptroller;
    - b. is continuously updated as preliminary and revised data become available to and are provided by the designated officers or employees of the taxing units;
    - c. is accessible to the public; and
    - d. is searchable by property address;
  8. require the comptroller's property tax database to include, with respect to each property listed on an appraisal roll:
    - a. the property's identification number;
    - b. the property's market value;
    - c. the property's taxable value;
    - d. the name of the each taxing unit in which the property is located;
    - e. for each taxing unit other than a school district in which the property is located:
      - i. the no-new-taxes tax rate; and
      - ii. the rollback tax rate;
    - f. for each school district in which the property is located:
      - i. the rate to maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year; and
      - ii. the rollback tax rate;
    - g. the tax rate proposed by the governing body of each taxing unit in which the property is located;
    - h. for each taxing unit other than a school district in which the property is located, the taxes that would be imposed on the property if the unit adopted a tax rate equal to:
      - i. the no-new-taxes tax rate; and
      - ii. the proposed tax rate;
    - i. for each school district in which the property is located, the taxes that would be imposed on the property if the unit adopted a tax rate equal to:
      - i. the rate to maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year; and
      - ii. the proposed tax rate
    - j. for each taxing unit other than a school district in which the property is located, the difference between the amount calculated for the no-new-taxes tax rate and the proposed tax rate;
    - k. for each school district in which the property is located, the difference between the amount calculated to maintain the same amount of state and local revenue per weighted student the district received in the school year beginning in the preceding year and the proposed tax rate;

- l. the date and location of each public hearing, if applicable, on the proposed tax rate to be held by the governing body of each taxing unit in which the property is located; and
  - m. the date and location of the public meeting in which the tax rate will be adopted to be held by the governing body of each taxing unit in which the property is located;
9. require the officer or employee designated by the governing body of each taxing unit to calculate the no-new-taxes tax rate and the rollback tax rate for the unit to electronically submit to the comptroller:
  - a. the information described by Section Number 8, above, as the information becomes available; and
  - b. the property tax rate calculation worksheets prepared at the same time the officer or employee submits the tax rates to the governing body of the taxing unit;
10. require the comptroller to deliver by e-mail to the designated officer or employee confirmation of receipt of the property tax rate calculation worksheets submitted to the comptroller;
11. for the notice of appraised value sent to each property owner by the chief appraiser, delete the section stating the amount of tax that would be imposed on the property on the basis of the tax rate for the preceding year if the appraised value is greater than it was in the preceding year;
12. amend the definition of “debt” for purposes of calculating a property tax rate to mean a bond, warrant, certificate of obligation, or other evidence of indebtedness owned by a taxing unit that *has been approved at an election* and is payable solely from property taxes in installments over a period of more than one year, not budgeted for payment from maintenance and operations funds, and secured by a pledge of property taxes, or a payment made under contract to secure indebtedness of a similar nature issued by another political subdivision on behalf of the taxing unit;
13. require the designated officer or employee of a taxing unit to use the property tax rate calculation worksheet forms prescribed by the comptroller in calculating the no-new-taxes tax rate and the rollback tax rate;
14. by August 7 or as soon thereafter as practicable, require the county assessor-collector for each county to deliver by regular mail or e-mail to each property owner a notice that the estimated amount of taxes to be imposed on the owner’s property by each taxing unit in which the property is located may be found in the comptroller’s property tax database, and the notice must include:
  - a. the address of the internet website at which the information may be found;
  - b. a statement that the property owner may request a written copy of the information from the assessor for each taxing unit in which the property is located; and
  - c. the address and telephone number of each assessor from whom the written copy may be requested;
15. provide that the governing body of a taxing unit may not hold a public hearing on a proposed tax rate or a public meeting to adopt a tax rate until the 14th day after the date the officer or employee designated by the governing body of the unit to calculate the no-new-taxes tax rate and the rollback tax rate for the unit electronically submits to the comptroller the information required for the comptroller’s property tax database;

16. provide that the governing body of a taxing unit other than a school district may not adopt a tax rate until:
  - a. the comptroller has included the information for the unit’s current tax year in the comptroller’s property tax database; and
  - b. the county assessor-collector for each county in which all or part of the territory of the taxing unit is located has delivered the notice required by law;
17. provide that the governing body of a taxing unit that imposes an additional sales and use tax may not adopt a tax rate until the chief financial officer or the auditor for the unit submits to the governing body of the unit a written certification that the amount of additional sales and use tax revenue that will be used to pay debt service has been deducted from the total amount published and that any additional sales and use tax revenue in excess of the total amount published has been deducted from the amount needed to fund maintenance and operation expenditures;
18. require each taxing unit to maintain an Internet website;
19. repeal the statute providing that tax increment revenue paid into a tax increment fund is excluded from the amount of taxes imposed or collected by the unit in any tax rate calculations; and
20. repeal the statute providing rollback relief for pollution control requirements.

**1S.B. 96 (Bettencourt) – Revenue Cap:** this bill, known as the “Texas Property Tax Reform and Relief Act of 2017,” is essentially identical to 1S.B. 1, above, except that this bill would adjust the property tax rollback rate in the following ways define “small taxing unit” as a taxing unit other than a school district for which: (1) the maintenance and operations tax rate proposed for the current tax year is two cents per \$100 of taxable value; or (2) taxes of \$20 million or less are imposed when applied to the current total value for the taxing unit.

**1S.J.R. 7 (Hinojosa) – Property Tax Lien:** would amend the Texas Constitution to provide that, if the chief appraiser adds property or appraised value that was erroneously exempted in a prior year to the appraisal roll, a tax lien may not be enforced against the property to secure the payment of any taxes, penalties, or interest imposed for that year on the property as a result of the addition of the property or appraised value if at any time after January 1 of that year the property was sold in an arm’s length transaction to a person who was not related to the seller within the first degree by consanguinity or affinity. (See **1S.B. 46**, above.)

## **Sales Tax**

**1H.B. 97 (Springer) – Sales Tax:** would, among other things, provide that a retailer is engaged in business in this state for purposes of sales tax collection if the retailer, in the previous calendar year or the current calendar year: (1) has total receipts of more than \$100,000 from taxable items delivered in this state, including taxable items delivered electronically to purchasers in this state; or (2) has at least 200 sales of taxable items delivered in this state, including taxable items delivered electronically to purchasers in this state.

**1H.B. 139 (Giddings) – Sales Tax Exemption:** would exempt certain school art supplies from sales tax if the sale takes place during a period beginning at 12:01 a.m. on the Friday before the 15th day preceding the uniform date before which a school district may not begin instruction for the school year, and ending at 12 midnight on the following Sunday.

**1H.B. 216 (Fallon) – Sales Tax Exemption:** would exempt firearms and hunting supplies from sales taxes during the last full weekend in August.

**1H.B. 244 (Fallon) – Sales Tax Exemption:** would exempt from sales taxes a taxable item sold, leased, or rented within the boundaries of a United States military installation to a person who is a member of the United States armed forces on active duty if the sale, lease, or rental is made by a seller physically located at the installation.

**1H.B. 301 (Krause) – Sales Tax Substitute for Property Tax:** would authorize a city that, before June 30 of each year, adopts an ordinance or order providing that the city will not impose a property tax to adopt an ordinance to adopt, increase, reduce, or abolish a supplemental sales tax that acts as a substitute for the lost property tax revenue at any rate necessary to generate an equivalent amount of revenue as was being received when the property tax was in effect.

## **Purchasing**

**1H.B. 34 (Reynolds) – Legal Services:** would, among other things, provide that attorneys are added to the Professional Services Procurement Act (which would require qualifications-based procurement).

## **Elections**

**1H.B. 47 (Schofield) – Early Voting by Mail:** would, among other things, increase penalties for offenses involving fraud in the conduct of early voting by mail.

**1H.B. 66 (Minjarez) – Voter Registration:** would require the voter registrar of each county to automatically register any county resident who is eligible to vote and: (1) is issued a Texas driver's license or a personal identification card by the Department of Public Safety (DPS); or (2) makes a change to a Texas driver's license or personal identification card issued by DPS.

**1H.B. 73 (Bohac) – Early Voting by Mail:** would, among other things, provide that: (1) the officially prescribed application form for an early voting ballot must include a space for the voter to provide a change of residence address within the county, if applicable; (2) if the application includes a change of address within the county, the early voting clerk shall notify the voter registrar of the change and the registrar shall update the voter's registration accordingly; (3) the early voting clerk is not required to provide a form for a statement of residence to a voter who indicated a change of address within the county on the voter's application for an early voting ballot to be voted by mail; (4) the balloting materials for voting by mail shall be mailed to a voter entitled to vote by mail not later than the seventh calendar day after the later of the date the clerk

accepts the voter's application for a ballot to be voted by mail or the date the ballots become available for mailing, except that if that mailing date is earlier than the 45<sup>th</sup> day before election day, the balloting materials shall be mailed not later than the 30<sup>th</sup> day before election day; (5) the signature verification committee may compare the signatures with any two or more signatures of the voter made within the preceding six years and on file with the general custodian of election records or voter registrar to confirm that the signatures are those of the same person and may use the signatures to determine that the signatures are not those of the same person; and (6) the signature verification committee and early voting ballot board may provide a voter the opportunity to correct a defect under certain circumstances for an early voting ballot voted by mail.

**1H.B. 89 (Hinojosa) – Early Voting:** would authorize early voting by permanent caretakers of persons with certain disabilities

**1H.B. 90 (Hinojosa) – Early Voting by Mail:** would, among other things, provide that: (1) the officially prescribed application form for an early voting ballot must include a space for the voter to provide a change of residence address within the county, if applicable; (2) if the application includes a change of address within the county, the early voting clerk shall notify the voter registrar of the change and the registrar shall update the voter's registration accordingly; (3) the early voting clerk is not required to provide a form for a statement of residence to a voter who indicated a change of address within the county on the voter's application for an early voting ballot to be voted by mail; and (4) the signature verification committee and early voting ballot board may provide a voter the opportunity to correct a defect under certain circumstances for an early voting ballot voted by mail.

