



Legislative UPDATE

February 3, 2017
Number 5

No Sanctuary from Legislative Deluge

Legislative bill filing is moving at a far greater pace than any session in memory. As of yesterday, legislators had filed 2,242 bills. That number is 46 percent more than the same time in 2015. If the pace keeps up, legislators could ultimately file over 9,300 bills (compared to 6,476 two years ago). Of the bills filed so far, TML is tracking a whopping 770 that would affect cities.

At the top of the news this week was Governor Abbott's state of the state address, where he identified four emergency items: (1) child protective services reform; (2) a ban on "sanctuary cities;" (3) ethics reform; and (4) amending the U.S. Constitution.

"Sanctuary city" reform is somewhat of a misnomer: there seem to be no Texas cities that qualify as such. In fact, the chairman of the senate's Republican Caucus – Senator Paul Bettencourt (R – Houston) – was the first legislator to correctly refer to the issue as "sanctuary counties." The issue is currently being driven by a county sheriff who recently announced that she would no longer honor federal immigration detainers at the county jail (other than for the most serious offenses). The governor has already cancelled some grant funding to the county in question.

The leading "sanctuary county" bill, S.B. 4 by Charles Perry (R – Lubbock), would also apply to cities. The bill, one of the first substantive bills other than the budget to be considered, was heard in committee yesterday. The bill would penalize local governments that refuse to honor federal jail detainers or otherwise cooperate with immigration officials. More severe penalties will likely be added to the bill through amendments, including waiving local government sovereign immunity for crimes committed by immigrants released despite a federal detainer.

The bill hearing comes on the heels of President Trump’s executive order last week making sanctuary jurisdictions illegal at the federal level.

Though not an emergency item, Governor Abbott also stressed in his state of the state address the need for property tax revenue caps, praising Senator Bettencourt’s S.B. 2 for giving voters a chance to vote on tax increases. The governor at least properly referred to the bill as a “revenue cap,” contradicting the bill’s author who has repeatedly claimed that the bill isn’t a “cap.” Rather, he claims that it’s just a chance for local governments to “make their case” to the voters for needed property taxes.

With this many bills being filed, city officials should expect more and more harmful legislation.

TML Names Legislator of the Month for January

Representative Dustin Burrows is the TML Legislator of the Month for January 2017. Representative Burrows represents House District 83, which includes Lubbock, Brownfield, Slaton, and Snyder.



First elected in 2014, Representative Burrows is serving in his second term and has served on the House County Affairs Committee and the House Committee on International Trade and Intergovernmental Affairs. This session, Representative Burrows proposed an amendment to the House Rules that would have required a fiscal analysis of each piece of legislation that proposes an unfunded mandate on cities. While the amendment wasn’t ultimately added to the rules, it shows Burrows’ commitment to cities.

We hope city leaders across Texas, and particularly those in Representative Burrows’ district, will express their appreciation to this outstanding leader.

City-Related Bills Filed

Property Tax

H.B. 1248 (Lucio) – Property Tax Appeals: would establish an alternative resolution procedure for property tax lawsuits.

H.B. 1299 (Springer) – Property Tax Appraisal: would provide that, before taking effect, rules developed by the comptroller relating to the appraisal of qualified open-space land and qualified timber land for property tax purposes must be approved by the comptroller with the review and counsel of the Department of Agriculture. (Companion bill is **S.B. 594 by Creighton.**)

H.B. 1330 (Kuempel) – Property Tax Exemption: would provide that a person is entitled to a property tax exemption for the tangible personal property with a taxable value of less than \$2,500 and that is held or used for the production of income.

H.B. 1334 (Isaac) – Property Tax Exemption: would authorize the governing body of a taxing unit to exempt from property taxation the portion of the appraised value of property that is attributable to the installation on the property of a rainwater harvesting system.

S.B. 594 (Creighton) – Property Tax Appraisal: this bill is the same as **H.B. 1299**, above.

S.B. 595 (Lucio) – Property Tax Installment Payments: would provide that an individual is eligible to pay property taxes imposed on the individual's residence homestead in installments if the individual's household income for the household located at the individual's residence homestead is not more than 80 percent of the applicable area median family income established by the United States Department of Housing and Urban Development.

S.B. 629 (Schwertner) – Appraisal of Agricultural or Open-Space Land: would, among other things, eliminate the requirement that a person pay interest along with additional taxes if land that has been designated for agricultural use in any year is sold or diverted to a nonagricultural use.

S.B. 669 (Nelson) – Property Tax Protests: would make several changes to the system for protesting or appealing certain property tax determinations.

Sales Tax

H.B. 1300 (Springer) – Hotel Occupancy Tax: would provide that: (1) if a city uses hotel occupancy tax (HOT) revenue to create, maintain, operate, or administer an electronic tax administration system, the city shall permit a hotel to withhold not more than one percent of the HOT as reimbursement for the cost of collecting the tax; (2) a city may provide the reimbursement in (1) be forfeited because of failure to pay or file a HOT report to the city; (3) a city may each year spend not more than the lesser of one percent or \$75,000 of HOT revenue during that year for the creation, maintenance, operation, and administration of electronic tax administration system; and (4) a city may not use HOT revenue to conduct an audit.

H.B. 1325 (Nevarez) – Sales and Use Tax: would: (1) provide that the surveying of real property is not a taxable service; and (2) repeal the statute excluding certain landman services relating to negotiating or securing land or mineral rights for acquisition or trade from being considered a taxable service.

H.B. 1363 (Villalba) – Sales Tax Exemption: would provide a sales tax exemption for: (1) tangible personal property used to construct or install an eligible pool safety enclosure if sold to a person who is in the business of constructing or installing fences, walls, gates, or similar structures and who will construct or install the enclosure; (2) an eligible pool safety cover if sold to a person who is in the business of installing that type of cover and who will install the cover; and (3) otherwise taxable services used to construct or install the enclosure or cover.

