



# Legislative UPDATE

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## **Annexation Reformers Ignore U.S. Military**

Legislation that would limit municipal annexation authority would negatively affect the Texas economy and the state's ability to absorb so many new residents. League staff and city officials have long advocated that position to the legislature, and one component of it is particularly important.

Annexation limitations like those in H.B. 6 by Dan Huberty (R – Houston) or S.B. 6 by Donna Campbell (R – New Braunfels) could also affect the viability of the state's military bases. The bases represent close to \$150 billion a year economic impact to our state economy.

Base realignment and closure (BRAC) is the process by which the federal government reviews the efficiency of bases around the country. Development encroachment and land use compatibility is one of the most important factors in that process. If cities can't annex around bases to ensure compatible land uses, Texas bases may be unable to carry out their training missions, meaning they could be moved or closed.

Marine Corps Major General Juan Ayala (Retired) testified on behalf of the San Antonio Office of Military Affairs before both the Senate and House Committees about the detrimental effect annexation legislation could have on the military training missions in Texas. Many other city and military officials have advocated that position as well. Nevertheless, bill supporters have gone to great length to marginalize their input about the negative consequences of their bills.

House Bill 6 and S.B. 6 would create a great deal of uncertainty as to how cities can work with the military to keep our military bases viable. We hope that legislators realize this very real issue when considering annexation reform.

## **Why No Compromise on a Revenue Cap?**

Last Tuesday, the House Committee on Ways and Means substituted a six percent property tax revenue cap into the Senate's revenue cap bill (S.B. 1), replacing that bill's four percent cap. So, six is at least a little better than four, right? Wrong.

The fact that S.B. 1 and H.B. 4 focus solely on city and county taxes and ignore the elephant in the room – school funding – means that no proposed cap can actually solve anything and would only continue to make cities an easy target in the future. Moreover, the House sponsor of S.B. 1 has said, and we agree, that the bill offers no real tax relief.

As the League has explained recently, the point of a city revenue cap is simply to divert attention from the fact that state government has doubled-down on its strategy of riding school property taxes ever skyward while state funding of schools decreases.

Despite all that, isn't six still somewhat better than four? No, it's just the first step toward more punitive measures in the future. Unless and until the legislature enacts significant reforms to the school funding problem, it will continue to blame cities and counties for high property taxes.

Think of it this way: suppose the legislature adjourns from this special session having enacted a six percent revenue cap. Over the next biennium, taxes won't be lowered (as already stated by the House author). Then imagine in 2019 that the legislature once again lacks the resolve to solve school funding (not hard to imagine absent court mandates). What will they do? It's easy, just blame the cities and counties once again and lower the cap from six percent to four percent and claim victory. In 2021, they can go from four percent to two percent and say, "we're making progress."

Thus, city officials need to stand strong against the idea that any change in rollback rates is good public policy. Key legislative leaders understand that city property taxes are not the real problem.

The League is opposed to any version of a city revenue cap bill because it offers no tax relief for homeowners and it's an assault on the ability of Texans to decide at the local level what is best for their community. City officials need to make that point to their delegation now.

## **Real Property Tax Relief and the Problem with Arbitrary Starting Points**

The Texas Senate debated S.B. 1 (the Senate's revenue cap legislation) on the floor last week. Several senators rightfully raised the point that, if the legislature is really serious about providing property tax relief, it should direct its attention to fixing the way the state funds public education.

In response, the author of S.B. 1 repeatedly stated that school property taxes have only increased 39.5 percent from 2005 to 2015, while city property taxes have increased by 71 percent over the same period. (County and special purpose district property taxes increased by 82 percent and 93 percent, respectively, over the same time period.) He used [this chart](#) to support his claim.

So that pretty much settles it, right? The way to provide real property tax relief is to impose restrictions on cities and counties instead of addressing the largest portion of every homeowner's property tax bill? Well...not exactly.

What's interesting about the numbers cited by the author of S.B. 1 is that he begins measuring the increase in property taxes in 2005. Conveniently for him, 2005 was the year before the legislature significantly overhauled school finance by revamping the state franchise tax to fund public education. This opened the door for local school districts to lower their maintenance and operations tax rates. In 2006, school property taxes dropped significantly because of action taken by the legislature. To include this artificial and anomalous drop in school tax levy in the comparison to city property tax levies over the same time period significantly skews the numbers. Doing so makes it appear as though city taxes were and are increasing at a much faster rate.

Using a more appropriate comparison of property tax levies from 2007 to 2015 paints a very different picture. During that time frame, school district property taxes increased by 49 percent, and city property taxes increased by 42 percent. Instead of city property taxes increasing by nearly double the amount of school property taxes, an "apples to apples" comparison shows that school district property taxes have increased faster than city property taxes.

School district property taxes are increasing faster than city property taxes on a percentage basis. But looking at real dollar amounts, as opposed to percentages, makes the increase in school district property taxes compared to city property taxes even more apparent.

In real taxpayer dollars, the 49 percent increase in school district property taxes from 2007 to 2015 collectively cost Texas taxpayers \$9.3 billion. The 42 percent increase in total city property tax levies from 2007 to 2015 cost Texas taxpayers \$2.9 billion. In real dollar figures, *school district property taxes have increased over three times as much city property taxes.*

Legislators continue to point the finger at cities and counties for increased property taxes. But until the legislature fixes the problem it has created regarding funding public schools, Texas taxpayers will not see one bit of tax relief.

