



Legislative UPDATE

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Number 2

Legislative Session Begins: **Property Tax Sleight of Hand Continues**

The 85th regular session of the Texas Legislature kicked off Tuesday with fanfare and pageantry, and very little controversy. House Speaker Joe Straus was reelected by a unanimous vote of 150-0, and the Senate selected former Amarillo mayor Kel Seliger as its President Pro Tem. Little of substance will happen until committees are appointed in both chambers, which will take several days.

The most significant news of the week for cities came from the Comptroller. On Monday, Comptroller Glenn Hegar announced that the legislature would have \$2.8 billion less discretionary funding to spend in 2018-19 than it had in 2016-17. That may not seem significant for cities because we get little state funding. It is significant, however, in relation to property tax reform.

The state government is increasingly reliant on local school property taxes to fund public education, and less available state money will make it more difficult than ever to replace some of those school property taxes with much needed state dollars. In fact, as this [chart](#) from the state Legislative Budget Board shows, state aid to education has been flat over the past 10 years, while nearly all the heavy lifting has been done by increasing school property taxes.

Meanwhile, a Senate-priority revenue cap bill, S.B. 2, has been filed. The bill would significantly harm city property taxing authority. It affects only local government property taxes; it does nothing to fix the real problem with school property taxes reflected in the chart above. Is that coincidence? Not at all. The very strategy of S.B. 2 is to divert attention from the state's over-reliance on property taxes to fund schools and to try to paint cities as the culprit.

Despite less state money to address the school funding issue, cities must encourage our legislators to tackle the school funding problem rather than the boogeyman of modest city and county tax levies. A revenue cap is a direct assault on public safety, transportation, and economic development, and it provides no meaningful tax relief. The real problem with property taxes lies under the pink granite dome in Austin.

DON'T FORGET: **Mandatory Eminent Domain Reporting**

According to the Texas comptroller's office, *more than 700 cities* have yet to comply with mandatory eminent domain reporting. [Senate Bill 1812](#), passed during the 2015 legislative session, requires cities to annually fill out a [web-based form](#) with the comptroller relating to each city's statutory eminent domain authority. (The failure to fill out the form could result in a \$1,000 penalty against a city.)

The first annual entry was due last February. The next reporting period is open now and the second annual entry is due by February 1, 2017. The second entry is, for most cities, just an update of previously-filed information, including whether the city exercised its eminent domain authority in the preceding calendar year by filing a condemnation petition under Section 21.012, Property Code.

Of course, any city that never filled out the form as required should do so now. Detailed instructions on doing so are available in this [previous article](#).

City-Related Bills Filed

Property Tax

H.B. 801 (Murphy) – Property Tax on Agricultural Land: would repeal the additional property taxes imposed as a result of certain changes in the use of open-space land appraised as agricultural.

H.B. 845 (Lozano) – Property Tax Exemption: would authorize the governing body of a taxing unit to exempt from property taxes the mineral interests owned by nonprofit corporations organized for the exclusive purpose of generating income for certain charitable nonprofit corporations through the ownership, lease, and management of real property. (See **H.J.R. 51**, below.)

H.B. 850 (Turner) – Property Tax Exemption: would provide that: (1) a person is entitled to a property tax exemption, expressed as a dollar amount, of the appraised value of real property that the person owns and that is used as a group home or intermediate care facility for individuals with developmental, physical, or intellectual disabilities; and (2) the amount of the exemption is

equal to the costs incurred by the property owner in maintaining, operating, and making improvements to the property during the preceding 12-month period. (See **H.J.R. 52**, below.)

H.B. 906 (Elkins) – Tax Exemption: would, among other things, authorize institutions of higher education to create research technology corporations that would be exempt from both property taxes and sales taxes. (See **H.J.R. 54**, below.)

H.J.R. 51 (Lozano) – Property Tax Exemption: would amend the Texas Constitution to authorize a governing body of a taxing unit to exempt from property taxes the mineral interests owned by nonprofit corporations organized for the exclusive purpose of generating income for certain charitable nonprofit corporations through the ownership, lease, and management of real property. (See **H.B. 845**, above.)