H.B. 1370 (Springer) – Sales Tax Information: would: (1) require the comptroller to provide on request to a city or other local governmental entity that has adopted a sales tax: (a) information

relating to the gross sales, taxable sales, and taxable purchases by each person doing business in the city or other local governmental entity by individual outlet as reported to the comptroller on a sales and use tax return; (b) for a city or other local governmental entity with a population less than 150,000 that has adopted a sales tax, information relating to the amount of sales tax paid to the city or other local governmental entity during the preceding or current calendar year by each person doing business in the city or other local governmental entity who annually remits to the comptroller state and local sales tax payments of more than \$100; and (c) information relating to the gross sales, taxable sales, and taxable purchases by each person doing business in the county or other local governmental entity by individual outlet as reported to the comptroller on a sales and use tax return; and (2) repeal the statute: (a) requiring the comptroller to provide certain sales tax information as an aggregate total for all persons doing business in the defined area without disclosing individual tax payments; and (b) providing that if a city's request for certain sales tax information involves not more than three persons doing business in the defined area who remit sales taxes, the comptroller shall refuse to provide the information to the city or other local governmental entity unless the comptroller receives permission from each of the persons allowing the comptroller to provide information to the city or other local governmental entity as requested.

Purchasing

H.B. 1281 (Reynolds) – Professional Services: would add attorneys to the list of professionals that must be procured according to the Professional Services Procurement Act.

Elections

H.B. 1262 (Villalba) – Polling Place: would provide that: (1) if a building selected for a polling place is a school, the entity that owns or controls the building may deny the authority holding the election use of the building as a polling place if it can demonstrate that the use is reasonably likely to result in unsecured access to students on the building's campus; and (2) item (1) does not apply if classes are suspended during the time the building is in use as a polling place.

H.B. 1271 (Lang) – Uniform Election Date: would, among other things: (1) eliminate the May uniform election date; (2) establish a uniform election date on the first Tuesday in March in an even-numbered year, which is the primary election date; (3) require an election for the issuance of bonds by a political subdivision to be held on a uniform election date; and (4) require the governing body of a political subdivision that currently holds its general election for officers on the May uniform election date to change the date on which it holds its general election for officers to the November uniform election date by not later than December 31, 2017.

H.B. 1305 (R. Anderson) – Election Records: would require an authority preserving election records to store the records of each precinct separately in the order in which the records are received.

H.B. 1307 (S. Thompson) – Voter Registration: would provide that a person who has been convicted of a felony can register to vote if the person has: (1) completed any term of

incarceration or community supervision, or completed a period of probation ordered by any court; (2) served at least 10 consecutive years of parole or mandatory supervision; or (3) been pardoned or otherwise released from the resulting disability to vote.

H.B. 1360 (Shaheen) – Mechanical or Electronic Device: would provide that a person may not use any mechanical or electronic means to record images or sound within 100 feet of a voting station except that a person occupying a voting station may use a mechanical or electronic device to photograph the person’s completed ballot.

S.B. 616 (Campbell) – Charter Amendments: would: (1) require that the ballot proposition for a proposed charter amendment substantially submit the question with such definiteness and certainty that voters are not misled; (2) authorize a registered voter residing in a city to file a writ of mandamus to compel compliance with (1) and prohibit a city from accepting pro bono legal services to defend the mandamus action; (3) require a court to award a plaintiff who substantially prevails in a mandamus action under (2) reasonable attorney’s fees, expenses, and court costs; and (4) allow a court to award a city that substantially prevails in a mandamus action under (2) court costs, but not reasonable attorney’s fees or expenses.

S.B. 643 (Watson) – Voter Identification: would, among other things: (1) add the following documentation as acceptable as proof of identification for voting purposes: (a) a government document that shows the name and address of the voter, including the voter’s voter registration certificate; (b) one of the following documents that shows the name and address of the voter: (i) a copy of a current utility bill; (ii) a bank statement; (iii) a government check; or (iv) a paycheck; or (c) a certified copy of a birth certificate or other document confirming birth that is admissible in a court of law and establishes the person’s identity; (2) provide that, on offering to vote, a voter must present to an election officer at the polling place either: (a) one form of acceptable photo identification; or (b) a form of acceptable proof of identification under (1) accompanied by an affidavit described by (3); (3) provide that if the requirement for identification prescribed by (2)(a) is not met, an election officer shall notify the voter that the voter may be accepted for voting if the voter meets the requirement for identification prescribed by (2)(b) and executes an affidavit under penalty of perjury declaring the voter has a reasonable impediment to meeting the requirement for identification prescribed by (2)(a); (4) provide that an election officer may not question or challenge a voter concerning the voter’s lack of identification under (2)(a) or the voter’s reasonable impediment; (5) require the secretary of state to prescribe a specific form of the affidavit required under (3); (6) provide that an election watcher may not communicate in any manner with a voter regarding the election or any related voting procedures; and (7) allow a person to use certain forms of photo identification that expired no earlier than four years before the date of presentation.

S.B. 660 (Watson) – Mobile Devices: would: (1) provide that a person may not use a wireless communication device within 50 feet of a voting station (current law prohibits use of a wireless device within 100 feet of a voting station); (2) provide that if voting stations are located in a separate room from the area in which voters wait to vote or are accepted for voting, a person may not use a wireless communication device in the room in which voting stations are located and may use the device in any other area; (3) clarify that a person may not use any mechanical or electronic means to record or capture images or sound within 100 feet of a voting station; and (4)

prohibit the presiding election judge from requiring a person who uses a device in violation of state law to leave the polling place.

Open Government

H.B. 1278 (Dutton) – Public Information: would provide that: (1) the home address, home telephone number, emergency contact information, social security number, family member information and date of birth of a current or former district attorney, criminal district attorney, or county or municipal attorney and current or former employees whose jurisdiction includes any criminal law or child protective services matters is confidential; and (2) the home address of a person described in (1) may choose to keep confidential their home address in appraisal records.

S.B. 622 (Burton) – Legal Notices: would provide that the proposed budget of a political subdivision must include a line item indicating expenditures for required newspaper notices that allows as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year.

