



Legislative UPDATE

February 13, 2015
Number 7

Revenue Caps: City Officials Should Act Now

League staff has learned that senators who support the dangerous revenue cap bill, S.B. 182, are already attempting to count votes on the senate floor. (It's also possible that the revenue cap bill could be rolled into broad property tax relief legislation being considered.) Accordingly, city officials should immediately contact their senators and express their concern with this risky idea.

Click [here](#) for the League's latest talking points about the harmful effects of a four percent revenue cap. The document shows examples of how a revenue cap could have affected various member cities based on their 2013 tax rates as reported by the comptroller and public budget documents. City officials are encouraged to produce similar numbers for their own cities as they prepare to speak with their senators. (We would also urge you to share your numbers with Bill Longley, Legislative Counsel, at bill@tml.org or contact him if you have any questions about the methodology.)

Cities (and counties) aren't the problem when it comes to property taxes. The state's ever-increasing reliance on property taxes to fund schools is the problem.

Call to Action:
**Senate Committee to Consider Texas Commission on Fire
Protection Budget**

The Senate version of the proposed state budget, S.B. 2, contains a provision (called a “revenue rider”) that requires the Texas Commission on Fire Protection to raise an additional \$3 million above its operating costs to be transferred to the state’s general revenue fund for general state spending.

House budget writers have removed the revenue rider from the proposed House budget, HB 1. Presumably they did so because they recognize that the revenue rider is nothing more than a hidden tax on city firefighters. And who pays for firefighter certification in most cities? The city does. Thus, the Senate’s budget includes a hidden tax on city residents.

The Senate Finance Committee will consider this issue on February 23. If you are concerned with this hidden tax, and your senator serves on the Finance Committee, now is the time to ask him or her to remove “Rider 2” from the commission’s bill pattern.

Committee membership and other important information on this hearing is available at:
<http://www.capitol.state.tx.us/Committees/MembershipCmte.aspx?LegSess=84R&CmteCode=C540>

**Texas A&M Transportation Institute Seeking City Input on
Transportation Reinvestment Zones**

The Texas A&M Transportation Institute (TTI) is conducting a study to assess the extent to which cities throughout the state have pursued a transportation reinvestment zones (TRZ) to fund transportation projects.

Part of this research will include speaking with elected and appointed city officials who have considered or may be pursuing TRZ financing in their communities. TTI would like to learn more about your experiences with TRZs as a potential funding and financing mechanism in your city.

If you are interested in participating in this research, please contact Dr. Rafael Aldrete at r-aldrete@tamu.edu.

TML E-List Project: Choose Your Area of Interest

The Texas Municipal League is once again implementing the TML E-List project by gathering email addresses from city officials (elected and appointed) who: (1) may be willing to provide

testimony during the 2015 legislative session; (2) want to be kept “in the loop” on certain subject matters; and/or (3) are willing to simply provide their perspective on a particular legislative matter.

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

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

City-Related Bills Filed This Week

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

Property Tax

H.B. 1193 (Isaac) – Property Tax Exemption: would authorize the governing body of a taxing unit to take official action to exempt from property taxes the portion of the appraised value of property that is attributable to the installation of a rainwater harvesting system.

H.B. 1271 (Farias) – Property Tax Exemption: would exempt from property taxation a veteran or current service member for the period during which the individual participates in a veteran’s court program. (See **H.J.R. 84**, below.)

H.B. 1276 (Murphy) – Property Tax Exemption: would exempt from property taxation the real property owned by a person that is leased to a charter school if: (1) the real property is used exclusively by the school for education functions; (2) the real property is reasonably necessary for the operation of the school; (3) the property owner certifies by affidavit to the school that the rent for the lease of the real property will be reduced by a commensurate amount; (4) the property owner provides the school with a disclosure document stating the amount by which the taxes on the real property are reduced due to the exemption and the method to be implemented to ensure that the rent charged reflects the reduction; and (5) the rent charged for the lease of the real property reflects the reduction in the amount of property taxes due to the exemption through a monthly or annual credit against the rent.

H.J.R. 84 (Farias) – Property Tax Exemption: would amend the Texas Constitution to exempt from property taxation a veteran or current service member for the period during which the individual participates in a veteran’s court program. (See **H.B. 1271**, above.)

H.J.R. 85 (Murphy) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from property taxation any real property that is leased for use as a charter school for educational purposes. (See **H.B. 1276**, above.)

S.B. 516 (Bettencourt) – Freeport Property Tax Exemption: would extend from 175 to 365 the number of days by which freeport goods must be transported outside the state in order to be exempt from property taxation. (See **S.J.R. 29**, below.)

S.J.R. 29 (Bettencourt) – Freeport Property Tax Exemption: would amend the Texas Constitution to extend from 175 to 365 the number of days by which freeport goods must be transported outside the state in order to be exempt from property taxation. (See **S.B. 516**, below.)