**1H.B. 96 (Swanson) – Early Voting by Mail:** would authorize the signature verification committee to compare the signatures on each carrier envelope certificate with any two or more signatures of the voter made within the preceding six years and on file with the general custodian of election records or voter registrar to confirm that the signatures are those of the same person.

**1H.B. 141 (Paul) – Municipal Management Districts:** would impose various changes to the governance and operation of municipal management districts.

**1H.B. 169 (Fallon) – Voter Assistance:** would, among other things: (1) provide that an election officer commits a Class A misdemeanor if the person permits an unlawful voter or ineligible ballot to be cast in a manner that will be counted; (2) provide that a voter who is unable to read or mark the ballot by reason of blindness, disability, or inability to read the language in which the ballot is written is eligible for assistance; (3) provide that before allowing a person to assist a voter, an election officer must: (a) review the voter assistance affidavit form and confirm that the form is complete; (b) note on the form the reason provided by the voter for eligibility for assistance; (c) confirm that the assisting person is eligible to assist the voter based upon the answers provided; (d) administer the oath to the assisting person; and (e) sign the voter assistance affidavit attesting that the officer has complied with (a)-(d); (4) provide that an election officer commits a Class A misdemeanor if the officer knowingly fails to comply with (2); and (5) increase penalties under certain circumstances for a number of different election-related offenses including: (a) unlawfully assisting or influencing a voter; (b) fraudulent use of

application for ballot by mail; (c) unlawful carrier envelope action by person other than voter; (d) unlawfully assisting voter voting ballot by mail; and (e) paid vote harvesting activity.

**1H.B. 184 (Goldman) – Election Fraud Preemption:** would, among other things: (1) increase penalties under certain circumstances for a number of different election-related offenses including: (a) fraudulent use of application for a ballot by mail; (b) unlawful carrier envelope action by a person other than the voter; (c) unlawfully assisting a voter voting a ballot by mail; (2) require a presiding election judge to, not later than the 10th day after election day, deliver written notice to the attorney general, including certified copies of the carrier envelope and corresponding ballot application of any ballot rejected because: (a) the voter was deceased; (b) the voter already voted in person in the same election; (c) the signatures on the carrier envelope and ballot application were not executed by the same person; (d) the carrier envelope certificate lacked a witness signature; or (e) the carrier envelope certificate was improperly executed by an assistant; and (3) provide that a person commits a Class A misdemeanor if the person knowingly or intentionally makes any effort to: (a) influence the independent exercise of the vote of another in the presence of the ballot or during the voting process; (b) cause a voter registration application, ballot, or vote to be obtained or cast under false pretenses; or (c) cause any intentionally misleading statement, representation, or information to be provided; (i) to an election official; or (ii) on an application for ballot by mail, carrier envelope, or other official election-related form or document. (Companion bill is **1S.B. 5** by **Hancock**.)

**1H.B. 212 (Reynolds) – Voter Registration:** would require the secretary of state to implement a program to allow a person who has an unexpired Texas driver's license or personal identification card to complete an electronic voter registration application over the Internet.

**1H.B. 267 (Fallon) – Early Voting at Temporary Branch Polling Place:** 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).

**1H.B. 269 (Fallon) – Cell Phones:** would provide that: (1) a person may not use any mechanical or electronic means to take photographs, take video, or record sound within 100 feet of a voting station; and (2) a person may use the person's mobile phone to access information.

**1H.B. 279 (Reynolds) – Voter Identification:** would, among other things, provide that a voter must present only a voter registration certificate in order to vote, rather than any form of photo identification.

**1H.B. 294 (Fallon) – Early Voting:** would: (1) shorten the period for early voting by personal appearance on the November uniform election date to the 10<sup>th</sup> day before election day through the fourth day before election day, except as otherwise provided by state law; (2) for an election ordered by a city, reduce the time that early voting by personal appearance at the main early voting place must be conducted to at least 12 hours on only one weekday (instead of 12 hours on two weekdays under certain circumstances); and (3) provide that the authority ordering an election may order early voting by personal appearance at the main early voting polling place to be conducted on a Saturday or Sunday during the early voting period.

**1H.B. 341 (Israel) – Voting by Mail:** would, among other things: (1) require the early voting clerk, before rejecting an application, to make a reasonable effort to contact the applicant by email at any email address provided on the application, to ask questions about the application; (2) provide that if the early voting clerk does not receive a response before the fourth day after the date the clerk sent an e-mail to the email address provided on the application, the clerk may reject the application; and (3) provide that the carrier envelope shall contain a renewal application preceded by a box for the voter to indicate by a check mark their desire to receive all ballots until December 31 of the next even-numbered year.

**1H.B. 342 (Reynolds) – Election Cybersecurity:** would provide that: (1) in conducting a study regarding cyber attacks on election infrastructure, the secretary of state shall consult with county election officials, local law enforcement officials, and federal law enforcement officials; and (2) a county clerk shall report any cyber attack or attempted cyber attack on a county’s voting system to the secretary of state not later than 48 hours after the discovery of the attack or attempted attack. (Companion bill is **1S.B. 99** by **Miles**.)

**1S.B. 5 (Hancock) – Election Fraud Preemption:** would, among other things: (1) increase penalties under certain circumstances for a number of different election-related offenses including: (a) fraudulent use of application for a ballot by mail; (b) unlawful carrier envelope action by a person other than the voter; (c) unlawfully assisting a voter voting a ballot by mail; (2) require a presiding election judge to, not later than the 10th day after election day, deliver written notice to the attorney general, including certified copies of the carrier envelope and corresponding ballot application of any ballot rejected because: (a) the voter was deceased; (b) the voter already voted in person in the same election; (c) the signatures on the carrier envelope and ballot application were not executed by the same person; (d) the carrier envelope certificate lacked a witness signature; or (e) the carrier envelope certificate was improperly executed by an assistant; and (3) provide that a person commits a Class A misdemeanor if the person knowingly or intentionally makes any effort to: (a) influence the independent exercise of the vote of another in the presence of the ballot or during the voting process; (b) cause a voter registration application, ballot, or vote to be obtained or cast under false pretenses; or (c) cause any intentionally misleading statement, representation, or information to be provided; (i) to an election official; or (ii) on an application for ballot by mail, carrier envelope, or other official election-related form or document. (Companion bill is **1H.B. 184** by **Goldman**.)

**1S.B. 34 (Miles) – Early Voting by Mail:** would, among other things, provide that: (1) the officially prescribed application form for an early voting ballot must include a space for the voter to provide a change of residence address within the county, if applicable; (2) if the application

includes a change of address within the county, the early voting clerk shall notify the voter registrar of the change and the registrar shall update the voter's registration accordingly; (3) the early voting clerk is not required to provide a form for a statement of residence to a voter who indicated a change of address within the county on the voter's application for an early voting ballot to be voted by mail; and (4) the signature verification committee and early voting ballot board may provide a voter the opportunity to correct a defect under certain circumstances for an early voting ballot voted by mail.

**1S.B. 36 (Rodriguez) – Early Voting by Mail:** would, among many other things, authorize early voting by mail for any qualified voter and provide for implementing procedures.

**1S.B. 88 (Huffines) – Voting by Non-Citizens:** would increase the criminal punishment for conviction for a false statement on a voter registration application or illegal voting if the crime was committed by a person who is not a citizen of the United States.

**1S.B. 99 (Miles) – Election Cybersecurity:** would provide that: (1) in conducting a study regarding cyber attacks on election infrastructure, the secretary of state shall consult with county election officials, local law enforcement officials, and federal law enforcement officials; and (2) a county clerk shall report any cyber attack or attempted cyber attack on a county's voting system to the secretary of state not later than 48 hours after the discovery of the attack or attempted attack.

**1S.B. 101 (Menendez) – Voter Registration:** would provide that: (1) voter registration information released to a person by the voter registrar may not include: (a) a voter's social security number; or (b) the residence address of a voter who is a federal or state judge, if the voter has submitted the requisite affidavit; (2) a registrar may only furnish information from the voter registration list that is public information subject to required disclosure under the Texas Public Information Act, another law, or subpoena; and (3) the secretary of state may only furnish information from the statewide computerized voter registration list that is public information subject to required disclosure under the Texas Public Information Act, another law, or subpoena.

**1S.B. 113 (Garcia) – Early Voting:** would authorize early voting by permanent caretakers of persons with certain disabilities. (Companion bill is **1H.B. 89** by **Hinojosa**.)

## **Open Government**

**1H.B. 219 (Martinez) – Occupational License Addresses:** provides that certain the home address of certain state occupational license holders may not be published on the state agency's website, unless the license holder requests for their home address to appear on the state agency's website.

## **Other Finance and Administration**

**1H.B. 14 (Springer) – Abortion Providers:** would, with limited exceptions, prohibit a governmental entity from entering into a taxpayer resource transaction or contract with an abortion provider or an affiliate of an abortion provider. (Companion bills are **1S.B.4** and **1S.B. 77** by **Schwertner**.)

**1H.B. 46 (Simmons) – Local Government Bathrooms:** would: (1) prohibit a political subdivision from adopting or enforcing an order, ordinance, policy, or other measure to protect a class of persons from discrimination to the extent the order, ordinance, policy or measure regulates access to multiple-occupancy restrooms, showers, or changing facilities; and (2) provide that the prohibition in (1) may be enforced only through an action instituted by the attorney general for mandamus or injunctive relief, for which the attorney general may recover costs and attorney’s fees.

**1H.B. 74 (Cosper) – Military Cities:** would provide that, for purposes of the applicability of the law governing the provision of state aid to certain local governments disproportionately affected by the granting of property tax relief to disabled veterans, the term “local government” means a city located wholly or partly in a county in which a United States military installation is wholly or partly located.

**1H.B. 85 (Lucio) – Medical Cannabis Preemption:** would provide: (1) authorization for the possession, use, cultivation, distribution, transportation, and delivery of medical cannabis for medical use by patients with certain debilitating medical condition and the licensing of dispensing organizations and cannabis testing facilities; and (2) that a city, county, or other political subdivision may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, dispensing, testing, or possession of medical cannabis as authorized by the bill.