S.B. 623 (Burton) – Legal Notices: would provide that:

1. “Public information” is defined as a public or legal notice that a governmental entity is required to publish under a statute or rule and any other information that a governmental entity submits for publication on the public information Internet website.
2. The comptroller shall develop and maintain an Internet website of public information, including archived public information.
3. The website described by (2), above, must be designed to: (a) allow a governmental entity to easily post public information or the comptroller to post public information on receipt of the information from the entity; (b) allow the public to search and sort the public information on the Internet website by: (i) a specific city or county; (ii) a governmental entity name; (iii) the type of governmental entity; (iv) the date the public information is submitted; (v) the date an event or deadline stated in the public information occurred; and (vi) any additional criteria approved by the comptroller; (c) allow the public to search and view archived public information posted on the Internet website; (d) allow a person to subscribe to email notices of public information associated with a specific governmental entity; (e) be easily accessible by the public 24 hours a day, seven days a week, through the Texas.gov Internet website that includes a direct link to the public information Internet website; (f) have a unique and easy to remember Internet website address; and (g) have adequate systems for protection, backup, and contingency planning to address power outages, systematic failures, and electronic security.
4. The comptroller shall develop a process for a governmental entity to access the public information Internet website to post public information or modify information previously posted by the entity or to submit the information or modified information to the comptroller for posting on the Internet website.
5. Each governmental entity: (a) shall submit for inclusion on the public information Internet website any public or legal notice the entity is required to publish under statute or rule; and (2) may submit any other public information the entity elects to submit.

6. A governmental entity's submission of public information to the public information Internet website does not satisfy a publication requirement under other law.
7. Submission of public information to the Internet website shall be made in addition to any other publication requirement.
8. A governmental entity that in good faith attempts to submit public information to the public information Internet website and that satisfies the publication requirements for that information under other law is not subject to liability or other penalty for a failure in posting the public information to the public information Internet website or in delivery of an e-mail notice of the posted public information.

Other Finance and Administration

H.B. 500 (Geren) – Public Retirement Systems: would, with certain exceptions, make a person who is a member in a public retirement system wholly or partly because the person held an elected office ineligible to receive a service retirement annuity if the member is convicted of a qualifying felony committed while in office and arising directly from the official duties of that elected office. (Companion bills are **S.B. 500** by **V. Taylor** and **H.B. 1273** by **Geren**.)

H.B. 501 (Capriglione) – Personal Financial Statements: would, among other things, change the content requirements of a personal financial statement that must be filed by certain city officers and candidates in cities with a population of 100,000 or more to include information about certain contracts with a governmental entity. (Companion bill is **S.B. 501** by **V. Taylor**.)

H.B. 503 (Capriglione) – Qualifications for Office: would: (1) provide that a person who is required to be a registered lobbyist is not eligible to be a candidate for an elected or appointed public office; and (2) except from (1): (a) an office of a political subdivision with a population of 150,000 or less, other than the office of presiding officer, provided that the officeholder does not receive a salary or wage for that office; and (b) the office of the presiding officer of the governing body of a political subdivision with a population of 50,000 or less, provided that the presiding officer does not receive a salary or wage for that office. (Companion bill is **S.B. 503** by **V. Taylor**.)

H.B. 1228 (P. King) – Miscellaneous Gross Receipts Tax: would phase-out and repeal the state's miscellaneous gross receipts tax on utility companies.

H.B. 1238 (VanDeaver) – Public Funds Investment Act: would provide that a public housing authority may satisfy the investment training requirement by requiring the treasurer, the chief financial officer if the treasurer is not the chief financial officer, the investment officer, or, if the authority does not have a treasurer, chief financial officer, or investment officer, a commissioner of the authority to attend at least five hours of appropriate instruction in each two-year period that begins on the first day of that housing authority's fiscal year and consists of the two consecutive fiscal years after that date.

H.B. 1273 (Geren) – Public Retirement Systems: this bill is identical to **H.B. 500**, above. (Companion bill is **S.B. 500** by **V. Taylor**.)

H.B. 1283 (Geren) – Ethics: would, among things: (1) make a person who is a member in a public retirement system wholly or partly because the person held an elected office ineligible to receive a service retirement annuity if the member is convicted of a qualifying felony committed while in office and arising directly from the official duties of that elected office; (2) change the content requirements of a personal financial statement that must be filed by certain city officers and candidates in cities with a population of 100,000 or more to include information about certain contracts with a governmental entity; (3) provide that a person who is required to be a registered lobbyist is not eligible to be a candidate for an elected or appointed public office; and (4) except from (3): (a) an office of a political subdivision with a population of 150,000 or less, other than the office of presiding officer, provided that the officeholder does not receive a salary or wage for that office; and (b) the office of the presiding officer of the governing body of a political subdivision with a population of 50,000 or less, provided that the presiding officer does not receive a salary or wage for that office. (Companion bill is **S.B. 14** by **V. Taylor**.)

H.B. 1310 (Sanford) – Local Debt: would provide that a city or county shall include in any publicly disseminated information relating to the proposed issuance of bonds, including information provided on the Internet website of the city or county, the following information: (1) the purpose for which the bonds are issued; (2) the amount of the bonds; and (3) the rate of interest on the bonds.

H.B. 1316 (Swanson) – Lobbying: would prohibit a political subdivision that receives state funding or a private entity that receives state funds from paying expenses for lobbying.

H.B. 1356 (Goldman) – Certificates of Obligation: would: (1) extend the timeframe to publish newspaper notice of intention to issue a certificate of obligation (CO) from 30 to 45 days before the passage of the ordinance; (2) require a city issuing a CO to maintain an Internet website and to continuously post notice of intention to issue a CO on its website for 45 days before the passage of the CO issuance ordinance; (3) require that the notice of intention to issue a CO include the following information, stated as a total amount and as a per capita amount: (a) the then-current principal of all outstanding debt obligations of the issuer; (b) the then current combined principal and interest required to pay all outstanding debt obligations of the issuer on time and in full; (c) the principal of the COs to be authorized; (d) the estimated combined principal and interest required to pay the COs to be authorized on time and in full; (e) the estimated rate of interest for the COs to be authorized; (f) the maturity date of the COs to be authorized; and (g) a specific statement of the process by which a petition may be submitted requesting an election on the issuance of the COs; (4) change the threshold number of voters needed to petition to force an election on the issuance of a CO from five percent of the qualified voters of the issuer to five percent of the registered voters of the issuer; and (5) make COs issued for personal or professional services subject to the notice requirements.