H.J.R. 52 (Turner) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from property taxes a portion of the assessed value of property used to provide housing to individuals with disabilities in an amount equal to the costs the owner of the property incurs to maintain, operate, and make improvements to the property. (See **H.B. 850**, above.)

H.J.R. 54 (Elkins) – Tax Exemption: would amend the Texas Constitution to authorize institutions of higher education to create research technology corporations that would be exempt from both property taxes and sales taxes. (See **H.B. 906**, above.)

S.B. 418 (Watson) – 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; (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; (5) for purposes of calculating the “current total value” for use in adopting a property tax rate, provide that a governing body that has adopted an exemption under (1) generally includes the total dollar amount of the exemptions granted; and (6) provide that an exemption granted under (1) is not included in the term “lost property levy” for purposes of calculating a property tax rate. (See **S.J.R. 29**, below.)

S.B. 447 (Burton) – Appraisal Districts: would, among other things: (1) require the chief appraiser of an appraisal district to be elected at the general election for state and county officers every two years; and (2) provide that members of the appraisal review board are appointed by the chief appraiser of the appraisal district.

S.B. 448 (Burton) – Property Tax Deferral and Abatement: would provide that the chief appraiser may not make a determination that an individual who is 65 years of age or older is no longer entitled to receive a property tax deferral or abatement because the property for which the deferral or abatement was obtained is no longer the individual’s principal residence without first providing written notice to the individual stating that the chief appraiser believes the property may no longer be the individual’s principal residence.

S.J.R. 29 (Watson) – 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 **S.B. 418**, above).

Sales Tax

H.B. 803 (Dale) – Sales Tax Exemption: would, among other things, provide that the sale to or storage, use, or other consumption of a taxable item by a qualifying space flight entity is exempted from sales taxes.

H.B. 824 (Turner) – Sales Tax Exemption: would exempt LED light bulbs from the sales and use tax if the sale takes place during a period beginning at 12:01 a.m. on the Saturday preceding the last Monday in May (Memorial Day) and ending at 11:59 p.m. on the last Monday in May.

Purchasing

No purchasing bills were filed this week.

Elections

S.B. 426 (Rodriguez) – Early Voting by Mail: would, among many other things, authorize early voting by mail for any qualified voter and provide for implementing procedures.

Open Government

H.B. 792 (Capriglione) – Competitive Information: would provide, in relation to the exception for disclosure in the Public Information Act for information related to competition or bidding, that: (1) the information is excepted from disclosure only if the governmental body demonstrates that release of the information would harm its interests by providing an advantage to a competitor or bidder in a particular competitive situation; (2) the exception does not apply to: (a) a bid or proposal, or information contained in a bid or proposal, after the governmental body executes or awards the contract to which the bid or proposal relates; or (b) an account, voucher, or contract, or information contained in or describing an account, voucher, or contract. (Note: This bill is meant to overturn the 2015 Texas Supreme Court opinion in *The Boeing Company and the Port of San Antonio v. Ken Paxton*.) (Companion bill is **S.B. 407** by Watson.)

H.B. 793 (Capriglione) – Governmental Bodies: would provide, for purposes of the applicability of the Public Information Act, that a governmental body includes the part, section, or portion of an organization, corporation, commission, committee, institution, or agency that: (1) receives public funds or other public resources unless the receipt of the funds or other resources imposes a specific and definite obligation on the entity to provide a measurable amount of service in exchange for the funds or other resources as would be expected in an arms-length transaction for services between a vendor and purchaser; (2) is a party to a contract with a governmental body or involved in another relationship with a governmental body that involves public funds and that indicates a common purpose or objective or that creates an agency-type relationship between the entity and one or more governmental bodies; or (3) provides services traditionally provided by a governmental body. (Note: This bill is meant to overturn the 2015 Texas Supreme Court opinion in *Greater Houston Partnership v. Ken Paxton*.) (Companion bill is **S.B. 408** by Watson.)