**1H.B. 93 (E. Rodriguez) – Emergency Services Districts:** would modify the amount of compensation due to an emergency services district for territory removed by a city to be determined by multiplying the district’s total indebtedness at the time of the annexation by a fraction: (1) the numerator of which is the assessed value of the property to be annexed based on the most recent certified county property tax rolls at the time of annexation plus the total amount of the district’s sales and use tax revenue collected by businesses located in the property to be annexed in the 12 months preceding the date of annexation, as reported by the comptroller; and (2) the denominator of which is the total assessed value of the property of the district based on the most recent certified county property tax rolls at the time of annexation plus the total amount of the district ’s sales and use tax revenue collected by businesses located in the district in the 12 months preceding the date of annexation, as reported by the comptroller.

**1H.B. 101 (Stephenson) – Public Retirement Systems:** would provide that the governing body of a public retirement system may conduct a study to evaluate the cost-effectiveness and feasibility of implementing a pension revenue enhancement strategy to create an additional source of funding to address potential deficiencies in funding the retirement system’s liabilities.

**1H.B. 110 (Murphy) – Local Debt:** would make numerous changes to the process for issuing local debt. Specifically, the bill would:

for purposes of the contents of a debt obligation election order, provide that “debt obligation” is an issued public security that is secured by and payable from property taxes, and the term does not include public securities that are designated as self-supporting by the political subdivision issuing the securities;

clarify that a debt obligation election order must specifically state: (a) the proposition language that will appear on the ballot; (b) the purpose for which the debt obligations are to be authorized; (c) the principal amount of the debt obligations to be authorized; (d) that taxes sufficient to pay the principal of and interest on the debt obligations may be imposed; (e) a statement of the estimated tax rate if the debt obligations are authorized or of the maximum interest rate of the debt obligations or any series of the debt obligations, based on the market conditions at the time of the election order; (f) the maximum maturity date of the debt obligations to be authorized or that the debt obligations may be issued to mature over a specified number of years not to exceed the maximum number of years authorized by law; (g) the aggregate amount of the outstanding principal of the political subdivision’s debt obligations as of the date the election is ordered; (h) the aggregate amount of the outstanding interest on debt obligations of the political subdivision as of the date the election is ordered, which may be based on the expectations of the political subdivision as it relates to variable rate debt obligations; and (i) the debt service property tax rate for the political subdivision at the time the election is ordered, expressed as an amount per \$100 valuation of taxable property;

provide that the ballot for a measure seeking voter approval of the issuance of debt obligations by a political subdivision shall specifically state: (a) a general description of the purposes for which the debt obligations are to be authorized; (b) the total principal amount of the debt obligations to be authorized; and (c) that taxes sufficient to pay the principal of and interest on the debt obligations will be imposed;

provide that in addition to the requirements in (3), the ballot for a measure seeking voter approval of the issuance of debt obligations by a political subdivision with at least 250 registered voters on the date the governing body of the political subdivision adopts the debt obligation election order shall specifically state the estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead in the political subdivision with an appraised value of \$100,000 to repay the debt obligations to be authorized, if approved, based upon assumptions made by the governing body of the political subdivision;

require the governing body of the political subdivision to identify in the debt obligation election order the major assumptions made in connection with the statement required under (4), including: (a) the amortization of the political subdivision’s debt obligations, including outstanding debt obligations and the proposed debt obligations; (b) changes in estimated future appraised values within the political subdivision; and (c) the assumed interest rate on the proposed debt obligations;

require a political subdivision with at least 250 registered voters on the date the governing body of the political subdivision adopts the debt obligation election order to prepare a voter information document for each proposition to be voted on at the election; require the political subdivision to post the voter information document in the same manner as a debt obligation election order;

require the voter information document to distinctly state: (a) the language that will appear on the ballot; (b) the following information formatted as a table: (i) the principal of the debt obligations to be authorized; (ii) the estimated interest for the debt obligations to be authorized; (iii) the estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized; and (iv) as of the date the political subdivision adopts the debt obligation election order: (A) the principal of all outstanding debt obligations of the political subdivision; (B) the estimated remaining interest on all outstanding debt obligations of the political subdivision, which may be based on the expectations of the political subdivision as it relates to the interest due on any variable rate debt obligations; (C) the estimated combined principal and interest required to pay on time and in full all outstanding debt obligations of the political subdivision, which may be based on the expectations of the political subdivision as it relates to the interest due on any variable rate debt obligations; and (D) any other information that the political subdivision considers relevant or necessary to explain the information required to be included on the ballot or in the voter information document;

require a political subdivision that maintains an Internet website to provide the voter information document on its website in an easily accessible manner beginning not later than the 21<sup>st</sup> day before election day and ending on the day after the date of the debt obligation election;

extend the timeframe to publish newspaper notice of intention to issue a certificate of obligation (CO) from 30 to 45 days before the passage of the CO issuance ordinance;

require an issuer of COs that maintains a website to continuously post notice of intention to issue a CO on its website for at least 45 days before the passage of the CO issuance ordinance; and 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; (b) the then current combined principal and interest required to pay all outstanding debt obligations of the issuer on time and in full, which may be based on the expectations of the issuer as it relates to the interest due on any variable rate debt obligations; (c) the maximum principal amount of the COs to be authorized; (d) the estimated combined principal and interest required to pay the COs to be authorized on time and in full; (e) the estimated interest rate for the certificates to be authorized or that the maximum interest rate for the certificates may not exceed the maximum legal interest rate; and (f) the maximum maturity date of the COs to be authorized.

**1H.B. 111 (Murphy) – Local Debt:** would: (1) require a political subdivision to include any sample ballot prepared for a general obligation bond election to be prominently posted on the political subdivision’s website during the 21 days before the election along with the election order, notice of the election, and contents of the proposition, if the political subdivision maintains a website; (2) provide that at an election at which a political subdivision submits a proposition to the voters to approve the issuance of general obligation bonds, the entity that establishes early voting polling places may not establish the polling places with the intent to affect the outcome of the election; (3) provide that a political subdivision may not issue general obligation bonds to purchase, improve, or construct improvements or to purchase personal property if the weighted average maturity of the issue of bonds to finance the improvements or personal property exceeds 120 percent of the reasonably expected weighted average economic life of the improvements or personal property financed with the issue of bonds; (4) provide that a

political subdivision may use the unspent proceeds of issued general obligation bonds only: (a) for the specific purpose for which the bonds were authorized; (b) to retire the bonds; or (c) for a purpose other than the specific purpose for which the bonds were authorized if: (i) the specific purpose is accomplished or abandoned; and (ii) a majority of the votes cast in an election held in the political subdivision approve the use of the proceeds for the proposed purpose; (5) require the election order and the notice of the election for an election authorized to be held under (4)(c) to state the proposed purpose for which the bond proceeds are to be used; and (6) require a political subdivision to hold the election under (4)(c) in the same manner as an election to issue bonds in the political subdivision.

**1H.B. 117 (Uresti) – Cell Phone Ban:** would provide that certain affirmative defenses to prosecution for violation of the offense of use of a portable wireless communication device while operating a motor vehicle are not available if the offense was committed by a person under 18 or by a person operating a school bus.

**1H.B. 128 (Leach) – Abortion:** would provide that neither a state agency nor a political subdivision may not use appropriated money to pay or reimburse, directly or through a contract or grant, a person that pays for or provides abortion services.

**1H.B. 146 (Farrar) – Breast-Feeding:** would: (1) prohibit a person from interfering with or restricting the right of a mother to breast-feed in any location the mother and child are authorized to be, and from revoking the mother’s authority to be on the premises solely because she is breast-feeding; (2) require the comptroller to provide certain notifications about a mother’s right to breast-feed; (3) authorize a mother to bring a civil action against a person who allegedly violates the mother’s right to breast-feed; and (4) provide that if a mother prevails in a civil action she is entitled to injunctive relief, damages up to \$500 for each day a violation occurred, reasonable attorney’s fees, and court costs.

**1H.B. 163 (Springer) – Abortion:** would provide, among other things, that a city may not enter into a contract, give any thing of value, or transact in any way with an abortion facility licensed by the state or an affiliate of the abortion provider, except for basic governmental services such as police, fire, and utility services.

**1H.B. 166 (Minjarez) – Sexual Assault Evidence:** would require a law enforcement agency that receives evidence of a sexual assault or sex offense to assign a unique number to the evidence and submit the evidence to a public accredited crime lab within 14 days. (Note: current law allows a law enforcement agency 30 days to submit the evidence.)

**1H.B. 170 (Dutton) – Public Bathrooms:** would: (1) require a person with control over bathrooms and changing facilities in a public building to ensure that each bathroom and facility in the building is gender-neutral and single-occupancy; (2) except from the requirement in (1): (a) a federal or other building exempt by law; and (b) a public building constructed before January 1, 2018; and (3) provide a civil penalty for a violation of (1).

**1H.B. 171 (Goldman) – Cell Phone Ban:** would preempt a city from regulating or prohibiting the use of a wireless communication device while operating a motor vehicle. (This bill is identical to **1S.B. 15** by **Huffines**.)