H.B. 1359 (White) – Monuments/Memorials: would provide that: (1) a person commits an offense if the person intentionally and without authorization removes, relocates, or alters a monument or memorial; (2) if the person convicted of the offense described in (1) is a member of a public retirement system, the judge must make an affirmative finding of fact and enter an affirmative finding in the judgment in the case; (3) to be eligible to run for public office, a person cannot be finally convicted of the offense described in (1); (4) a governmental entity shall

discharge an employee or refuse to hire an applicant who has been convicted of the offense in (1) if the governmental entity obtains this information through a criminal history record information review; (5) a governmental entity may not contract a person who is convicted of the offense described in (1); (6) a member or an annuitant of a public retirement system that has been finally convicted of the offense described in (1) will not be eligible to receive a full service retirement annuity from a public retirement system; (7) full service retirement annuity shall be resumed if the member or annuitant meets certain requirements concerning the conviction; and (8) public retirement system shall adopt rule to put a system in place to implement (6).

H.B. 1362 (Shaheen) – Multi-Occupancy Private Spaces: would provide that: (1) a city may not adopt or enforce an order, rule, policy, ordinance, or other measure that limits the ability of a private entity to adopt or enforce a policy on the use of the private entity’s multi-occupancy private spaces by one or more sexes or genders, including for the term of a lease by a private entity of a city facility; (2) the attorney general may: (a) bring an action for an injunction to prevent or restrain a violation of the bill; and (b) recover reasonable costs and attorney’s fees incurred in obtaining an injunction prohibiting the conduct in (1); and (3) sovereign and governmental immunity to suit and from liability is waived and abolished to the extent of liability created by the bill.

H.B. 1364 (S. Thompson) – Asset Forfeiture: would repeal civil asset forfeiture provisions and establish criminal asset forfeiture in this state, and among other things: (1) authorize a convicting court to order a person convicted of violating a law subject to forfeiture to forfeit certain property, but only after the state establishes by clear and convincing evidence that the requirements for forfeiture are met or enters into a court-approved plea agreement for the forfeiture of the property; (2) provide that contraband is not subject to forfeiture, but must be disposed in accordance with state law; (3) establish procedures for the seizure of real and personal property and for the defendant to challenge the seizure; (4) provide that a forfeiture proceeding must be held following the trial of the related alleged offense; (5) require that the county treasurer dispose of all forfeited and abandoned property and deposit the money in the general revenue fund of the county, except that the court may order a portion of the proceeds to be used to pay all outstanding recorded liens and for the expenses for the seizure, storage and maintenance or custody of the items; (6) prohibit a law enforcement agency from: (a) retaining any forfeited or abandoned property for the agency’s use; or (b) selling any forfeited or abandoned property directly or indirectly to an employee, a person related to an employee, or another law enforcement agency; (7) require law enforcement agencies to report certain forfeiture information to the Department of Public Safety; (8) require a law enforcement agency to return property under certain circumstances and make the agency responsible for any damage, storage fees, and related costs applicable to the property; and (9) prohibit the transfer of seized property to the federal government, with some exceptions. (Companion bill is **S.B. 380** by **Burton**.)

S.B. 14 (V. Taylor) – Ethics: this bill is identical to **H.B. 1283**, above.

S.B. 500 (V. Taylor) – Public Retirement Systems: this bill is identical to **H.B. 500** and **H.B. 1273**, above.

S.B. 501 (V. Taylor) – Personal Financial Statements: this bill is identical to **H.B. 501** by Capriglione, above.

S.B. 503 (V. Taylor) – Qualifications for Office: this bill is identical to **H.B. 503**, above.

S.B. 596 (Lucio) – Tax on Sweetened Beverages: would impose an additional state sales tax on the sale to a retailer of certain sweetened beverages and ingredients used to make certain sweetened beverages with the tax revenue going to the credit of the state’s general fund, but would not provide for an equivalent city sales tax.

S.B. 635 (Huffines) – Court Costs and Attorneys’ Fees: would provide that: (1) if a court determines that an order, ordinance, or similar measure of a political subdivision is unenforceable because it is preempted by the state constitution or a state statute, the court shall award the prevailing person court costs and reasonable and necessary attorney’s fees to be paid by the political subdivision; and (2) if a court determines that an officer of a political subdivision has failed to perform an act of the office required by the state constitution or a state statute, the court shall award the prevailing person court costs and reasonable and necessary attorney’s fees to be paid by the political subdivision.

S.B. 641 (Bettencourt) – City Budgets: would, among other things, for a city with a population of 225,000 or more: (1) require the budget officer to prepare, in plain language and in an easily readable and understandable format, a zero-based budget every 12th year that contains: (a) a description of the discrete activities the city conducts or performs with: (i) a justification for each activity by reference to a statute, charter provision, ordinance, or other legal authority; and (ii) an evaluation of the effectiveness and efficiency of the city’s policies, management, fiscal affairs, and operations in relation to each activity; (b) for each activity identified under (a), a quantitative estimate of any adverse effects that reasonably may be expected to result if the activity were discontinued, together with a description of the methods by which the adverse effects were estimated; (c) for each activity identified under (a), an itemized account of expenditures required to maintain the activity at any minimum level of service required by statute, charter provision, ordinance, or other legal authority, together with a concise statement of the quantity and quality of service required at that minimum level; (d) for each activity identified under (a), an itemized account of expenditures required to maintain the activity at the current level of service or performance, together with a concise statement of the quantity and quality of service or performance provided at that level; (e) a ranking of activities identified under (a) that illustrates the relative importance of each activity to the overall goals and purposes of the city at current service levels; and (f) recommendations to the governing body of the city regarding whether the city should continue funding each activity identified under (a), and, if so, at what level; (2) provide that in preparing the zero-based budget, the budget officer may require any city officer or board to provide information necessary for the budget officer to properly prepare the budget; (3) require the budget officer to file a copy of the zero-based budget with the city clerk on or before the date the proposed budget is filed; (4) require a copy of the zero-based budget to be available for public inspection and require a city that maintains an Internet website to ensure that the zero-based budget is posted on the website; and (5) require the city council to consider information presented in the zero-based budget in addition to the proposed budget at a public hearing held to adopt a budget.