## **DPS Crime Lab and the State Budget: Governor Puts a Stop to Unfunded Mandate**

This week, Governor Abbott put a stop to what would have been a large unfunded mandate on city police departments that use the state's crime lab for evidence analysis.

Prior to last session, the Department of Public Safety (DPS) had offered forensic services to local law enforcement agencies at no cost because many cities do not have their own lab or the ability to outsource forensic testing. But then the legislature included a rider in the state budget that would have required cities and counties to begin paying for those forensic services. The rider requires DPS to collect up to \$11.5 million in forensic fees from cities and counties beginning September 1, 2017, to cover budget cuts made to the agency.

However, Governor Greg Abbott recently issued a letter to DPS asking them to retract their request to local law enforcement agencies. The letter stated that the governor believed it is "premature to charge a fee at this time."

League staff will continue to monitor and report on this issue.

## **Resolutions for the 2017 TML Annual Conference**

The TML Constitution states that resolutions for consideration at the Annual Conference must be submitted to the TML headquarters 45 calendar days prior to the first day of the Annual Conference. For 2017, this provision means that resolutions from any member city, TML region, or TML affiliate must arrive at the TML headquarters no later than 5:00 p.m. on **August 21, 2017**. For more information on resolution submission, click [here](#).

## **Post-Session Update: Golf Carts on City Streets**

Three bills passed during the 2017 regular legislative session impact the operation of golf carts and similar vehicles on city streets: House Bill 561, effective immediately; House Bill 920, effective September 1, 2017; and House Bill 1956, effective September 1, 2017. Summaries of each of those bills are available [here](#).

Perhaps the most significant change is found in House Bill 561, which adds new Subchapter G to Chapter 551 of the Texas Transportation Code. This bill authorizes motor carriers (e.g., UPS) to operate golf carts, as well as neighborhood electric vehicles, recreational off-highway vehicles, and utility vehicles, on certain streets for the purpose of retrieving or delivering packages.

You can find more details about this issue in a legal Q&A [here](#). Contact Christy Drake-Adams, TML assistant general counsel, with questions at 512-231-7400 or [christy@tml.org](mailto:christy@tml.org).

## **Post-Session Update:** **Open Meetings Act and Candidate Forums**

As the fall campaign season approaches, new candidates and incumbents seeking elected municipal positions will be asked to participate in a variety of political events. Candidate forums are just one example. For new candidates, the Texas Open Meetings Act (Act) does not apply because they are not yet members of the city council. For incumbents, however, the Act does apply and can lead to inadvertent “meetings” at candidate forums.

The good news in relation to candidate forums is the passage of S.B. 1440, which becomes effective September 1, 2017. The bill provides that the term “meeting” *does not* include the attendance by a quorum of a governmental body at a candidate forum, appearance or debate to inform the electorate, if formal action is not taken and any discussion of public business is incidental to the forum, appearance, or debate. Passage of this League priority bill ensures that incumbents are treated the same under the Open Meetings Act as challengers.

City officials should consult with local legal counsel on the specifics of any particular event.

## **Significant Committee Actions**

**1H.B. 4 (D. Bonnen)**, relating to the calculation of the ad valorem rollback tax rate of a taxing unit and voter approval of a proposed tax rate that exceeds the rollback tax rate. Reported from the House Ways and Means Committee. As reported, the bill would:

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) maintenance and operations taxes of \$25 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 six 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 for up to three years 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. 29 (Leach)**, relating to the exemption from ad valorem taxation of part of the appraised value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran. Reported from the House Committee on Ways and Means.

**1H.B. 179 (Roberts)**, relating to an exemption from ad valorem taxation of the residence homesteads of certain disabled first responders and their surviving spouses. Reported from the House Committee on Ways and Means.

**1H.J.R. 27 (Leach)**, proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of part of the market value of the residence homestead of a partially disabled veteran. Reported from the House Committee on Ways and Means.

**1H.J.R. 30 (Roberts)**, proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homesteads of certain disabled first responders. Reported from the House Committee on Ways and Means.

**1S.B. 1 (Bettencourt)**, relating to ad valorem taxation. Reported from the House Committee on Ways and Means. As reported, the bill is identical to H.B. 4, above.

## **Significant Floor Actions**

**1H.B. 7 (Phelan)**, relating to a tree planting credit to offset tree mitigation fees imposed by a municipality. Passed the House. As passed, the bill would:

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.

## **First Special Session – City-Related Bills Filed**

### **Property Tax**

**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 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. 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. 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.)

### **Elections**

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

### **Other Finance and Administration**

**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.

## **Community and Economic Development**

**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.

## **Public Safety**

**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. 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.

## **City Officials Testify**

When the legislature is in session, nothing compares to the effectiveness of city officials testifying at the Capitol. City officials who take their time to travel to Austin to speak out on

important city issues should be applauded by us all. The League extends its thanks to all those who have vigilantly represented cities during this special session.

The following officials testified in committee hearings held through July 31:

- Eric Robins, Assistant Chief, Sugar Land Police Department
- Hope Wells, Water Resources Counsel, San Antonio Water System
- James Jones, Sargeant, San Antonio Police Department
- Michael Barger, Sargeant, Austin Police Department

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