

The logo for the Texas Municipal League, featuring a green square with a white star in the center. The words "Texas", "Municipal", and "League" are stacked vertically in white text within the square.

Legislative UPDATE

January 2, 2015
Number 1

Texas Economic Development Handbook Updated

The Texas Municipal League has assumed editing and publication of the *Economic Development Handbook*. The publication, originally prepared by the Texas attorney general's office, had become out-of-date. League staff, as well as several recognized legal experts, have updated the handbook and posted it [online](#). It will be updated following each session of the Texas Legislature.

Texas Board of Professional Engineers

League staff met recently with the executive director of the Texas Board of Professional Engineers (TBPE). The TBPE has asked the League to share some basic information about what it does and how that relates to cities:

The TBPE regulates the practice of professional engineering in Texas, and it has reached out to the League and its membership with the intent of working together to educate and answer questions that city officials may have regarding professional engineering.

The TBPE has informative materials, including a flowchart titled "When is a professional engineer required on a project?" The materials are available at <http://engineers.texas.gov/media.html>.

TBPE staff is available to make outreach presentations directly to a city or TML region, either in person or via webinar, to discuss the role of TBPE, explain how it affects cities, and answer any questions you might have.

Please contact the executive director, Lance Kinney, P.E., at lance.kinney@engineers.texas.gov or 512-440-3080 with questions.

TML E-List Project: Choose Your Area of Interest

The Texas Municipal League is once again implementing the TML E-List project by gathering email addresses from city officials (elected and appointed) who: (1) may be willing to provide testimony during the 2015 legislative session; (2) want to be kept “in the loop” on certain subject matters; and/or (3) are willing to simply provide their perspective on a particular legislative matter.

The “E-lists” are one way TML staff contacts city officials regarding harmful legislation and are an invaluable grassroots tool. In many cases, bills will be set for committee hearings with essentially no notice. When that happens, an email will go out to the appropriate E-list asking for information or action on your part. Legislators need to hear from their city officials more than from TML staff.

To participate in the E-List project, go to <http://www.tml.org/genform/E-List.asp> and fill out the online form. If you have any questions, please contact JJ Rocha at jj@tml.org or 512-231-7400.

Cities Are Partners with State

Texas cities are partners with the state to keep Texas’ economy and quality of life vibrant. [This simple one-page \(two-sided\) document](#) allows city officials to communicate that message to legislators.

City-Related Bills Filed This Week

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

Property Tax

No property tax bills were filed this week.

Sales Tax

No sales tax bills were filed this week.

Purchasing

No purchasing bills were filed this week.

Elections

H.B. 534 (Nevarez) – Elections: would provide that an identification card issued by an agency or institution of the federal or state government and that contains a person's photograph is an acceptable form of photo identification for voting.

H.B. 535 (Nevarez) – Elections: would provide that a valid identification card that contains the person's photograph issued by a tribal organization is an acceptable form of photo identification for voting.

H.B. 536 (Nevarez) – Elections: would provide that, for a person who is 65 years of age or older, any legal form of identification for voting is acceptable, even if it has expired.

S.B. 251 (Ellis) – Elections: would: (1) authorize an entity that orders an election to appoint a person to serve as an interpreter during the election if the person is a registered voter of the county in which the voter needing the interpreter resides or a registered voter of an adjacent county; and (2) provide that a voter may select any person other than the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs, to serve as the voter's own personal interpreter.

Open Government

No open government bills were filed this week.