S.B. 642 (Bettencourt) – Local Debt: would: (1) require a proposition submitted to the voters for approval of the imposition, increase, or reduction of a tax to specifically state, as applicable: (a) with respect to a proposition that only seeks voter approval of the imposition or increase of a tax: (i) the estimated additional tax burden that would be imposed on a homestead with a value equal to the median homestead value in the political subdivision, as computed by the appraisal district, after the imposition or increase of the tax, if approved; and (ii) a detailed description of the purposes for which the tax is to be imposed or increased, if approved; and (b) with respect to a proposition that only seeks voter approval of the reduction of a tax, the estimated tax reduction for a homestead with a value equal to the median homestead value in the political subdivision, as computed by the appraisal district, if the reduction of the tax is approved; (2) provide that a proposition under (1) relating to the approval of the issuance of bonds may not exceed 5,000 characters or a different limit prescribed by the secretary of state that ensures that the length of the proposition does not exceed one page of the ballot or one screen on an electronic voting machine; and (3) require a proposition seeking voter approval of the issuance of bonds to specifically state: (a) a general description of the purposes for which the bonds are to be authorized; (b) the total principal amount of the bonds; (c) the total amount of the political subdivision’s debt secured by property taxes currently outstanding; (d) the total amount of the political subdivision’s current payment on debt secured by property taxes; (e) the amount of taxes required to be imposed on a homestead with a value equal to the median homestead value in the political subdivision, as computed by the appraisal district, to repay the political subdivision’s current debt obligations secured by property taxes; and (f) the estimated tax burden that would be imposed on a homestead with a value equal to the median homestead value in the political subdivision, as computed by the appraisal district, to repay the bonds to be authorized, if approved.

S.B. 651 (Perry) – Occupational License: would: (1) prohibit a state agency that issues a license or otherwise regulates a business, occupation, or profession from adopting any rule, regulation, or policy that imposes a penalty that: (a) limits an applicant’s ability to obtain a license based on a sincerely held religious belief; or (b) burdens a license holder’s free exercise of religion, freedom of speech regarding a sincerely held religious belief, or membership in a religious organization; (2) except from (1) any rule, regulation, or policy essential to enforcing a compelling governmental purpose and narrowly tailored to accomplish that purpose; and (3) provide administrative or judicial relief for a violation of the prohibition in (1).

S.B. 656 (Zaffirini) – Agriculture and Rural Ombudsman: would: (1) establish the agriculture and rural ombudsman office (office) in the governor’s Texas Economic Development and Tourism Office for the purpose of assisting agriculture businesses and businesses located in rural areas; (2) require a governmental entity to allow the office access to the entity’s records relating to action taken by the entity that affects an agriculture business or business located in a rural area; and (3) allow the office to use information obtained in (2) for the purpose of assisting a business in evaluating governmental entities’ application of laws and making recommendations for legislation.

S.B. 658 (Perry) – Rock Climbing: would include rock climbing in the recreational use statute for tort liability purposes. (Companion bill is **H.B. 487** by **Guillen**.)

S.B. 662 (Huffines) – Asset Forfeiture: would: (1) require that the audit for asset forfeiture include a detailed report itemizing all seizures of proceeds or property, indicating the specific criminal offense on which each seizure was based, indicating whether charges were brought in connection with the offense, and describing the disposition of any charges; and (2) require the attorney general to publish an annual report summarizing the results of asset forfeiture audits.

S.B. 663 (Huffines) – Asset Forfeiture: would provide that forfeited property be transferred to the comptroller and otherwise make the comptroller responsible for certain aspects of the disposition of proceeds and property from asset forfeiture proceedings.

Municipal Courts

H.B. 1266 (Geren) – Motion for Continuance: would require a trial court, if it sets a hearing or trial without providing notice to the attorneys at least three business days before the start of the hearing or trial, to grant a continuance of a criminal action on oral or written motion of either party.

S.B. 599 (Burton) – Court Fees: would provide that: (1) a court may defer surcharges assessed under the driver responsibility program against a person who participates in a drug court program; and (2) a court may reduce or waive the surcharge if the person successfully completes the drug court program. (Companion bill is **H.B. 1016** by **Krause**.)

Community and Economic Development

H.B. 1239 (VanDeaver) – Municipal Housing Authority: would: (1) require a commissioner of a housing authority to reside in the area over which the authority has jurisdiction or an area outside the jurisdiction, as determined by the city; and (2) provide that a commissioner of a housing authority must meet the same requirements that apply to a person who seeks to become a tenant of a public housing project.

H.B. 1251 (Sanford) – Economic Development Corporations: would require an economic development corporation to: (1) broadcast over the Internet live video and audio of each open meeting held by the board of directors of the corporation; and (2) make available through the corporation's Internet website archived video and audio for each meeting for which live video and audio was provided under (1).

H.B. 1252 (Sanford) – Property Tax Abatement: would provide that property subject to a tax abatement agreement under Texas Tax Code Chapter 312 may not be used as a gambling establishment.

H.B. 1277 (Moody) – Housing Authority Commissioner: would allow a recipient of housing assistance through a housing authority's project-based rental assistance program to be appointed

as a commissioner of a housing authority. (Companion bills are **S.B. 593** by **Rodriguez** and **H.B. 1193** by **Blanco**.)

H.B. 1279 (Shaheen) – Smoking Bans: would provide that a county or city may not adopt or enforce an order, ordinance, or similar measure that prohibits smoking on the premises of a business that allows smoking and for which at least 20 percent of the business's revenue is derived from the sale of cigars.