**1H.B. 180 (Shine) – Local Debt:** would, among other things: (1) require the comptroller to create an Internet database, known as the Political Subdivision Public Information Warehouse, that contains information regarding all active political subdivisions in the state that are authorized to impose an ad valorem or sales and use tax to issue bonds, notes, or other obligations; (2) require the warehouse database to include the following information: (a) the name of the political subdivision; (b) the rate of any sales and use tax the political subdivision imposes; (c) various property tax rates for the most recent tax year; (d) the total amount of the political subdivision's debt, including the principal, interest, and year in which the debt would be paid; (e) the political subdivision's Internet website address, or if the political subdivision does not operate a website, contact information to enable a member of the public to obtain information from the political subdivision; and (f) the Internet website address for the appraisal district in each county in which a political subdivision has territory; (3) authorize, but not require, the warehouse database to include the following information: (a) information describing the political subdivision's boundaries; (b) the political subdivision's current budget; (c) each current check registry published by the political subdivision's governing body; and (d) any other current financial audit or annual report published by the political subdivision's governing body; (4) authorize the comptroller to consult with the appropriate person from each political subdivision to obtain the information necessary to operate and update the warehouse database; (5) require the governing body of a political subdivision that publishes the check registry on its website to provide a link to the webpage containing the information to the comptroller; (6) require the comptroller to update tax rate information at least annually; (7) require a political subdivision to transmit records and other information to the comptroller annually in a form and in the manner prescribed by the comptroller, for purposes of operating the Political Subdivision Public Information Warehouse; and (8) require a political subdivision to transmit to the comptroller: (a) its most recently adopted annual budget; (b) its most recently adopted annual financial report; and (c) the address of the Internet website maintained by the political subdivision, if any.

**1H.B. 206 (Villalba) – Expenditure Limit:** would: (1) provide that unless additional expenditures are authorized by a majority of a city or county's voters voting at an election called for that purpose, a city or county's total expenditures from all available sources of revenue in a fiscal year may not exceed the greater of: (a) the amount of total expenditures for the preceding fiscal year; or (b) an amount determined by multiplying the amount of total expenditures from all available sources of revenue in the preceding fiscal year by the product of: (i) the sum of one and the estimated average rate of projected growth of the population that resides in the city or county's geographic boundaries during the period ending on the last day of the fiscal year and beginning the first day of the preceding fiscal year; and (ii) the sum of one and the estimated average rate of monetary inflation in this state during the period described by (1)(b)(i); (2) provide that for the purposes of determining the amount of total expenditures described by (1)(a): (a) the city or county shall use, as available, data published by the United States Census Bureau as a basis for estimating projected population growth; (b) not later than May 1 of each year, the comptroller of public accounts shall make available on the comptroller's Internet website and submit to the secretary of state for publication in the Texas Register the rate of monetary

inflation in this state for the preceding year; and (c) as soon as practicable after receipt of the rate described in (2)(b) from the comptroller, the secretary of state shall publish that rate in the Texas Register; and (3) provide that the requirements in (1) and (2), above, do not apply to a city or county that does not impose taxes or incur debt.

**1H.B. 211 (Reynolds) – Officer-Involved Injuries or Deaths:** would: (1) disqualify an attorney from prosecuting a peace officer with respect to any offense arising out of an officer-involved injury or death, if the officer is employed by a political subdivision that is also served by the attorney; (2) require a local law enforcement agency employing the peace officer involved in an officer-involved injury or death to report the incident as soon as practicable to the attorney general; and (3) require the attorney general to appoint a special prosecutor to perform the duties of a prosecuting attorney in the case.

**1H.B. 213 (Fallon) – Public Retirement Benefits:** would limit the amount of retirement benefits any member of a public retirement system, including the Texas Municipal Retirement System, may receive to an amount no larger than certain military salaries or certain federal deputy positions, regardless of the amount in the account or the years of service of the public official.

**1H.B. 245 (Fallon) – Term Limits:** would authorize the governing body of a general law city to order an election to impose, amend, or repeal a limit on the number of terms of service a member of the governing body may serve.

**1H.J.R. 31 (Shine) – Unfunded Mandates:** would amend the Texas Constitution to provide that a law enacted by the legislature on or after January 1, 2019, that requires a city or county to establish, expand, or modify a duty or activity that requires the expenditure of revenue by the city or county is not effective unless the legislature appropriates or otherwise provides, from a source other than the revenue of the city or county, for the payment or reimbursement of the costs incurred for the biennium by the city or county in complying with the requirement.

**1H.J.R. 37 (Larson) – Term Limits:** would amend the Texas Constitution to provide that: (1) the legislature by general law shall require a political subdivision of this state that is governed by one or more elected officers to establish a limit on the number of terms a person may be elected to serve in an office of the political subdivision to ensure that a person may not serve longer than 12 years in an office; and (2) an officer who has been elected to serve for the maximum number of terms established by the political subdivision under (1) is not eligible for election to serve an additional term of that office.

**1S.B. 3 (Kolkhorst) – Local Government Bathrooms:** would: (1) provide that each multiple-occupancy restroom, shower, and changing facility of a political subdivision or an open-enrollment charter school must be designated for and used only by persons of the same sex as stated on the person’s birth certificate; and (2) except in accordance with federal law, as enacted by Congress and interpreted in controlling federal case law, and state law, as enacted by the legislature and interpreted in controlling case law of this state, prohibit a political subdivision or an open-enrollment charter school from adopting an order, ordinance, policy, or other measure to protect a class of persons from discrimination to the extent that the order, ordinance, policy, or

measure regulates: (a) access to multiple-occupancy restrooms, showers, or changing facilities; or (b) participation in athletic activities; and (3) authorize the attorney general to enforce the requirement in (1) and the prohibition in (2) through mandamus or injunctive relief, and allow the attorney general to recover costs and attorney's fees.

**1S.B. 4 (Schwertner) – Abortion Providers:** would, with limited exceptions, prohibit a governmental entity from entering into a taxpayer resource transaction or contract with an abortion provider or an affiliate of an abortion provider.

**1S.B. 18 (Estes) – Expenditure Limit:** would: (1) provide that a city or county's total expenditures from all available sources of revenue in a fiscal year may not exceed the greater of: (a) the city or county's total expenditures from all available sources of revenue in the preceding fiscal year; or (b) an amount determined by multiplying: (i) the city or county's total expenditures from all available sources of revenue in the preceding fiscal year; and (ii) the sum of one and the rate most recently published by the Legislative Budget Board under (2), below: (2) require the Legislative Budget Board to publish a rate not later than January 31 of each year equal to the product of: (a) the rate of growth of the state's population during the preceding calendar year, using the most recent estimates published by the United States Census Bureau; and (b) the rate of monetary inflation in this state during the preceding calendar year, using the effective consumer price index for all items for this state as determined by the Legislative Budget Board based on information published by the Bureau of Labor Statistics of the United States Department of Labor; (3) provide that a city or county's total expenditures from all available sources of local revenue in a fiscal year may exceed the amount described in (1), above, if: (a) the local government's voters approve the additional expenditures for that fiscal year at an election called for that purpose and held on a uniform election date; or (b) the governor declares or renews a declaration of a state of disaster in that fiscal year, and the governor's designation of the area threatened includes all or part of the geographic territory of the local government; (4) provide that revenue received from the issuance of bonds approved by the voters or from a grant, donation, or gift is not considered an available source of revenue for the purposes of the bill.

**1S.B. 23 (Hall) – Local Nondiscrimination Laws:** would: (1) prohibit a county, city, or other political subdivision from adopting or enforcing a local law that creates a protected classification or prohibits discrimination on a basis not contained in the laws of this state; and (2) provide that any current local law that violates (1) is null and void.

**1S.B. 25 (Hall) – Cell Phone Ban:** would: (1) prohibit a city from regulating or prohibiting distracted driving, including the use of a cell phone while operating a motor vehicle; (2) permit a city to continue enforcing state laws related to distracted driving; (3) create the offense of collision during distracted driving that provides: (a) a person commits an offense if the person causes or is at fault in a collision while operating a motor vehicle and engaging in activity that is not related to the operation of the motor vehicle and interferes with the driver's ability to pay attention to the road; and (b) the offense is a class C misdemeanor, except that the offense is a state jail felony if it is shown at trial that an individual suffered serious bodily injury or death.

**1S.B. 28 (V. Taylor) – State Agency Sunset:** would extend the existence of the Texas Historical Commission and the Texas State Board of Plumbing Examiners until September 1, 2021, and would extend the existence of the Texas Military Department, Texas State Library and Archives Commission, and Texas Department of Motor Vehicles until September 1, 2023.

**1S.B. 38 (Rodriguez) – 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; (2) authorize a person aggrieved because of a violation of law described in (1) to file a civil action in district court; and (3) add sexual orientation and gender identity or expression as a protected class in existing state anti-discrimination provisions.

**1S.B. 39 (Zaffirini) – Cell Phone Ban:** would provide that: (1) a motor vehicle operator is prohibited from using a portable wireless communication device unless the vehicle is stopped outside a lane of travel; and (2) a city is preempted from adopting or enforcing regulations related to the use of a portable wireless communication device by the operator of a motor vehicle.

**1S.B. 52 (Huffines) – Local Debt:** would provide that an election held by a political subdivision to authorize the issuance of bonds does not authorize the issuance of the bonds unless at least three-fifths of the voters voting in the election vote in favor of authorizing the issuance of bonds.

**1S.B. 54 (Huffines) – Preemption Suits:** would provide, in regard to cities and counties over 25,000 in population, that: (1) if a court determines an ordinance or similar measure of the political subdivision is unenforceable because it is preempted by state law, the court shall award the prevailing party court costs and reasonable and necessary attorney’s fees to be paid by the political subdivision; and (2) if a court determines an officer of the political subdivision has failed to perform an act of the office required by state law, the court shall award the prevailing party court costs and reasonable attorney’s fees to be paid by the political subdivision for which the officer served at the time of the failure to perform.

**1S.B. 63 (Buckingham) – Military Cities:** would provide that, for purposes of the applicability of the law governing the provision of state aid to certain local governments disproportionately affected by the granting of property tax relief to disabled veterans, the term “local government” means a city located wholly or partly in a county in which a United States military installation is wholly or partly located. (Companion bill is **1H.B. 74** by Cospers.)

**1S.B. 65 (Garcia) – Government Bathrooms:** would provide: (1) that a governmental entity (including a city), with control over a bathroom or changing facility in a building owned or leased by the entity, must allow a person to use a bathroom or changing facility located in the building consistent with the person’s gender identity or gender expression; and (2) for an attorney general complaint and enforcement process (including civil penalties, mandamus, and other equitable relief) for a violation of the requirement described in (1).