H.B. 839 (Ortega) – Competitive Information: would provide that the exception in the Public Information Act allowing a governmental body to withhold information relating to competition or bidding does not apply to information contained in a bid or proposal after the bid is awarded or the contract is executed. (Companion bill is **S.B. 425** by Rodriguez.)

S.B. 407 (Watson) – Competitive Information: this bill is the same as **H.B. 792**, above.

S.B. 408 (Watson) – Governmental Bodies: this bill is the same as **H.B. 793**, above.

S.B. 425 (Rodriguez) – Public Information: this bill is the same as **H.B. 839**, above.

Other Finance and Administration

H.B. 894 (Raymond) – Eight Liners: would provide, among other things, that: (1) on proper petition by the required number of voters of a county or of a justice precinct or city in a county, the commissioners court of the county shall order a local option election in that political subdivision to determine whether the operation of eight-liners shall be legalized or prohibited in the political subdivision; (2) the county commissioners court, at its next regular session on or after the 30th day after the date the petition is filed, shall order a local option election to be held on the issue; (3) the comptroller shall collect a \$350 annual fee on each eight-liner that an owner exhibits or displays, or permits to be exhibited or displayed, in this state; (4) the comptroller shall deposit 30 percent of each fee collected to the credit of the general revenue fund and: (a) for an eight-liner located in a city, the comptroller shall remit 70 percent of the fee to the city; or (b) for an eight-liner located outside a city, the comptroller shall remit 70 percent of the fee collected to the county; and (5) modify the definition of gambling in the Penal Code to clearly authorize the use of Eight Liners in an area that has voted to allow them.

S.B. 6 (Kolkhorst) – Bathrooms: would provide that:

1. a political subdivision may not adopt or enforce an order, ordinance, or other measure that relates to the designation or use of a private entity's bathroom or changing facility or that requires or prohibits the entity from adopting a policy on the designation or use of the entity's bathroom or changing facility;
2. in awarding a contract for the purchase of goods or services, a political subdivision may not consider whether a private entity competing for the contract has adopted a policy relating to the designation or use of the entity's bathroom or changing facility;
3. a political subdivision or state agency with control over multiple-occupancy bathrooms or changing facilities in a building owned or leased by this state or the political subdivision, as applicable, shall develop a policy requiring each multiple-occupancy bathroom or changing facility located in the building to be designated for and used only by persons of the same biological sex;
4. the bill does not prohibit a political subdivision or state agency from providing an accommodation, including a single-occupancy bathroom or changing facility, on request due to special circumstances, but the accommodation may not allow a person to use a multiple-occupancy bathroom or changing facility designated for the biological sex opposite to the person's biological sex;
5. the bill provides authorizes exceptions to the policy developed under (3), above, that would allow: (a) a person entering a multiple-occupancy bathroom or changing facility designated for the biological sex opposite to the person's biological sex: (i) for a custodial purpose; (ii) for a maintenance or inspection purpose; (iii) to render medical or other emergency assistance; (iv) to accompany a person needing assistance in using the facility; or (v) to receive assistance in using the facility; or (b) a child who is younger than eight years of age entering a multiple-occupancy bathroom or changing facility

designated for the biological sex opposite to the child's biological sex and accompanying a person caring for the child;

6. a private entity that leases or contracts to use a building owned or leased by this state or a political subdivision is not subject to a policy developed under (3), above, and a state agency or political subdivision may not require or prohibit a private entity that leases or contracts to use a building owned or leased by this state or a political subdivision from adopting a policy on the designation or use of bathroom or changing facilities located in the building;
7. a citizen of the state may file a complaint with the attorney general, who may seek civil penalties from a political subdivision of not less than \$1,000 and not more than \$1,500 for the first violation and not less than \$10,000 and not more than \$10,500 for the second or a subsequent violation;
8. in addition to seeking civil penalties under (7), above, the attorney general may also file a petition for a writ of mandamus or apply for other appropriate equitable relief; and
9. if it is shown on the trial of most serious Penal Code offenses that the offense was committed on the premises of a bathroom or changing facility: (a) the punishment for an offense, other than a first degree felony, is increased to the punishment prescribed for the next higher category of offense; or (b) if the offense is a first degree felony, the minimum term of confinement for the offense is increased to 15 years.