H.B. 1352 (Pickett) – 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. (Companion is **S.B. 438** by **Rodriguez**.)

H.J.R. 61 (Martinez) – Border Property: would provide that a political subdivision may unconditionally donate to the United States real property and improvements to that property, technology, or equipment acquired by the political subdivision to promote border security or international trade.

H.J.R. 62 (Keough) – Home Schooling: would provide that an agency of the state government, including the legislature, or a political subdivision or agency of a political subdivision of this state may not regulate the educational program of a private school or home school in this state.

S.B. 600 (Burton) – Texas Economic Development Act: would repeal Chapter 313 of the Texas Tax Code (school tax limitations under the Texas Economic Development Act).

S.B. 626 (Schwertner) – Eminent Domain: would provide that: (1) the required Landowner's Bill of Rights must disclose that a condemning entity that makes a bona fide offer to acquire from the property owner real property for a public use must: (a) make a separate offer to acquire from the owner any of the owner's other real property the entity wants to acquire that is not reasonably necessary to complete the public use of the property for which the bona fide offer is made; and (b) include a statement in the separate offer that the property that is the subject of the separate offer is not subject to condemnation by the entity; and (2) in conjunction with a bona fide offer to acquire real property for a public use, an entity with eminent domain authority must make a separate offer to acquire from a property owner any of the owner's other real property the entity wants to acquire that is not reasonably necessary to complete the public use of the property and include a statement in the offer that the property that is the subject of that offer is not subject to acquisition through eminent domain.

S.B. 627 (Schwertner) – Eminent Domain: would provide that the required Landowner’s Bill of Rights must include: (1) the condemning entity’s obligations to the property owner, including the responsibility for any damages arising from an examination or survey of the property; (2) the property owner’s options during a condemnation, including the property owner’s right to: (i) refuse to grant permission to the condemning entity to enter the property and conduct an examination or survey of the property; (ii) negotiate the terms of the examination or survey of the property; and (3) the condemning entity’s right to sue for a court order authorizing the examination or survey if the property owner refuses to grant permission for the examination or survey.

S.B. 628 (Schwertner) – Eminent Domain: would, in relation to tolling a property owner’s right of repurchase: (1) eliminate the following as elements establishing “actual progress” on a project: (a) the acquisition of a tract or parcel of real property adjacent to the property for the same public use project for which the owner’s property was acquired; or (b) for a governmental entity, the adoption by a majority of the entity’s governing body at a public hearing of a development plan for a public use project that indicates that the entity will not complete more than one tolling action before the tenth anniversary of the date of acquisition of the property; and (2) require three of five remaining elements to be met to establish actual progress.

S.B. 636 (Huffines) – Building Codes: would: (1) lower the population threshold in current law from 100,000 to 40,000 to invoke certain notice and hearing procedures for changes in a city’s building code; and (2) impose new requirements: (a) that a city publish a detailed cost-benefit analysis of a building code or code amendments; and (b) that would mandate, for an amendment that addresses existing or potential harm to health and safety: (i) scientific evidence supporting the probability or likelihood that the harm has occurred or will occur; and (ii) scientific evidence supporting the probability or likelihood that the amendment will prevent or address the harm.

S.B. 650 (Bettencourt) – Tax Increment Financing: would make numerous changes to the tax increment financing statute, including: (1) providing that an area may be characterized as a tax increment reinvestment zone (TIRZ) if: (a) the area is described in a petition requesting that the area be designated as a reinvestment zone, if the petition is submitted to the governing body of the city or county by the owners of property constituting at least 50 percent of the appraised value of the property in the area according to the most recent certified appraisal roll for the county in which the area is located; and (b) the area is unproductive, underdeveloped, or blighted; (2) requiring the attorney general to determine the meaning of “unproductive,” “underdeveloped,” and “blighted” for purposes of (1)(b); (3) providing that the TIRZ board of directors may not use the tax increment fund to pay project costs located outside of the TIRZ; (4) requiring a city to provide notice of the date, time, and place of the meeting at which the governing body of the city will vote on an ordinance to issue tax increment bonds or notes by delivering notice by mail to: (a) each property owner in the city; (b) the commissioners court of each county in which a portion of the TIRZ is located; and (c) each state senator and representative whose district includes territory in a county in which a portion of the TIRZ is located; (5) requiring the city to deliver notice of the submission of tax increment bonds and the record of proceedings related to the authorization of the bonds and sent to the attorney general for approval to: (a) the commissioner’s court of each county in which a portion of the TIRZ is located; and (b) each state senator and representative whose district includes territory in a county

in which a portion of the TIRZ is located; (6) providing that a city designating a TIRZ may not undertake the initial issuance of tax increment bonds for the zone unless: (a) the city provides evidence to the attorney general demonstrating that the zone: (i) meets the legal criteria for a TIRZ; and (ii) is not ineligible for designation as a TIRZ; and (b) the attorney general determines that the evidence is legally sufficient; (7) requiring the attorney general to provide a legal sufficiency determination not later than the 60th business day after the date the evidence required by (6) is received; (8) providing that if the attorney general cannot provide a legal sufficiency determination within 60 business days, the attorney general shall notify the city in writing of the reason for the delay and may extend the review period for not more than 30 business days; (9) providing that after the attorney general issues a legal sufficiency determination, the city may supplement the evidence submitted or amend the ordinance designating the TIRZ to facilitate a redetermination by the attorney general of the prior legal sufficiency determination; (10) repealing the ability to use revenue in the tax increment fund to pay for costs association with certain transportation or transit projects; and (11) repealing the ability to transfer funds in the tax increment fund for one TIRZ to another TIRZ.