Other Finance and Administration

H.B. 540 (P. King) – Initiative and Referendum: this bill would apply only to a home rule city that has initiative and referendum provisions in the city charter. The bill would provide that: (1) before ordering an election as required by charter, the city shall submit a measure proposed by petition to enact a new ordinance or repeal an existing ordinance to the attorney general; (2) the attorney general shall, not later than the 90th day after submission: (a) determine whether any portion of the proposed measure would violate the Texas or federal constitution, a state statute, or a rule adopted as authorized by state statute; (b) determine whether passage of the measure would cause a governmental taking of private property for which the Texas or federal constitution would require compensation to be paid to the property owner; and (c) advise the city of its determinations; (3) the city may not hold an election on the proposed measure if the attorney general has determined that any portion of the proposed measure would violate the

Texas or federal constitution or a state statute or rule or would cause a governmental taking of private property; and (4) to the extent that the requirements of the bill conflict with a charter provision requiring the city to order an election within a period following receipt of a petition, the bill controls and the period during which the city must order the election is extended to the extent necessary to comply with the bill.

Municipal Courts

H.B. 538 (Spitzer) – Jurisdiction: would: (1) provide that a municipal court has jurisdiction over a fine-only offense committed on the entire width of a segment of highway or street abutting property located in a city; and (2) expand a peace officer’s jurisdiction in accordance with the court’s jurisdiction described in (1), above.

H.B. 559 (Anchia) – Magistrates: would require a magistrate to inform an arrestee that, if the person is not a citizen of the United States, a plea of guilty or no contest for the offense charged may affect the person’s immigration or residency status and may result in deportation. (Companion bill is **S.B. 268** by **Watson**.)

Community and Economic Development

H.B. 539 (P. King) – Regulation of Oil or Natural Gas: would provide that a city with authority to adopt an oil or gas measure may not adopt one unless the city complies with the numerous and complex requirements of the bill, including submitting various information to the state related to the alleged costs of the measure to the state and remitting payment to the state for its alleged losses as determined by a state agency.

H.B. 555 (Springer) – Annexation: would provide that a city may not annex an area if the width of the area at the widest point exceeds the length of the area at the longest point, unless the boundaries of the city are contiguous to the area on at least two sides or the area abuts or is contiguous to another jurisdictional boundary.

S.B. 267 (Perry) – Rental Housing: would provide that neither a city nor a county may not adopt or enforce an ordinance or regulation that prohibits an owner, lessee, sublessee, assignee, managing agent, or other person having the right to lease, sublease, or rent a housing accommodation from refusing to lease or rent the housing accommodation to a person because of the person’s lawful source of income to pay rent, including a federal housing choice voucher.

Personnel

H.B. 532 (McClendon) – Employee Leave: would: (1) require an employer, including a city, with 25 or more employees to allow an employee who is a parent or guardian to take a limited amount of unpaid time off to meet with his child’s school or attend his child’s school activities

subject to reporting and other requirements; and (2) create a cause of action for disciplining an employee for using such leave.

H.B. 548 (Johnson) – Employee Background Checks: would prohibit a public employer, including a city, from asking about an employment applicant’s criminal history record information unless: (1) the applicant has been offered a conditional offer of employment or an interview; (2) the applicant would be working with children; or (3) a criminal history information check is required by other law.

Public Safety

H.B. 533 (Ashby) – Vehicle Impoundment: would: (1) authorize a peace officer to impound or authorize a vehicle storage facility to remove and impound a vehicle of a person who: (a) is involved in a motor vehicle accident or is stopped for an alleged violation of a local traffic ordinance, state traffic law, or any other law applicable to the operation of a vehicle on a roadway; and (b) operates a motor vehicle without establishing financial responsibility for the vehicle; (2) require a peace officer who impounds or authorizes the impoundment of a vehicle under (1), above, to instruct the operator of the vehicle as to how the owner of the vehicle may recover the motor vehicle; (3) allow a law enforcement agency or vehicle storage facility to release a vehicle impounded under (1), above, only if the owner provides: (a) sufficient evidence showing the motor vehicle was exempt from the financial responsibility requirement; or (b) sufficient evidence showing that on the applicable date the vehicle was in compliance; or (c) sufficient evidence showing financial responsibility for the vehicle has been obtained and is valid; and (d) provides a driver’s license issued to the owner of the vehicle and pays all associated fees; and (4) authorize the law enforcement agency or vehicle storage facility that impounds a vehicle under (1), above, to release the vehicle to a person who is shown as a lienholder on the vehicle’s certificate of title only if the person provides a statement from an officer of the lienholder establishing that the obligation secured by the vehicle is in default and the person pays all associated fees.