S.B. 445 (Burton) – Lobbying: would, in regard to a city that imposes a tax or has the authority to issue bonds: (1) authorize the city to spend money directly or indirectly to influence or attempt to influence the outcome of any legislation pending before the legislature only if the expenditure is authorized by a majority vote of the city council in an open meeting as a stand-alone item on the agenda; (2) require the city to report to the Texas Ethics Commission (TEC) and publish on the city's website: (a) the amount of money authorized for the purpose of directly or indirectly influencing or attempting to influence the outcome of any legislation pending before the legislature; (b) the name of any person retained or employed by the city who must register as a lobbyist; and (c) an electronic copy of any contract for services entered into by the city with a person retained or employed by the city who must register as a lobbyist; (3) require the city to report to the TEC and publish on the city's website the amount of public money spent for membership fees and dues of any nonprofit state association or organization of similarly situated political subdivisions or entities that directly or indirectly influence or attempt to influence the outcome of any legislation pending before the legislature; (4) require the TEC to make available to the public an online searchable database containing the reports submitted under (2); and (5) authorize a taxpayer of the city or a person who is served by or receives services from the city to seek injunctive relief against the city to prevent activity in violation of (1)-(3).

S.B. 446 (Burton) – Federal Funds: would: (1) require a political subdivision, before accepting or expending a federal grant or other federal funds that have not been appropriated by the legislature, to report to the comptroller: (a) the total amount of funds to be received or expended; and (b) the proposed use of the funds; and (2) authorize the comptroller to develop and maintain an online reporting system and require the comptroller to make available to the public a searchable database of information reported under (1).

Municipal Courts

No municipal court bills were filed this week.

Community and Economic Development

H.B. 797 (Minjarez) – Defense Communities: would: (1) provide that a city in which a military installation is located shall work closely with the military installation to ensure the most recent Air Installation Compatible Use Zone Study or Joint Land Use Study is publicly- available on the local government’s website; (2) add to the seller’s disclosure of property condition a notice if the property is located near a military installation and may be affected by high noise or air installation compatible use zones or other operations; and (3) require that information related to high noise and compatible use zones be accessible on the website of the city in which the military installation is located. (Companion bill is **H.B. 890** by **Geren**.)

H.B. 840 (Ortega) – Local Minimum Wage: would authorize a city to adopt a minimum wage that is greater than the federal minimum wage to be paid by an employer to each employee for services performed in the city. (Companion bill is **S.B. 427** by **Rodriguez**.)

H.B. 863 (Hernandez) – Construction Contracts: would provide that: (1) a governmental entity that enters into a construction contract must require that the contractor ensure that all employees working on the general construction site have completed at least 10 hours of construction safety training; (2) before an employee works on the general construction site, the contractor must receive and provide to the governmental entity a certificate of training completion for the employee; (3) a governmental entity that enters into a construction contract shall include in the contract notice and penalty provisions that: (a) require the governmental entity to provide the contractor with written notice of a violation of the bill by the contractor; (b) require the contractor to comply by the 20th day after the date the contractor receives any notice of noncompliance; (c) inform a contractor that the governmental entity may impose an administrative penalty if the contractor fails to comply after the 20th day after the date the contractor receives any notice of noncompliance; and (d) explain that a penalty amount may be withheld from a payment otherwise owed to the contractor under the construction contract; and (4) each governmental entity shall develop procedures for the administration of the bill.