S.B. 655 (Bettencourt) – Annexation/Extraterritorial Jurisdiction: would provide that: (1) a home rule city shall make publicly available a digital map (in addition to a paper map under current law) reflecting annexations and extraterritorial jurisdiction (ETJ) changes; (2) a city, before the 90th day after the date it adopts or amends an annexation plan, shall give written notice with certain provisions to each property owner in any area that would be newly included in the city’s extraterritorial jurisdiction as a result of the proposed annexation; (3) a home rule city, before the 90th day after the date it adopts or amends an annexation plan, shall create and make publicly available a digital map that identifies the area proposed for annexation and any area that would be newly included in the city’s ETJ as a result of the proposed annexation; (4) in addition to publishing notice of annexation hearings in a newspaper of general circulation in the city and area to be annexed, the notice must be published in a newspaper of publish notice of the hearings in a newspaper of general circulation in any area that would be newly included in the city’s ETJ resulting from the proposed annexation; and (5) if applicable, the notice for each annexation hearing must include: (a) a statement that the completed annexation of the area will expand the city’s ETJ; (b) a description of the area that would be newly included in the city’s ETJ; (c) a statement of the purpose of ETJ designation; and (d) a list of municipal ordinances that would be applicable in the area that would be newly included in the city’s ETJ; and (6) in addition to the notice requirements for a plan-exempt annexation, a home rule city, before it may institute annexation proceedings, shall create and make publicly available a digital map that identifies the area proposed for annexation and any area that would be newly included in the city’s ETJ as a result of the proposed annexation.

S.J.R. 33 (Huffines) – Home Schooling: would provide that an agency of the state government, including the legislature, or a political subdivision or agency of a political subdivision of this state may not regulate the educational program of a private school or home school in this state.

Personnel

H.B. 1304 (Longoria) – Employment Classification: would allow the Texas Workforce Commission to assess a penalty against a person, which would include a city, not to exceed \$200 for each individual that has not been properly classified as an employee or independent contractor in accordance with Chapter 201 of the Labor Code. (Companion bill is **S.B. 592** by **Lucio**.)

H.B. 1337 (Leach) – Licensed Carry: would provide that a political subdivision that employs a firefighter may not prohibit a firefighter who holds a license to carry a handgun from carrying or storing a handgun at the fire station to which the firefighter is assigned during the firefighter's duty hours.

H.B. 1344 (Cain) – Immigration/Whistleblower: would, in relation to the Texas Whistleblower Statute, provide that a state or local governmental entity may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports to an appropriate law enforcement authority the existence of a policy of the employing governmental entity that prohibits or discourages the enforcement of state or federal immigration law.

S.B. 592 (Lucio) – Unemployment Compensation: would provide that: (1) an individual performing a service for wages or under an express or implied contract of hire is presumed to be an employee of the person for whom the service is performed; (2) the presumption in (1) may be rebutted if the person for whom the service is performed shows to the satisfaction of the Texas Workforce Commission (TWC) that the individual's performance of the service has been and will continue to be free from control or direction under the contract; (3) a person shall properly classify, as an employee or independent contractor in accordance with the Unemployment Compensation Act, any individual the person directly retains and compensates for the performance of a service; (4) the TWC may assess a penalty against a person who fails to classify an individual mentioned in (3) in an amount not to exceed \$200 for each individual that the person has not properly classified. (Companion bill is **H.B. 1304** by **Longoria**.)

Public Safety

H.B. 1224 (Geren) – Red Light Cameras: would provide that neither the county assessor-collector nor the Texas Department of Motor Vehicles may refuse to transfer the title of or register a motor vehicle alleged to have been involved in a violation of this chapter solely: (1) based on the alleged red light camera violation; or (2) because the owner of the motor vehicle is delinquent in the payment of a red light camera civil penalty.

H.B. 1236 (Martinez) – Unprotected Road User: would: (1) require the operator of a motor vehicle passing an unprotected road user (e.g., pedestrian, utility worker, bicyclist, or motorcyclist) to either vacate the lane in which the user is located if the highway has two or more marked lanes or to pass the user at a safe distance; (2) require the operator of a motor vehicle that is making a turn at an intersection to yield the right-of-way to an unprotected road user; (3) prohibit the operator of a motor vehicle from overtaking an unprotected road user and turning in front of the user unless the operator is clear of the user; (4) prohibit the operator of a motor

vehicle from maneuvering the vehicle in a manner that intimidates, harasses, or threatens an unprotected road user; (5) provide that a violation of (1)-(4) is a misdemeanor offense; and (6) provide that it is a defense to prosecution for (1)-(4) that the unprotected road user was acting in violation of the law.

H.B. 1247 (Pickett) – Vehicle Storage Facilities: would require the operator of a vehicle storage facility to: (1) send written notice to a vehicle owner to an address obtained either: (a) directly from the governmental entity with which the vehicle is registered; or (b) from a private entity authorized by the governmental entity to obtain title, registration, and lienholder information; and (2) obtain a report from the National Motor Vehicle Title Information System showing that there is no record of a registered owner or lienholder in order to qualify for an exemption from the newspaper notice requirement.

H.B. 1249 (Goldman) – Emergency Medical Service: would: (1) make it a Class C misdemeanor for a person to operate a motor vehicle that resembles an emergency medical service (EMS) vehicle, unless the person uses the vehicle as an EMS vehicle or for other legitimate governmental functions; and (2) provide that a motor vehicle resembles an EMS vehicles if it has the following on the exterior of the vehicle: the word “ambulance” or a derivation of that word; a star of life; a Maltese cross; forward-facing flashing red, white, or blue lights; a siren; the words “critical care transport,” “emergency medical service” or “mobile intensive care unit;” or the acronym “EMS” or “MICU.”

H.B. 1289 (Murr) – Emergency Detention: would give a peace officer the option of transferring a person in custody under emergency detention to the following persons, who would be responsible for immediately transporting the detainee to a mental health facility: a special officer for mental health, the administrator of a mental health facility, a representative of the local mental health authority, a qualified transportation service provider, a sheriff, a constable, a relative, or other responsible person.

H.B. 1301 (Dutton) – Asset Forfeiture: would provide that a final conviction for an underlying offense is required for the forfeiture of contraband and that a court must dismiss a forfeiture proceeding on proof of a dismissal or acquittal of the underlying offense.