Sales Tax

H.B. 1201 (R. Miller) – Sales Tax Exemption: would exempt from sales and use taxes a taxable item sold, leased, or rented within the boundaries of a United States military installation to a person who is a member of the United States armed forces on active duty if the sale, lease, or rental is made by a seller physically located at the installation.

Purchasing

H.B. 1206 (Huberty) – Consolidated Insurance Programs: would provide that: (1) an insurer or the insurer’s agent shall timely provide information to a contractor or potential contractor of a construction project that is covered under or that may be covered under an insurance policy under a consolidated insurance program; (2) the state’s insurance commissioner shall adopt rules establishing requirements governing the provision of the information.

S.B. 506 (Perry) – Purchase of Personal Property: would impose specific notice requirements on a governmental agency, including a city, that seeks to enter into a contract for personal property that requires an expenditure of \$25,000 or more, including: (1) a requirement that the governing body must approve the execution of the contract by majority vote before the contract be executed; (2) a requirement that the governmental agency publish notice of the agency’s intention to enter into the contract, and that the notice be published once a week for two consecutive weeks in a newspaper with general circulation in the area of the governmental agency with the date of the first publication to be before the 30th day before the date set for the approval of the contract; (3) a requirement that the notice state: (a) the time and place tentatively set for the approval of the execution of the contract; (b) the purpose and an estimate of the cost of the contract; and (c) the manner in which the amount required to be paid under the contract by the agency will be paid, whether by taxes, revenues, or a combination of funds; and (4) a requirement that the governmental agency hold an election on the question of executing the contract if petitioned by at least five percent of the qualified voters within the boundaries of the governmental agency prior to the execution of the contract.

Elections

H.B. 1117 (Martinez) – Elections: would provide that any legal form of identification for voting is acceptable, regardless of whether it has expired.

H.B. 1177 (R. Miller) – Elections: would provide that a voter who does not provide acceptable identification at the polling place or whose name is not on the list of registered voters for the precinct may be accepted for provisional voting only.

H.B. 1214 (Larson) – Elections: would: (1) move the general primary election date to the fourth Tuesday in January in each even-numbered year; and (2) move the runoff primary election date to the fourth Tuesday in March following the general primary election.

S.B. 467 (Rodriguez) – Elections: would: (1) expand the time period for early voting by personal appearance by seven days for city elections held on the uniform election date in May; (2) expand the time period for early voting by personal appearance by two days for city elections held on the uniform election date in November; and (3) require a city to conduct early voting by personal appearance on each Saturday and Sunday during the early voting period at the main early voting polling place.

S.B. 535 (Watson) – Elections: 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. 1118 (Schofield) – Public Information: would: (1) provide that it is the policy of Texas that each person whose primary residence is in the state is entitled (except as otherwise provided by law) to complete information about governmental affairs, and make relevant changes to the Public Information Act to reflect that policy; (2) give a governmental body discretion as to whether to accept or comply with a request for information from a person whose primary residence is not in the state; and (3) authorize a governmental body to ask a requestor to provide the physical address of his/her residence and, if the requestor refuses to provide the information within ten business days, allow the governmental body to treat it as a request from a person whose primary residence is not in this state.

Other Finance and Administration

H.B. 1148 (Kacal) – Public Funds Investment Act: would exempt a city from the training requirements under the Public Funds Investment Act if the city: (1) does not invest city funds; or (2) only deposits city funds in interest-bearing deposit accounts or certificates of deposit.

H.B. 1182 (Shaheen) – Local Debt: would require: (1) a ballot proposition submitted for an election to authorize a political subdivision to issue bonds to state: (a) the then-current combined principal and interest required to pay all outstanding debt obligations of the political subdivision on time and in full; (b) the estimated combined principal and interest required to pay the bonds to be authorized on time and in full; and (c) if the bonds are supported by property taxes, the annual increase in property taxes attributable to the bonds to be issued that each homeowner of an average-priced home within the political subdivision may be required to pay; (2) a political subdivision to post the ballot proposition language to its website as soon as practicable after the official ballots have been prepared and maintain the proposition on the website until the day following the election. (Companion bill is **S.B. 102** by **Hinojosa**.)

H.B. 1246 (Koop) – Financial Statements: would, in cities with a population of 100,000 or more, permit the city clerk or secretary to deliver the personal financial statement forms by mail, personal delivery or electronic mail (or any other means of electronic transfer) to an officer or person who is required to file the form. (Current law allows delivery by mail only.)