H.B. 877 (Turner) – Credit Access Business: would prohibit a credit access business from making a telemarketing call to a consumer whose name and telephone number are on the Texas no-call list.

H.B. 890 (Geren) – Defense Communities: this bill is the same as **H.B. 797**, above.

H.B. 898 (Workman) – Permit Vesting: would, in relation to the permit vesting statute, provide that: (1) a regulatory agency may not impose a fee for the agency to review an application for determination of the applicability of the statute to the applicant’s project; (2) a permit applicant may request mandatory mediation regarding any regulatory agency determination that the statute does not apply to the applicant’s project; and (3) a political subdivision that has been found by a

court to have violated the statute is liable for actual damages, reasonable attorney's fees, administrative and court costs, and the applicant's portion of the cost of any mediation that did not result in an agreement.

S.B. 427 (Rodriguez) – Local Minimum Wage: this bill is the same as **H.B. 840**, above.

S.B. 438 (Rodriguez) – Economic Development: would provide that: (1) a city can convey land to an entity under a chapter 380 economic development agreement; (2) the city may transfer the property without going through the notice and bid process; (3) an agreement between the city and the entity would be the consideration for the transfer of the property with provisions that the property will be used to promote the economic development public purpose of the city and a provision that grants the city sufficient control to ensure that the public purpose is being accomplished; (4) the city must publish notice of the transfer in a newspaper of general circulation in the county that the property is located or, if there is no such newspaper, in an adjoining county; and (5) the notice must include a location and description of the real property and be published two separate days within 10 days before the date the property or an interest in the property is transferred.

Personnel

H.B. 827 (Blanco) – Veterans: would require the Texas Workforce Commission to develop and maintain a web-based, searchable database: (1) that converts a veteran's military service experience into approximate equivalent civilian experience and skills; and (2) through which prospective employers may qualify a veteran's military service experience and employment qualifications related to specific skills.

H.B. 873 (Pickett) – Peace Officers: would provide that an establishment serving the public, such as a restaurant or hotel, may not prohibit or otherwise restrict a peace officer or special investigator from carrying on the establishment's premises a weapon that the peace officer or special investigator is otherwise authorized to carry, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon.

Public Safety

H.B. 805 (Dale) – Asset Forfeiture: would: (1) provide that property that is contraband is not subject to seizure and forfeiture if: (a) the property is not otherwise unlawful to possess; and (b) the property would not be admissible as evidence in the prosecution of the underlying offense; and (2) limit the evidence that may be presented by the state in a forfeiture proceeding to that evidence that could be presented in the prosecution of the underlying offense giving rise to the forfeiture. (Companion bill is **H.B. 348** by **Canales**.)

H.B. 808 (Fallon) – Red Light Cameras: would: (1) prohibit a local entity from implementing or operating a photographic traffic signal enforcement system with respect to a highway or street

under the jurisdiction of the entity (with certain on-site law enforcement and toll exceptions); (2) authorize the attorney general to enforce the prohibition in (1); and (3) prohibit a local entity from issuing a civil or criminal charge or citation for an offense or violation based on a recorded image produced by a photographic traffic signal enforcement system (with certain on-site law enforcement and toll exceptions). (Companion bill is **S.B. 88** by **Hall**.)

H.B. 809 (VanDeaver) – Traffic Accidents: would prohibit a person operating a motor vehicle from using an electronic device to photograph or film a traffic accident, except for a police officer using a camera mounted on an authorized emergency vehicle.

H.B. 812 (Wu) – Solicitation: would prohibit an individual from standing in a roadway for any purpose other than to solicit a charitable contribution if authorized to do so by the authority with jurisdiction over the roadway.

H.B. 813 (J. Johnson) – Cite and Release: would: (1) prohibit a peace officer from arresting an offender for a fine-only misdemeanor, other than an alcohol-related offense; and (2) require a peace officer to issue a citation to a person who commits a fine-only misdemeanor in lieu of taking them before a magistrate.