**1S.B. 77 (Schwertner) – Abortion Providers:** would, with limited exceptions, prohibit a governmental entity from entering into a taxpayer resource transaction or contract with an abortion provider or an affiliate of an abortion provider.

**1S.B. 79 (Menendez) – Medical Cannabis:** would prohibit a city from enacting, adopting, or enforcing a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of medical cannabis.

**1S.B. 91 (Kolkhorst) – Local Government Bathrooms:** would: (1) provide that each multiple-occupancy restroom, shower, and changing facility of a political subdivision or an open-enrollment charter school must be designated for and used only by persons of the same sex as stated on the person’s birth certificate; (2) except in accordance with federal and state law, prohibit a political subdivision or open-enrollment charter school from adopting an order, ordinance, policy, or other measure to protect a class of persons from discrimination to the extent the order, ordinance, policy, or measure regulates: (a) access to multiple-occupancy restrooms, showers, or changing facilities; or (b) participation in athletic activities; and (3) authorize the attorney general to enforce the requirement in (1) and prohibition in (2) through mandamus or injunctive relief, and allow the attorney general to recover costs and attorney’s fees.

**1S.B. 112 (Creighton) – Memorial Monuments:** would: (1) prohibit a city from removing, relocating, or altering a monument or memorial that has been located on city property for at least 40 years; (2) provide that to remove, relocate, or alter a monument or memorial that has been located on city property at least 20 years but less than 40 years, approval of a majority of the voters of the city is required; and (3) require that any monument or memorial that is permanently removed must be relocated to a prominent location.

**1S.J.R. 8 (Buckingham) – Unfunded Mandates:** would propose an amendment to the Texas Constitution that would provide that a law enacted by the legislature on or after January 1, 2019, that requires a city or county to establish, expand, or modify a duty or activity that requires the expenditure of revenue is not effective unless the legislature appropriates or otherwise provides for the payment or reimbursement of the costs incurred in complying with the requirement. (Companion bill is **1H.J.R. 34** by **Burns**.)

## **Municipal Courts**

No bills have been submitted to date.

## **Community and Economic Development**

**H.B. 6 (Huberty) – Annexation:** would completely rewrite the Municipal Annexation Act to severely curtail the ability of cities to annex property. Generally, the bill would provide that:

A “Tier 1 county” means a county with a population of less than 500,000.

A “Tier 2 county” means a county with a population of 500,000 or more.

A “Tier 1 municipality” means a municipality wholly located in one or more tier 1 counties that proposes to annex an area wholly located in one or more tier 1 counties.

A “Tier 2 municipality” means a municipality: (a) wholly or partly located in a tier 2 county; or (b) wholly located in one or more tier 1 counties that proposes to annex an area wholly or partly located in a tier 2 county.

A tier 2 municipality is authorized to annex an area with a population of 200 or more only if the following conditions are met, as applicable: (a) the city holds an election in the area proposed to be annexed at which the qualified voters of the area may vote on the question of the annexation and a majority of the votes received at the election approve the annexation; and (b) if the registered voters of the area do not own more than 50 percent of the land in the area, the city obtains consent to annex the area through a petition signed by more than 50 percent of the owners of land in the area.

More specifically, the bill would provide – among many other things – that:

A tier 1 municipality can continue to annex under the existing procedures for plan annexations (subchapter C three-year negotiation process) or exempt annexations (subchapter C-1 service plan, notice, and hearing process).

Most of the existing, statutory authority to annex is codified into the newly-created subchapter B.

In relation to provision of solid waste services by a tier 1 municipality, before the second anniversary of the date an area is annexed, the municipality may not: (a) prohibit the collection of solid waste in the area by a privately owned solid waste management service provider; or (b) offer solid waste management services in the area unless a privately owned solid waste management service provider is unavailable.

A new subchapter C-2 is and certain bracketed provisions are transferred to that subchapter.

A new subchapter C-3 is created that applies only to a tier 2 municipality and authorizes annexation if each owner of land in the area requests annexation, two public hearings are held, and the governing body negotiates and enters into a written agreement with the owners of land in the area for the provision of services in the area;

A new subchapter C-4 is created that applies only to a tier 2 municipality and authorizes annexation of an area with a population of less than 200 only if the city obtains consent to annex the area through a petition signed by more than 50 percent of the registered voters of the area.

The governing body of a city that proposes to annex an area under subchapter C-4 must, among other things, adopt a resolution that includes a description of the services to be provided to the area.

Not later than the seventh day after the date the governing body adopts the resolution under (8), above, the city must mail to each resident in the area proposed to be annexed notification of the proposed annexation that includes: (a) notice of a public hearing required by the bill; (b) an explanation of the petition process; and (c) a description, list, and schedule of services to be provided by the city.

If the governing body of a city proposes to annex an area under subchapter C-4 and a petition protesting the annexation is signed by a number of registered voters of the municipality proposing the annexation equal to at least 50 percent of the number of voters

who voted in the most recent municipal election, the municipality may not complete the annexation of the area without approval of a majority of the voters of the municipality voting at an election.

A new subchapter C-5 is created that applies only to a tier 2 municipality and authorizes the annexation of an area with a population of 200 or more only if the following conditions are met, as applicable: (a) the city holds an election in the area proposed to be annexed at which the qualified voters of the area may vote on the question of the annexation and a majority of the votes received at the election approve the annexation; and (b) if the registered voters of the area do not own more than 50 percent of the land in the area, the city obtains consent to annex the area through a petition signed by more than 50 percent of the owners of land in the area.

The governing body of the municipality that proposes to annex an area under subchapter C-5 must, among other things, follow procedures that are similar to (8-9), and (10), above.

With regard to an existing strategic partnership agreement, a municipality shall follow the procedures established under the strategic partnership agreement for full-purpose annexation of an area.

With certain very limited exceptions, beginning September 1, 2017, a tier 2 city may annex an area for the limited purposes of applying its planning, zoning, health, and safety ordinances in the area only if it complies with the procedures in (6-12), above.

Conforming changes are made to the “disannexation for failure to provide services” provision in current law, with some changes making the process more favorable to those in an annexed area.

A municipality may not annex an area unless it provides written notice of the proposed annexation within a certain timeframe to each public entity and political subdivision that is located in or provides services to the area that includes, among other things: (a) any financial impact on the public entity or political subdivision resulting from the annexation, including any changes in the public entity’s or political subdivision’s revenues or maintenance and operation costs; and (b) any proposal the municipality has to abate, reduce, or limit any financial impact on the public entity or political subdivision. Until the 20th anniversary of the date of the annexation of an area that includes a permanent retail structure, a municipality may not prohibit a person from continuing to use the structure for the indoor seasonal sale of retail goods if the structure: (a) is more than 5,000 square feet; and (b) was authorized under the laws of this state to be used for the indoor seasonal sale of retail goods on the effective date of the annexation.

With regard to specific cities or types of annexations, the bill would provide that:

The City of Brownsville and a neighboring municipality may annex in a way that surrounds that municipality if the governing body of each municipality adopts, on or after September 1, 2017, a resolution authorizing that action.

The City of Austin: (a) may not annex an area that is subject to a strategic partnership agreement executed on or after September 1, 2009, and for which an area proposed for annexation will be annexed before January 1, 2021, unless it complies with (6-12), above; and (b) may not annex the territory in certain municipal utility districts unless a majority

of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

The City of Fort Worth is authorized to annex without consent certain areas that are surrounded by the city.

Various exemptions from certain annexation requirements for the City of Houston are removed.

A municipality may annex all or part of the area located in an industrial district designated by the governing body under the requirements applicable to a tier 1 municipality.

A municipality may not annex for full or limited purposes any part of the area located within one-half mile of the boundaries of a military base unless the municipality and the base authorities have entered into a comprehensive written agreement that establishes provisions to maintain the compatibility of the municipality's regulation of land in the area with the military base operations following the annexation (the provisions in current law related to coordination with military bases remain intact).

(Companion bill is **S.B. 6** by **Campbell**.)

**1H.B. 7 (Phelan) – Tree Mitigation Fees:** would provide that:

1. a city that imposes a tree mitigation fee for tree removal that is necessary for development or construction on a person's property must allow that person to apply for a credit for tree planting under this section to offset the amount of the fee.
2. an application for a credit under (1), above, must be in the form and manner prescribed by the city.
3. to qualify for a credit under the bill, a tree must be: (a) planted on property for which the tree mitigation fee was assessed or mutually agreed upon by the city and the person planting the tree; and (b) at least two inches in diameter at the point on the trunk 4.5 feet above ground.
4. for purposes of determining a mutually agreed upon planting location, the city and the person planting the tree may consult with an academic organization, state agency, or nonprofit organization to identify an area for which tree planting will best address the science-based benefits of trees and other reforestation needs of the city.
5. the amount of a credit provided to a person under the bill must be: (a) applied in the same manner as the tree mitigation fee assessed against the person; and (b) at least 50 percent of the amount of the tree mitigation fee assessed against the person.
6. as long as the municipality meets the requirement to provide a person a credit under (1), above, the bill does not affect the ability of or require a city to determine: (a) the size, number, and type of trees that must be planted to receive a credit under the bill, except as provided by (3)(b), above; (b) the requirements for tree removal and corresponding tree mitigation fees, if applicable; or (c) the requirements for tree planting methods and best management practices to ensure that the tree grows to the anticipated height at maturity.
7. the bill does not apply to property within five miles of a federal military base in active use as of September 1, 2017.

(Companion bill is **S.B. 107** by **Kolkhorst**.)

**1H.B. 70 (Workman) – Tree Preservation Preemption:** would provide that: (1) 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, including a regulation that requires the owner to file an affidavit or notice before removing the tree or vegetation; and (2) the bill does not prevent the enforcement of an ordinance, rule, or other regulation designed to mitigate tree-borne diseases as recommended by the Texas A&M Forest Service. (Companion bill is **1S.B. 14** by **Hall**.)