H.B. 1302 (R. Anderson) – Overweight Vehicles: would provide a municipal court with jurisdiction over any offense involving the operation of an overweight vehicle. (Note: current law provides that a municipal court has jurisdiction of an offense in which the fine does not exceed \$500.)

H.B. 1308 (Holland) – 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 bill is **S.B. 4** by **Perry**, among others.)

H.B. 1313 (Vallalba) – School Marshals: would provide for the establishment of school marshal grant programs by the criminal justice division of the governor's office and the adoption of a school marshals promotion program.

H.B. 1322 (Burns) – Search Warrants: would provide that a justice of the peace may issue a search warrant to collect a blood specimen for certain intoxication offense.

H.B. 1327 (Metcalf) – Criminal Penalties: would provide that in certain circumstances, which includes failing to stop for, fleeing from, or evading a pursuing law enforcement officer in violation of evading arrest or detention or fleeing or attempting to elude a police officer, the penalty for intoxication assault and intoxication manslaughter will be enhanced to second degree felony.

H.B. 1339 (Burne) – 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. 1348 (Cain) – Smoking Bans: would provide that a county or city may not adopt or enforce an order, ordinance, or similar measure that prohibits smoking on the premises of a business that allows smoking and for which at least 20 percent of the business’s revenue is derived from the sale of cigars.

H.B. 1350 (Cain) – Sidewalks: would repeal the Transportation Code provision requiring that pedestrians walk on the left side of the roadway or the shoulder of the highway facing oncoming traffic, if a sidewalk is not available.

H.B. 1357 (Moody) – Family Violence: would, among other things: (1) change the definition of “family violence” to include certain acts or threat against an animal with the intent to coerce, control, punish or intimidate the actor’s family member or a person whom the actor is dating; and (2) change the penalties for certain animal cruelty offenses.

S.B. 580 (Estes) – Volunteer Firefighters: would provide that a state agency may not require a volunteer firefighter or a member of an industrial emergency response team to obtain a license or certification in order to be a volunteer firefighter or a member of an industrial emergency response team.

S.B. 583 (Campbell) – Licensed Carry: would modify the punishment for a handgun license holder who carries into a hospital, amusement park, place of religious worship, or meeting of a governmental body (if notice is properly posted), to provide that the offense is a class C misdemeanor, unless the license holder failed to depart after receiving notice, in which case the offense is a class A misdemeanor. (Companion bill is **H.B. 1209** by **Burns**.)

S.B. 618 (Estes) – Licensed Carry: would provide that there shall be no cause of action against an owner or lessee of for not prohibiting licensed carry on his property.

S.B. 619 (Estes) – Immigration: would provide that: (1) the commissioners court of each county and the governing body of each city in this state shall: (a) adopt and enforce an order or ordinance, as appropriate, that requires the county or municipality to cooperate with state and federal law enforcement in enforcing immigration laws and, for counties containing an international border and cities located wholly or partly in those counties, state and federal efforts to enhance international border security; and (b) submit a written copy of the order or ordinance to the comptroller; (2) the comptroller shall establish and maintain a database of counties and cities that comply with the bill; and (3) provide a complaint procedure that can result in the suspension of the authority of the county or city to impose a sales or use tax.

S.B. 630 (Buckingham) – Arrest without Warrant: would require a police officer to prepare and file an affidavit with the magistrate before an individual arrested without a warrant is taken before the magistrate.

S.B. 661 (Huffines) – Driver Responsibility Program: would repeal the Driver Responsibility Program.

S.B. 672 (Lucio) – Law Enforcement: would provide that each school district shall report through the Public Education Management System the number of security personnel and commissioned peace officers assigned to each district.

Transportation

H.B. 1240 (Zedler) – Traffic Signals: would provide that an operator of a motorcycle or bicycle facing only a steady red signal at a traffic-actuated electric traffic-control signal may proceed if the traffic-actuated electric traffic-control signal fails to register the motorcycle or bicycle after two cycles of the traffic-control signal.

H.B. 1294 (Minjarez) – Highway Closures: would provide that, if a proposed improvement of the state highway system requires the closing of a highway, the Texas Department of Transportation shall coordinate the highway closure by communicating in person or by telephone call, email, or other direct method of communication with public officials from cities affected by the closure to avoid any adverse economic impact on the municipalities during certain periods.

H.B. 1311 (Sanford) – State Highways: would impose a prohibition on converting state highway lanes to tolled or other types of managed lanes.

H.B. 1332 (Parker) – Gas Tax: would provide that fuel purchased for use by certain ambulance services that have an agreement with a local government to provide ambulance services are exempt from the gas tax.

H.B. 1368 (Israel) – Speed Limits: would lower the prima facie speed limit in an urban district on a street other than an alley from 30 to 25 miles per hour.

S.B. 639 (Huffines) – Transportation Funding: would provide that the legislature may not appropriate money deposited to the credit of the state highway fund to construct, maintain, or acquire rights-of-way for a toll project or system. (See **S.J.R. 35**, below.)

S.J.R. 35 (Huffines) – Transportation Funding: would amend the Texas Constitution to provide that the state may not issue bonds or use vehicle registration or gas tax revenue to pay for the construction of toll roads. (See **S.B. 639**, above.)

Utilities and Environment

H.B. 1318 (Lucio) – Groundwater Conservation Districts: would provide that, when a groundwater conservation district regulates the production of groundwater based on tract size or acreage, the district must consider the aggregate acreage owned by a municipally owned utility and the utility's customers inside the district and may subtract permitted wells from that acreage.

S.B. 601 (Campbell) – Drainage Fees: would: (1) allow a city to exempt open-enrollment charter schools from municipal drainage fees; and (2) prohibit a city from solely granting the exemption to a school district or open-enrollment charter school (Note: under this bill, a city must choose to exempt both or neither).

S.J.R. 36 (Perry) – Wholesale Water: would amend the Texas Constitution to prohibit a tax on the sale or purchase of water at wholesale.

TML member cities may use the material herein for any purpose. No other person or entity may reproduce, duplicate, or distribute any part of this document without the written authorization of the Texas Municipal League.