H.B. 814 (J. Johnson) – Vehicle Searches: would prohibit a peace officer from searching a vehicle stopped for a traffic violation unless the peace officer: (1) has probable cause to conduct the search; (2) obtains the written consent of the vehicle operator; (3) obtains oral consent of the vehicle operator on an audio or video recording; or (4) has a reasonable and articulable fear that the operator poses a threat to the safety of the officer or another person.

H.B. 825 (Blanco) – Immigration: would provide that: (1) in the course of investigating an alleged criminal offense, a peace officer may inquire as to the nationality or immigration status of a victim of or witness to the offense only if the officer determines that the inquiry is necessary to: (a) investigate the offense; or (b) provide the victim or witness with information about federal visas designed to protect individuals providing assistance to law enforcement; and (2) the bill does not prevent a peace officer from: (a) conducting a separate investigation of any other alleged criminal offense; or (b) inquiring as to the nationality or immigration status of a victim of or witness to a criminal offense if the officer has probable cause to believe that the victim or witness has engaged in specific conduct constituting a separate criminal offense. (Companion bill is **S.B. 169** by **Rodriguez**.)

H.B. 835 (Stephenson) – Asset Forfeiture: would, in regard to the proceeds from asset forfeiture: (1) require that the audit to the attorney general include a detailed report that itemizes all seizures and indicates the specific criminal offense on which each seizure was based and whether charges were brought in connection with the offense; (2) add the following as permissible expenditures for law enforcement purposes: (a) audit preparation and professional fees paid to a person or entity under a contract or as authorized by law; and (b) the costs of preparing any reports required to be submitted with the audit form to the attorney general; and (3) add the following as permissible expenditures of an attorney's office: (a) witness-related costs; and (b) audit costs and fees, including audit preparation and professional fees paid to a

person or entity under a contract or as authorized by law and costs of preparing any reports required to be submitted with the audit form to the attorney general.

H.B. 848 (Schubert) – Sex Offenders: would: (1) define “child safety zone” as premises where children commonly gather, including a school, day-care facility, playground, public or private youth center, public swimming pool, video arcade facility, or other facility that regularly holds events primarily for children; (2) exclude a church from the definition of child safety zone; (3) authorize the governing body of a general law city by ordinance to restrict a registered sex offender from going in, on, or within a specified distance of a child safety zone in the city; (4) create an affirmative defense to prosecution of an offense under the ordinance that the registered sex offender is in, on, or within a specified distance of a child safety zone for a legitimate purpose, including transportation of a child that the registered sex offender is legally permitted to be with, transportation to and from work, and other work-related purposes; (5) limit the distance imposed by ordinance under (3), above, to, 1,000 feet; (6) require an ordinance to establish procedures for a registered sex offender to apply for an exemption from the ordinance; and (7) require the ordinance to exempt a registered sex offender who established residency in a residence located within the specified distance of a child safety zone before the date the ordinance is adopted. (Companion bill is **H.B. 207** by **Springer**.)

H.B. 854 (Reynolds) – Officer-Involved Injuries: would require a local law enforcement agency employing a peace officer who is seriously injured or killed while acting as a peace officer to report the incident to the attorney general.

H.B. 859 (Reynolds) – School Bus Cameras: would: (1) allow a board of trustees of a school district, by resolution, to impose a penalty for passing a school bus; and (2) provide the requirements of a school bus monitoring system used to detect such infractions.

H.B. 866 (Moody) – Lethal Violence Protective Order: would: (1) require a person under a lethal violence protective order to relinquish any firearms owned or in possession of the individual to a law enforcement agency; and (2) require a law enforcement officer who takes possession of a firearm to provide the person a written copy of the receipt for the firearm and written notice of the procedure for the return of the firearm. (Companion bill is **S.B. 434** by **Rodriguez**)

H.B. 889 (Geren) – Immigration: would create several new provisions in law related to the enforcement of federal and state immigration laws. Specifically, the bill would provide that:

1. a peace officer may not stop a motor vehicle or conduct a search of a business or residence solely to enforce a federal law relating to immigration, unless the officer is acting: (a) at the request of, and providing assistance to, an appropriate federal law enforcement officer; or (2) under the terms of an agreement between the law enforcement agency employing the officer and the federal government under which the agency receives delegated authority to enforce federal law relating to immigrants or immigration;
2. a peace officer may arrest an undocumented person only if the officer is acting to preserve the peace under his or her basic authority to enforce laws;
3. if a person is arrested and is unable to provide proof of lawful presence in the U.S., not

later than 48 hours after the person is arrested and before the person is released on bond, a law enforcement agency performing the booking process shall: (a) review any information available from the federal Priority Enforcement Program or a successor program; and (b) if information obtained under (a) reveals that the person is not a citizen or national of the U.S. and is unlawfully present in the U.S.: (i) provide notice of that fact to the judge or magistrate authorized to grant or deny the person's release on bail (the judge is then required to record the status in the court's records); and (ii) record that fact in the person's case file;

4. a law enforcement agency that has custody of a person subject to an immigration detainer issued by Immigration and Customs Enforcement (ICE) shall: (a) provide to the judge or magistrate authorized to grant or deny the person's release on bail notice that the person is subject to an immigration detainer (the judge is then required to record the status in the court's records); (b) record in the person's case file that the person is subject to an immigration detainer; and (c) comply with, honor, and fulfill the requests made in the detainer; and
5. if a criminal defendant is in the U.S. illegally and is to be confined to jail by a court judgment, the judge shall issue an order requiring the correctional facility to reduce the defendant's sentence by a period of not more than seven days on the facility's determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody.

The bill would prohibit certain city actions by providing that:

1. a "local entity" is defined to include, among others, a city, its officers, its employees, and other bodies that are part of a city, including the city police department and city attorney (but would exempt schools and hospitals, but not hospital peace officers);
2. a local entity shall not adopt, enforce, or endorse a policy under which the entity prohibits or discourages the enforcement of immigration laws;
3. a local entity shall not prohibit or discourage a person who is a commissioned peace officer, a corrections officer, a booking clerk, a magistrate, or a prosecuting attorney from doing any of the following: (a) inquiring into the immigration status of a person under a lawful detention or under arrest; (b) with respect to information relating to the immigration status, lawful or unlawful, of any person under a lawful detention or under arrest: (i) sending the information to or requesting or receiving the information from Citizenship and Immigration Services or ICE, including information regarding a person's place of birth; (ii) maintaining the information; or (iii) exchanging the information with another local entity or a federal or state governmental entity; (c) assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance; or (d) permitting a federal immigration officer to enter and conduct enforcement activities at a municipal or county jail to enforce federal immigration laws; and
4. a local entity or a person employed by or otherwise under the direction or control of the entity may not consider race, color, language, or national origin while enforcing immigration laws except to the extent permitted by the United States or Texas Constitutions.

The bill would provide for a state-level complaint and enforcement process by providing that:

1. any person, including the federal government, may file a complaint with the attorney general if the person offers evidence to support an allegation that a local entity has adopted, enforced, or endorsed a policy under which the entity prohibits or discourages the enforcement of immigration laws or that the entity, by consistent actions, prohibits or discourages the enforcement of those laws.
2. if the attorney general determines that a complaint filed against a local entity is valid, the attorney general shall, not later than the 10th day after the date of the determination, provide written notification to the entity that: (a) the complaint has been filed; (b) the attorney general has determined that the complaint is valid; (c) the attorney general is authorized to file an action to enjoin the violation if the entity does not come into compliance on or before the 90th day after the date the notification is provided; and (d) the entity will be denied state grant funds for the state fiscal year following the year in which a final judicial determination is made.
3. not later than the 30th day after the day a local entity receives written notification of a complaint, the local entity shall provide the attorney general with a copy of: (a) the entity's written policies related to immigration enforcement actions; (b) each immigration detainer received by the entity from the Department of Homeland Security; and (c) each response sent by the entity for a detainer;
4. if the attorney general determines that a complaint filed against a local entity is valid, the attorney general may file a petition for a writ of mandamus or apply for other appropriate equitable relief and may recover reasonable expenses incurred in obtaining relief under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs; and
5. a local entity may not receive state grant funds if the entity adopts, enforces, or endorses a policy under which the entity prohibits or discourages the enforcement of immigration laws or, by consistent actions, prohibits or discourages the enforcement of immigration laws (the comptroller shall adopt rules to implement the bill uniformly among the state agencies from which state grant funds are distributed to a city).