**1H.B. 77 (Darby) – Parkland Dedication:** would provide that a city that requires a dedication of parkland as a condition of approving an application for the development of or the use of real property must allow the applicant to pay an optional fee in lieu of the dedication.

**1H.B. 94 (E. Rodriguez) – Zoning and Building Permits:** would: (1) exempt all political subdivisions from city zoning regulations, except when the building, structure, or land are privately owned and leased to the political subdivision; and (2) require a city to adopt procedures to expedite the processing of an application submitted by an independent school district for a permit to erect or improve a building or other structure.

**1H.B. 107 (Cyrrier) – Contractor Licensing:** would provide that a political subdivision may not adopt or enforce an ordinance, order, or other measure that requires a builder or contractor to obtain an occupational license or other form of certification from the political subdivision as a condition of obtaining a building permit or other authorization to construct or remodel a commercial structure.

**1H.B. 164 (Workman) – Expedited Permitting/Occupational Vesting:** would make various detrimental changes to the law governing permit issuance and vesting. With regard to the issuance of any permit required by a city to construct or improve a building or other structure in the city or its extraterritorial jurisdiction, the bill would provide that:

Not later than the 30th day after the date an application for a permit is submitted, the city must: (a) grant or make a preliminary determination to deny the permit; (b) provide written notice to the applicant stating the reasons why the city has been unable to act on the permit application; or (3) reach a written agreement with the applicant providing for a deadline not later than the 120th day after the date the application was submitted for granting or denying the permit;

For a permit application for which notice is provided under (1)(b), above, the city must grant or make a preliminary determination to deny the permit not later than the 15th day after the date the notice is received.

A city may not extend the period for the city to act on an application under the bill more than once.

If a city fails to act on a permit application within the period required by (2), above, or by an agreement, the permit application is considered approved and the city: (a) may not collect any permit fees associated with the application; and (b) shall refund to the applicant any permit fees associated with the application that have been collected.

If a city makes a preliminary determination to deny a permit application, the city must send written notice of the determination to the applicant not later than the first business day after the date the determination is made stating: (a) each application deficiency that is a reason for the determination, including a citation to the specific ordinance, order, regulation, or policy relevant to the determination; (b) the specific actions required by the applicant to remedy each specified deficiency; and (b) a deadline not earlier than the 30th day after the date the notice is sent for the applicant to complete the remedial actions specified in the notice before the denial becomes final.

If an applicant substantially completes the remedial actions specified in the notice under (5), above, within the period required, the applicant may request reconsideration of the determination.

The city shall grant the permit if the city determines the applicant has substantially completed the specified remedial actions.

Not later than the 15th day after the date the applicant's request for reconsideration is received, the city shall send the applicant written notice of a final determination to grant or deny a permit application.

If the city fails to send notice of a final determination within the period required by the bill, the permit application is considered approved.

Written notice of the city's final determination that a permit is denied must include the information required by (5), above, in addition to written findings of the reasons the city determined that any remedial actions taken by the applicant were insufficient to correct the deficiencies specified in the notice provided under (5), above.

Any final determination that a permit is denied may not be based on: (a ) a reason or remedial requirement that was not previously disclosed to the applicant in the notice required under (6), above; or (2) a requirement for the applicant to comply with any ordinance, order, regulation, or policy that is not substantially related to the construction or improvement of a building or other structure.

A city may not adopt or enforce an ordinance, order, regulation, or policy relating to granting or denying a permit under the bill that: (a) restricts or prohibits the right of an applicant to reapply for a permit to construct or improve the same building or other structure that was the subject of a denied permit application; (b) requires a private employer to offer more than the minimum wage; or (3) authorizes on-site monitoring of a private employer by a nongovernmental entity.

With regard to the chapter 245 of the Local Government Code (the "permit vesting" statute), the bill would provide that:

"Engaging in an occupation" is added to the definition of a "permit;"

"Project" means an endeavor, occupation, or activity over which a regulatory agency exerts its jurisdiction and for which one or more permits are required to initiate, continue, engage in, or complete the endeavor, occupation, or activity.

Rights to which a permit applicant is entitled under chapter 245 accrue when an applicant submits the application electronically if the regulatory agency accepts applications electronically by a method that provides confirmation of receipt.

A regulatory agency may provide that a permit application expires on or after the 61st day after the date the application is filed, if certain conditions are met, but a permit

application may not expire before the 11th business day after the date the regulatory agency provides the applicant with the notice described by the bill (the bill may have an error because it doesn't describe that notice).

A regulatory agency may not deny a permit application based on a requirement for the applicant to comply with any ordinance, order, regulation, or policy that is not substantially related to the purposes for which the permit is required.

The following exemptions from chapter 245 are eliminated: (a) regulations that specifically control only the use of land in a city that does not have zoning and that do not affect landscaping or tree preservation, open space or park dedication, lot size, lot dimensions, lot coverage, or building size; 1(b) regulations that govern strip clubs (and certain massage parlors and game rooms); and (c) regulations that govern utility connections

Except as provided by the provisions in (1)-(12) in the section above, or other law that provides for a shorter period, a regulatory agency shall approve or deny an application for a permit not later than the 60th business day after the date the regulatory agency received the completed application.

A regulatory agency may extend the period under (7), above, for approving or denying an application by an additional 10 business days if the regulatory agency provides written notice of the extension to the applicant during that period stating the reasons the regulatory agency has been unable to grant or deny the permit application during that period.

A regulatory agency may not extend the period for the regulatory agency to grant or deny an application under (8), above, more than once.

If a regulatory agency fails to approve or deny a completed application as provided by (8) and (9), above, the application is considered to be approved.

If a regulatory agency denies a permit application, the regulatory agency must send written notice of the denial to the applicant not later than the first business day after the date of the denial stating: (a) each application deficiency that is a reason for the denial, including a citation to the specific ordinance, order, regulation, or policy relevant to the denial; and (b) the specific actions required by the applicant to remedy each specified deficiency.

This title does not prohibit a political subdivision from adopting procedures to provide a shorter period than provided by law for the approval of a permit.

The entirety of chapter 245 becomes retroactive to permits issued before the effective date of the bill.

(Companion bill is **1S.B. 13** by **Buckingham**.)

**1H.B. 187 (Oliverson) – Non-Annexation Agreements:** would provide, in relation to the current law that requires a city to offer a non-annexation agreement to property that is subject to an agricultural or certain other property tax exemptions, that: (1) the execution of a non-annexation development agreement does not extend the extraterritorial jurisdiction of the city; and (2) an area subject to an agreement may not be considered for the purposes of calculating the width of an area or municipal territory.

**1H.B. 188 (Bell) – Property Rights/“Super-Vesting”:** would provide that: (1) a city or county may not enforce an ordinance, order, or other regulation that prohibits or restricts the use or development of real property that has been platted if the ordinance, order, or other regulation was not in effect on the date the owner of the property acquired title to the property; (2) the limitation in (1) does not apply to a parcel of land for which the owner has filed with the county clerk of the county in which the land is located a written waiver of the limitation; and (3) the bill applies only to a prohibition or restriction that is not subject to Chapter 245 (the “permit vesting” statute), including prohibitions or restrictions exempt from that chapter. (Companion bill is **1S.B. 12** by **Buckingham**.)

**1H.B. 207 (Huberty) – Annexation:** would provide, with some exceptions, that a qualified voter of a water or sewer district, any portion of which a city has annexed for full or limited purposes, is entitled to vote in municipal elections regarding the election or recall of members of the governing body of the city and the amendment of the municipal charter, regardless of whether the city has annexed the entire district or whether the voter resides in an annexed portion of the district.

**1H.B. 293 (J. Johnson) – Group Homes:** would: (1) prohibit a person from establishing or operating a group home for recovering substance abusers unless the person holds a license issued by the Health and Human Services Commission (HHSC); (2) authorize HHSC to adopt rules and fees related to licensing a group home for recovering substance abusers; and (3) provide that the prohibition in (1) does not apply to: (a) certain persons with other types of licenses or exempt from licensing; (b) a hotel; (c) a retirement community; (d) a monastery or convent; (e) certain child-care facilities; (f) family violence shelter centers; or (g) a sorority, fraternity, or any other dormitory associated with an institution of higher education.

**1H.B. 308 (Bell) – Eminent Domain:** would provide, among other things, that: (1) after making a bona fide offer, an entity with eminent domain authority shall disclose to the property owner any new, amended, or updated appraisal report produced or acquired by or on behalf of the entity after making the offer and used in determining the entity’s opinion of value; (2) a disclosure required by (1) must be made not later than the earlier of: (a) the 10th day after the date the entity receives the appraisal report; or (b) the third business day before the date of a special commissioner’s hearing if the appraisal report is to be used at the hearing; (3) a court shall dismiss a condemnation proceeding unless the entity that files a petition proves to the court that the entity has not violated legal procedural requirements; and (4) a court that grants a motion to dismiss shall make an allowance to the property owner for reasonable and necessary fees for attorneys, appraisers, and photographers and for the other expenses incurred by the property owner to the date of the hearing.

**1H.B. 362 (Gutierrez) – Zoning Around Military Bases:** would provide that the governing bodies of a city and the county in a regulated area through a joint military installation zoning board apply general zoning regulations in the area that extends not more than five miles from the boundaries of a federal military installation.

**1H.B. 365 (Anchia) – Payday Lending:** would broaden the state regulation of payday lending to apply to any extension of consumer credit, instead of only deferred presentment transactions and motor vehicle title loans.

**1H.J.R. 41 (Uresti) – Annexation/Taxation:** would propose an amendment to the Texas Constitution that would apply only to the ad valorem taxation by a city of property located in an area that is first included in the corporate boundaries on or after January 1, 2019, and provide that the tax is phased in over a four-year period.