H.B. 541 (Canales) – Custodial Interrogations: would: (1) limit the law enforcement agencies that are qualified to conduct a custodial interrogation of an individual suspected of committing murder, capital murder, kidnapping, aggravated kidnapping, trafficking of persons, continuous trafficking of persons, continuous sexual abuse of young children, indecency with a child, improper relationship between educator and student, sexual assault, aggravated sexual assault or sexual performance by a child; (2) require a law enforcement agency qualified to conduct a custodial interrogation described in (1), above, to make an electronic recording of the interrogation when it occurs in a place of detention, including a city police station or department; (3) provide that an electronic recording described in (2), above, is only complete if the recording begins at the time the person being interrogated receives a Miranda warning and continues until the interrogation ceases; (4) exempt a recording described in (2), above, from public disclosure; and (5) excuse a law enforcement agency from making the electronic recording described in (2), above, if: (a) the accused refuses to respond to questioning or cooperate in the interrogation; (b) a statement was not made exclusively as a result of a custodial interrogation; (c) the recording equipment malfunctions; (d) exigent public safety concerns prevent or render infeasible the

making of the recording; or (e) the peace officer reasonably believes that the accused was not taken into custody for or being interrogated concerning the commission of an offense listed in (1), above.

H.B. 543 (Dutton) – DWI: would allow the commissioners court of a county or the governing body of a city to create a “Direct Intervention using Voluntary Education, Restitution, and Treatment (DIVERT)” program for certain first-time DWI offenders.

H.B. 554 (Springer) – Concealed Handguns: would provide a defense to prosecution for a concealed handgun licensee who accidentally carries a concealed handgun into the secure area of an airport. (Companion bill is **H.B. 571** by **Pickett**.)

H.B. 563 (Dutton) – Law Enforcement: would: (1) expand the definition of the crime of official oppression to include excessive force; and (2) make excessive force by a peace officer a third degree felony.

H.B. 571 (Pickett) – Concealed Handguns: this bill is identical to **H.B. 554**, above.

H.B. 573 (J. White) – Concealed Handguns: would allow an election judge or clerk who possesses a concealed handgun license to carry a concealed handgun on the premises of a polling place.

H.J.R. 61 (Ashby) – Hunting: would amend the Texas Constitution to provide that the people have the right to hunt, fish, and harvest wildlife, including by the use of traditional methods, subject to laws or regulations to conserve and manage wildlife and preserve the future of hunting and fishing. (Note: this bill would likely eliminate a city’s ability to regulate the discharge of firearms.)

S.B. 257 (Ellis) – Firearms: would provide that: (1) a law enforcement agency that receives a report of a lost or stolen firearm shall provide a copy of the report to the Department of Public Safety; (2) the department shall analyze information received under the bill and shall make the analysis available to any local law enforcement agency, political subdivision, or state agency to the extent the analysis is reasonably necessary or useful to the agency or subdivision in carrying out duties imposed by law on the agency or subdivision; and (3) a person commits an offense if he or she fails to report the loss or theft of a firearm to law enforcement.

S.B. 259 (Ellis) – Firearms: would require a criminal background check for essentially any transfer of a firearm.

Transportation

No transportation bills were filed this week.

Utilities and Environment

S.B. 253 (Ellis) – Environmental Justice Communities: would: (1) require a person applying for a permit for a new facility that requires approval from Texas Commission on Environmental Quality (TCEQ) or the expansion of such a facility to submit to the TCEQ a report stating whether the facility is to be located in an environmental justice community; (2) require a facility in an environmental justice community to consult with the mayor in the city in which the facility is to be located; (3) require a permit applicant to publish notice of and hold a public hearing to provide information on the potential environmental impacts of the facility; and (4) allow a city and an owner or developer of an affecting facility to enter into a community environmental benefit agreement.

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