Finally, the bill would provide that not later than January 1, 2018, each local law enforcement agency shall: (a) formalize in writing any unwritten, informal policies relating to the enforcement of immigration laws; and (b) update the agency's policies to be consistent with the bill and to include provisions prohibiting an agency officer or employee from preventing agency personnel from taking immigration enforcement actions described by the bill. (Companion bills are **H.B. 611** by **Leach**, **H.B. 754** by **Fallon**, and **S.B. 4** by **Perry**.)

H.B. 893 (Raymond) – Criminal History Record: would provide that: (1) the criminal history record information of a person convicted of driving while intoxicated, driving while intoxicated with child passenger, intoxication assault, or intoxication manslaughter within a preceding 10-year period is public information, except for the person's social security number, driver's license or personal identification certificate number or telephone number and any information that would identify the victim; (2) the Department of Public Safety (DPS) shall create and maintain an Internet website to allow any person to search and receive this information free of charge; (3) DPS shall remove information from the website as soon as practicable after the earliest of: (a) the

10th anniversary of the date of the conviction; (b) the date the conviction is reversed on appeal; or (c) the date on which an order of expunction is entered; and (4) DPS shall establish a procedure under which peace officers or certain law enforcement employees may be provided any criminal history record of a person convicted of the mentioned intoxication offenses with the procedure allowing the peace officer to request the information and receive the information within the duration of a reasonable motor vehicle stop.

H.B. 899 (Nevarez) – Licensed Carry: would provide that, in relation to the notice required to prohibit licensed carry (e.g., “30.06” and “30.07” signs), the Department of Public Safety (DPS) shall adopt rules that prescribe the size of a sign and the lettering on the signs.

S.B. 434 (Rodriguez) – Lethal Violence Protective Order: this bill is identical to **H.B. 866**, above.

S.B. 449 (Burton) – Licensed Carry: would allow the holder of a license to concealed carry a handgun in certain establishments that sell alcoholic beverages.

S.B. 450 (Burton) – Firearms: would provide that, with certain exceptions, an agency of this state or a political subdivision of this state, and a law enforcement officer or other person employed by an agency of this state or a political subdivision of this state, may not contract with or in any other manner provide assistance to a federal agency or official with respect to the enforcement of a federal statute, order, rule, or regulation purporting to regulate a firearm, a firearm accessory, or firearm ammunition if the statute, order, rule, or regulation imposes a prohibition, restriction, or other regulation, such as a capacity or size limitation or a registration requirement, that does not exist under the laws of Texas.

Transportation

H.B. 837 (Allen) – Transportation: would provide that a public transportation provider shall notify each individual who resides in the provider’s service area and is eligible to use the provider’s services of the individual right to complementary paratransit service.

Utilities and Environment

H.B. 815 (Burkett) – Environmental Rules: would require the Texas Commission on Environmental Quality to: (1) conduct a regulatory analysis before adopting an environmental rule; and (2) when giving notice, incorporate more detailed information on the compliance costs for local governments into a fiscal note.

H.B. 838 (Allen) – Air Permitting: would require the Texas Commission on Environmental Quality, when granting a permit, to consider not only whether if emissions from the permitted facility will affect the public’s health and physical property, but also the cumulative effects on the public’s health and physical property from emissions from the permitted facility and from other facilities located less than three miles away.

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