**1S.B. 47 (Schwertner) – Developer Participation Agreements:** would provide that: (1) the amount of a performance bond for a developer participation agreement must be for the contract price for the improvements; (2) a city may not require the developer to include in the amount of the bond any other improvement related to the development that the developer did not contract with the city to construct; (3) a city and developer may agree that, instead of a performance bond, the developer may submit an irrevocable letter of credit in the amount required for the bond; and (4) as part of the agreement, the city may not pay any amount to the developer, issue a building permit related to the development other than a permit necessary for the improvements that are the subject of the contract, or approve a subdivision plat for the developer until: (a) the improvements are complete or in the final phase of construction if the improvements are constructed in phases; and (b) the developer has submitted to the city an affidavit stating that the developer has paid all costs associated with the construction.

**1S.B. 48 (Schwertner) – Eminent Domain:** would provide that, if additional taxes are due because land has been diverted to a nonagricultural use as a result of a condemnation, the additional taxes and interest are the personal obligation of the condemning entity and not the property owner from whom the property was taken. (Companion bill is **1HB. 162** by **Springer**.)

**1S.B. 55 (Huffines) – Building Codes:** would: (1) lower the population threshold in current law from 100,000 to 40,000 to invoke certain notice and hearing procedures for changes in a city's building code; and (2) impose new requirements: (a) that a city publish a detailed cost-benefit analysis of a building code or code amendments; and (b) that would mandate, for an amendment that addresses existing or potential harm to health and safety: (i) scientific evidence supporting the probability or likelihood that the harm has occurred or will occur; and (ii) scientific evidence supporting the probability or likelihood that the amendment will prevent or address the harm.

**1S.B. 61 (Hughes) – Open-Enrollment Charter Schools:** would: (1) prohibit a city from treating an open-enrollment charter school differently than a school district for purposes of zoning, permitting, code compliance, and development (but would maintain the exemption in current law that a campus of an open-enrollment charter school located in whole or in part in a city with a population of 20,000 or less is not subject to zoning); (2) require a city that has annexed territory for limited purposes to enter, on request of an open-enrollment charter school, an agreement with the school governing certain land development standards and water pollution controls (these are the same requirements currently in place for school districts); and (3) exempt an open-enrollment charter school from paying impact fees unless the governing body of the charter school consents.

**1S.B. 83 (Bettencourt) – Annexation/Extraterritorial Jurisdiction:** would provide that: (1) a home rule city shall make publicly available a digital map (in addition to a paper map under current law) reflecting annexations and extraterritorial jurisdiction (ETJ) changes; (2) a city, before the 90th day after the date it adopts or amends an annexation plan, shall give written notice with certain provisions to each property owner in any area that would be newly included in the city’s extraterritorial jurisdiction as a result of the proposed annexation; (3) a home rule city, before the 90th day after the date it adopts or amends an annexation plan, shall create and make publicly available a digital map that identifies the area proposed for annexation and any area that would be newly included in the city’s ETJ as a result of the proposed annexation; (4) in addition to publishing notice of annexation hearings in a newspaper of general circulation in the city and area to be annexed, the notice must be published in a newspaper of publish notice of the hearings in a newspaper of general circulation in any area that would be newly included in the city’s ETJ resulting from the proposed annexation; and (5) if applicable, the notice for each annexation hearing must include: (a) a statement that the completed annexation of the area will expand the city’s ETJ; (b) a description of the area that would be newly included in the city’s ETJ; (c) a statement of the purpose of ETJ designation; and (d) a list of municipal ordinances that would be applicable in the area that would be newly included in the city’s ETJ; and (6) in addition to the notice requirements for a plan-exempt annexation, a home rule city, before it may institute annexation proceedings, shall create and make publicly available a digital map that identifies the area proposed for annexation and any area that would be newly included in the city’s ETJ as a result of the proposed annexation.

**1S.B. 86 (Campbell) – Tree Ordinance Preemption:** would provide, among other things, that: (1) a city may not regulate the trimming or removal of trees or timber in the extraterritorial jurisdiction of the city; and (2) the bill does not apply to the trimming or removal of a tree in the easement or right-of-way of a pipeline or utility line.

**1S.B. 98 (V. Taylor) – Chickens:** would provide that: (1) a political subdivision may not impose a requirement that prohibits an individual from raising or keeping six or fewer chickens in the boundaries of the political subdivision; (2) a city may impose reasonable requirements on the raising or keeping of poultry that do not have the effect of prohibiting the raising or keeping of six or fewer chickens, including: (a) a limit on the number of chickens an individual may raise or keep in excess of six; (b) a prohibition on breeding poultry; (c) a prohibition on raising or keeping roosters; or (d) the minimum distance an individual must maintain between a chicken coop and a residential structure; and (3) a requirement adopted by a political subdivision that violates the prohibition in (1) is void.

**1S.B.104 (Uresti) – Annexation:** would completely rewrite the Municipal Annexation Act in essentially the same way as 1.S.B. 6 (Campbell) to severely curtail the ability of cities to annex property, but with two less burdensome provisions. Generally, the bill would provide that:

1. A “Tier 1 county” means a county with a population of less than 500,000.
2. A “Tier 2 county” means a county with a population of 500,000 or more.
3. A “Tier 1 municipality” means a municipality wholly located in one or more tier 1 counties that proposes to annex an area wholly located in one or more tier 1 counties.

4. A “Tier 2 municipality” means a municipality: (a) wholly or partly located in a tier 2 county; or (b) wholly located in one or more tier 1 counties that proposes to annex an area wholly or partly located in a tier 2 county.

The two provisions that differ from 1S.B. 6 would provide that:

1. A new subchapter C-5 of the Local is created that applies only to a tier 2 municipality and authorizes the annexation of an area with a population of 200 or more only if the following conditions are met, as applicable: (a) the city holds an election in the area proposed to be annexed at which the qualified voters of the area *and the city* may vote on the question of the annexation and a majority of the votes received at the election approve the annexation
2. A city may annex any part of the area located within five miles of the boundaries of a military base under the requirements applicable to a tier 1 municipality.

## **Personnel**

**1H.B. 104 (S. Thompson) – Discrimination in Payment of Compensation:** would provide that: (1) with respect to an allegation of discrimination in payment of compensation, an unlawful employment practice occurs each time: (a) a discriminatory compensation decision or other practice is adopted; (b) an individual becomes subject to a discriminatory decision or other practice; or (c) an individual is adversely affected by application of a discriminatory compensation decision or other practice, including each time wages affected wholly or partly by the decision or other practice are paid; and (2) a person aggrieved by an unlawful employment practice may recover back pay if the unlawful employment practices that have occurred during the period for filing a complaint are similar or related to discrimination in payment of compensation that occurred outside the period for filing that complaint.

**1H.B. 105 (S. Thompson) – Minimum Wage:** provides for an incremental increase in minimum wage to \$10.10 an hour.

**1H.B. 133 (Reynolds) – Minimum Wage:** would provide that the minimum wage is not less than the greater of \$15.00 an hour or federal minimum wage under the Fair Labor Standard Act.

**1H.B. 156 (Isaac) – Labor Organizations/Payroll Deductions:** would: (1) prohibit the state or a political subdivision of the state from deducting or withholding from an employee’s salary or wages payment of dues or membership fees to a labor organization or other similar entity, including a trade union, labor union, employees’ association, or professional organization; and (2) except from the prohibition in (1) certain fire, police, and emergency medical services personnel. (Companion bill is **1S.B. 7** by **Hughes**.)

**1H.B. 211 (Reynolds) – Officer-Involved Injuries or Deaths:** would: (1) disqualify an attorney from prosecuting a peace officer with respect to any offense arising out of an officer-involved injury or death, if the officer is employed by a political subdivision that is also served by the attorney; (2) require a local law enforcement agency employing the peace officer involved in an

officer-involved injury or death to report the incident as soon as practicable to the attorney general; and (3) require the attorney general to appoint a special prosecutor to perform the duties of a prosecuting attorney in the case.

**1S.B. 7 (Hughes) – Labor Organizations/Payroll Deductions:** would: (1) prohibit the state or a political subdivision of the state from deducting or withholding from an employee’s salary or wages payment of dues or membership fees to a labor organization or other similar entity, including a trade union, labor union, employees’ association, or professional organization; and (2) except from the prohibition in (1) certain fire, police, and emergency medical services personnel. (Companion bill is **1H.B. 156** by Isaac.)

**1S.B. 94 (Hughes) – Labor Organizations/Payroll Deductions:** would: (1) prohibit the state or a political subdivision of the state from deducting or withholding from an employee’s salary or wages payment of dues or membership fees to a labor organization or other similar entity, including a trade union, labor union, employees’ association, or professional organization; and (2) except from the prohibition in (1) certain fire, police, and emergency medical services personnel. (Companion bill is **1H.B. 156** by Isaac.)

**1S.J.R. 11 (Estes) – Labor Organizations:** would amend the Texas Constitution to prohibit state or local funds from being used for the administration of a labor organization, including the collection of dues or fees.

## **Public Safety**

**1H.B. 53 (Romero) – Immigration Enforcement:** would repeal most of the provisions from S.B. 4 (the so-called “sanctuary cities” bill) from the 2017 regular session.

**1H.B. 123 (Swanson) – Concealed Handguns:** would provide that, in relation to a prohibition against carrying a concealed handgun by posting an optional “30.06” and/or “30.07” sign, it is a defense to prosecution that the license holder was personally given notice by oral communication and promptly departed from the property.

**1H.B. 166 (Minjarez) – Sexual Assault Evidence:** would require a law enforcement agency that receives evidence of a sexual assault or sex offense to assign a unique number to the evidence and submit the evidence to a public accredited crime lab within 14 days. (Note: current law allows a law enforcement agency 30 days to submit the evidence.)

**1H.B. 175 (Anchia) – Concealed Handguns:** would provide that: (1) a person who is authorized by a federal agency may possess a firearm in a secured area of an airport; and (2) “secured area” means an area: (i) of an airport terminal building or of an adjacent aircraft parking area used by common carriers in air transportation but not used by general aviation; and (ii) to which access is controlled under federal law.

**1H.B. 183 (Anchia) – Immigration Enforcement:** would repeal most of the provisions from S.B. 4 (the so-called “sanctuary cities” bill) from the 2017 regular session. (Companion bill is **1S.B. 42** by **Menendez**.)

**1H.B. 235 (Fallon) – Red Light Cameras:** would provide that the county assessor-collector or the Texas Department of Motor Vehicles may not refuse to register a motor vehicle solely because the owner of the motor vehicle is delinquent in the payment of a civil penalty resulting from a violation detected by a photographic traffic signal enforcement system.

**1H.B. 240 (S. Thompson) – Drug Offenses:** would provide that the offense of possession of a Penalty Group 1 controlled substance must be a usable quantity of more than 0.02 grams but less than one gram. (Note: current law provides that it is an offense to possess less than one gram.)

**1H.B. 241 (S. Thompson) – Drug Offenses:** would reduce the penalty for possession of a small amount of certain controlled substances from a state jail felony to a class A misdemeanor.

**1H.B. 280 (Fallon) – Driver’s License:** would provide that a voter registration certification is not satisfactory proof of authorization to be in the United States for purposes of obtaining a driver’s license.

**1H.B. 296 (Stickland) – Handguns:** would provide, among many other things and with certain exceptions, that a person who is not otherwise prohibited by law may, without a license, openly carry a handgun.

**1H.B. 316 (Dutton) – Juveniles:** would modify the age of criminal responsibility in various statutes.

**1H.B. 317 (Uresti) – Immigration Enforcement:** would repeal most of the provisions from S.B. 4 (the so-called “sanctuary cities” bill) from the 2017 regular session.

**1H.B. 327 (S. Davis) – Cell Phone Ban:** would allow a school district to approve the posting of a sign prohibiting the use of a wireless communication device in a school crossing zone. (Note: current law provides that the city must post or approve the signage.)

**1S.B. 15 (Huffines) – Cell Phone Ban:** would preempt a city from regulating or prohibiting the use of a wireless communication device while operating a motor vehicle. (Companion bill is **1H.B. 171** by **Goldman**.)

**1S.B. 39 (Zaffirini) – Cell Phone Ban:** would provide that: (1) a motor vehicle operator is prohibited from using a portable wireless communication device unless the vehicle is stopped outside a lane of travel; and (2) a city is preempted from adopting or enforcing regulations related to the use of a portable wireless communication device by the operator of a motor vehicle.

**1S.B. 108 (Garcia) – Immigration Enforcement:** would provide, among many other things, that a law enforcement agency or other governmental entity that employs a peace officer shall

adopt and enforce a policy that prohibits the agency's or entity's peace officers from participating in the enforcement of federal law relating to aliens, immigrants, or immigration, including the federal Immigration and Nationality Act, on the property of a place of worship, hospital, public school, including a public institution of higher education, or courthouse.

**1S.B. 109 (Garcia) – Immigration Enforcement:** would: (1) repeal most of the provisions from S.B. 4 (the so-called “sanctuary cities” bill) from the 2017 regular session; (2) provide that a local entity, including each entity under the jurisdiction of the local entity, may not be awarded state grant funds if: (a) the local entity detains a person pursuant to and in furtherance of an immigration detainer request; and (b) a final judicial determination is made that the detainer request or the local entity's detention of the person in accordance with the detainer request violated the Texas Constitution or United States Constitution; (3) the prohibition in (2), above, applies only to the state fiscal year immediately following the fiscal year in which the final judicial determination is made; and (4) the comptroller shall adopt rules to implement the bill uniformly among the state agencies from which state grant funds are distributed to local entities.

**1S.B. 110 (Garcia) – Immigration Enforcement:** would repeal most of the provisions from S.B. 4 (the so-called “sanctuary cities” bill) from the 2017 regular session.

## **Transportation**

**1H.B. 205 (Pickett) – Motor Vehicle Inspections:** would require the Texas Commission on Environmental Quality to: (1) identify the minimum program required by the federal Clean Air Act for the motor vehicle inspection and maintenance program; and (2) develop a state implementation plan revision and necessary rules to revise the motor vehicle inspection and maintenance program to include only the minimum program.

**1H.B. 221 (Pickett) – Overweight Vehicles:** would make various changes to the certain laws related to overweight vehicles, including automobile transport backhauls, emergency vehicles, boat transporters, and others.

**1H.B. 250 (Fallon) – Injury of Protestor:** would provide that a person operating a motor vehicle who injures another person with the motor vehicle is not liable for the injury if: (1) the person operating the motor vehicle was exercising due care; and (2) the person injured was blocking traffic in a public right-of-way while participating in a protest or demonstration.

**1S.B. 25 (Hall) – Cell Phone Handsfree Ordinances:** would: (1) prohibit a city from regulating or prohibiting distracted driving, including the use of a cell phone while operating a motor vehicle; (2) permit a city to continue enforcing state laws related to distracted driving; (3) create the offense of collision during distracted driving as follows: (a) a person commits an offense if the person causes or is at fault in a collision while operating a motor vehicle and engaging in activity that is not related to the operation of the motor vehicle and interferes with the driver's ability to pay attention to the road; and (b) the offense is a class C misdemeanor, except that the offense is a state jail felony if it is shown at trial that an individual suffered serious bodily injury or death.

**1S.B. 58 (Huffines) – Vehicle Inspections:** would eliminate regular mandatory vehicle safety inspections.

**1S.B. 92 (Zaffirini) – Cell Phone Ban:** would: (1) preempt a city from regulating or prohibiting distracted driving, including the use of a wireless communication device while operating a motor vehicle; and (2) create the state law offense of distracted driving, which would prohibit a person from operating a motor vehicle while engaging in an activity that is not related to the operation of the motor vehicle and interferes with the operator’s ability to safely operate the vehicle.

## **Utilities and Environment**

**1H.B. 26 (Larson) – Regulation of Groundwater:** would provide: (1) the rules of a groundwater conservation district in effect on the date of an application for a permit or permit amendment are the only district rules that may govern the district’s decision to grant or deny the application; (2) a groundwater conservation district may not deny a permit because the applicant intends to export groundwater for use outside the district; and (3) procedures for a groundwater conservation district to adopt a moratorium on the issuance of a permit or permit amendment.

**1H.B. 27 (Larson) – Brackish Groundwater:** would: (1) allow groundwater conservation districts to adopt rules for the issuance of permits to withdraw brackish groundwater from a well in a designated brackish groundwater production zone for a project designed to treat the brackish groundwater to drinking water standards; (2) require groundwater conservation districts to adopt such rules, if the district receives a petition from a person with a legally defined interest in groundwater in the district; (3) provide for a minimum term of 30 years for a permit issued for a well that produces brackish groundwater from a designated brackish groundwater production zone; and (4) require the holder of a permit to report to the groundwater conservation district on the amount of brackish groundwater withdrawn and aquifer levels.

**1H.B. 199 (Pickett) – Solar Charges:** would provide that an investor owned electric utility may not impose on residential customers who are distributed solar or wind renewable generation owners: (1) a rate or charge that applies only to those customers; or (2) a rate or charge that is significantly higher than a similar charge imposed on residential customers who are not distributed solar or wind renewable generation owners.

**1H.B. 205 (Pickett) – Motor Vehicle Inspections:** would require the Texas Commission on Environmental Quality to: (1) identify the minimum program required by the federal Clean Air Act for the motor vehicle inspection and maintenance program; and (2) develop a state implementation plan revision and necessary rules to revise the motor vehicle inspection and maintenance program to include only the minimum program.

**1H.B. 226 (Larson) – Interregional Water Planning Council:** would require the Texas Water Development Board to appoint an interregional planning council consisting of one member from

each regional water planning group to improve coordination among the regional water planning groups.

**1H.B. 228 (Larson) – Aquifer Storage and Recovery:** would, among other things, provide: (1) for an expedited procedure on an application for a water right involving an aquifer storage and recovery project; and (2) specific procedures for an application for an amendment to a water right to convert use from reservoir storage to aquifer storage and recovery.

**1H.B. 229 (Larson) – State Participation Account:** would allow the Texas Water Development Board to use the state participation account to provide financial assistance for the development of a desalination or aquifer storage and recovery facility to meet existing or projected future water needs.

**1H.B. 230 (Larson) – State Water Pollution Control Fund:** would: (1) provide that persons for projects eligible for assistance under Section 603(c) of the Federal Water Pollution Control Act are eligible for state funding administered through the Texas Water Development Board (TWDB); and (2) allow the TWDB to use the revolving fund for loans for a term not to exceed the lesser of 30 years or the projected useful life.

**1H.B. 275 (Ashby) – Groundwater Conservation District:** would automatically extend the term of a permit to transfer groundwater outside of a groundwater conservation district to a term not shorter than the term of the operating permit and would also extend the permit term for each additional term an operating permit is renewed.

**1H.B. 276 (E. Thompson) – Municipal Solid Waste Facilities:** would require the Texas Commission on Environmental Quality to conduct an assessment of the safety and regulation of municipal solid waste facilities.

**1H.B. 277 (Larson) – Texas Water Development Board:** would require the Texas Water Development Board to conduct studies of aquifer storage and recovery projects identified in the state water plan and report the results of each study to regional water planning groups and interested persons.

**1H.B. 295 (Anchia) – Climate Change:** would create the Texas Climate Change Mitigation and Adaptation Commission, which must include a representative of the municipal electricity sector.

**1H.B. 304 (Morrison) – Grease or Grit Trap Waste:** would: (1) prohibit the Texas Commission on Environmental Quality (TCEQ) from issuing a permit, registration, or other authorization for land application of grease trap waste or grit trap waste; and (2) provide that the prohibition in (1) does not apply to: (a) the disposal of grease trap waste or grit trap waste at a municipal solid waste (MSW) Type I landfill permitted by the TCEQ; (b) the processing of grease trap waste or grit trap waste at a MSW Type V compost facility permitted or registered by the TCEQ; or (c) land application of Grade 1 or Grade 2 compost generated at a Type V compost facility permitted to compost grease trap waste by the TCEQ.

**1S.B. 24 (Hall) – Electric Grid Security:** would establish various task forces and committees to study and make recommendations as to the security of the state’s electric grid.