H.B. 1257 (Shaheen) – Lobbying: would: (1) prohibit a city that imposes a tax from spending public money to directly or indirectly influence or attempt to influence the outcome of any legislation pending before the legislature, except that: (a) an officer or employee of a city could provide information to the legislature upon request; and (b) an elected officer of a city could advocate for or against or otherwise attempt to influence the outcome of legislation pending before the legislature while acting as an officer of the city; (2) allow a city to spend public money in the name of the city for membership fees and dues of a nonprofit association or organization of cities only if: (a) a majority of the city council votes to approve membership; (b) the association or organization exists for the betterment of local government and the benefit of all local officials; (c) the association or organization is not affiliated with a labor organization; (d) the association or organization does not directly or indirectly influence or attempt to influence the outcome of any legislation pending before the legislature; and (e) the association or organization does not directly or indirectly contribute money, services or other valuable things to a political campaign or endorse a candidate or group of candidates for public office; (3) provide that (2)(d), above, does not prevent a person from providing information for a member of the legislature or appearing before a legislative committee at the request of the committee or a member of the legislature; (4) prohibit a city from employing in any capacity a person required to register as a lobbyist; and (5) provide that if a city, association, or organization engages in certain prohibited activities, as described above, that a taxpayer of the city may seek injunctive relief and, if the taxpayer is the prevailing party, may recover reasonable attorney's fees and costs.

H.B. 1274 (Larson) – Animal Shelters: would, among other things: (1) provide that, at the time a public animal shelter or pound takes possession of an animal, an agent of the shelter or pound may administer a nonprescription vaccine or medicine or a medicine that is not a controlled substance if: (a) the medicine is necessary to prevent or control a communicable disease or parasite; and (b) the medicine is administered in accordance with certain veterinarian-developed protocol; (2) provide that the law governing veterinarians applies to a veterinarian when treating an animal on behalf of or in: (a) a facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals; and (b) a public or private animal pound, shelter, or

humane organization; and (3) provide that certain sterilizations must be performed by a veterinarian or person who is a full-time student of veterinary medicine.

H.B. 1283 (Simmons) – Local Debt: would require a proposition for approval of the issuance of bonds or other debt to be submitted to the voters in an election held on the November uniform election date. (Note: this would prohibit a city from calling a bond election on the May uniform election date.)

H.B. 1292 (E. Rodriguez) – Major Events Trust Fund: would change the name of the Major Events Trust Fund to the Major Events Reimbursement Program.

H.B. 1294 (Capriglione) – Personal Financial Statements: would require the disclosure of information related to certain written contracts on a personal financial statement filed by certain city officers and candidates in cities with a population of 100,000 or more.

H.B. 1295 (Capriglione) – City Contracts: would, among other things: (1) prohibit a city from entering into a contract with a person unless the person submits a disclosure of interested parties (i.e., people who will benefit financially from the contract) if the contract: (a) requires an action or vote by the city council before the contract may be signed; or (b) the contract has a value of at least \$1 million; (2) require that the disclosure described in (1), above, be on a form prescribed by the Texas Ethics Commission and include certain information; and (3) require a city, not later than 30 days after receiving a disclosure described in (1), above, to submit a copy of the disclosure to the Texas Ethics Commission.

S.B. 445 (Hall) – United Nations Agenda 21: would prohibit governmental entities, including cities, from entering into agreements or contracts with, accepting money from, or granting money or financial aid to a nongovernmental or intergovernmental organization accredited by the United Nations to implement a policy that originated in the Agenda 21 plan adopted by members of the United Nations.

S.B. 450 (Schwertner) – Governmental Immunity: would provide that, for property acquired by a political subdivision that was bid off to the political subdivision under a tax sale or conveyed to the political subdivision owed the largest amount of delinquent property taxes, the Texas Tort Claims Act does not apply to a claim arising: (1) after the date the land was acquired and before the date the land is sold, conveyed, or exchanged by the political subdivision; and (2) from the condition of the land, a premises defect on the land, or an action committed by a person on the land, other than an agent or employee of the political subdivision.

Municipal Courts

H.B. 1166 (Burkett) – Probable Cause Affidavit: would allow a magistrate to: (1) accept a sworn affidavit provided to support the issuance of a search warrant by telephone or electronic communication; and (2) receive other documentation in support of the issuance of a warrant by fax, email, or other electronic means. (This bill is similar to **H.B. 326** by **Wu**.)

H.B. 1205 (Dutton) – Age of Criminal Responsibility: would: (1) define a child to be a person between 10 and 17; (2) raise the age for criminal responsibility for sexual abuse from 17 to 18, when the victim is younger than 14; (3) raise the age for criminal responsibility for sending sexually explicit communications from 17 to 18; (4) raise the age of criminal responsibility for certain traffic offenses from 17 to 18; (5) prohibit a court from issuing a capias pro fine until an individual reaches 18; (6) raises the age a municipal court can hold a defendant in contempt from 17 to 18; (7) prohibit a law enforcement officer for taking an individual into custody for an offense alleged to occur before the individual’s 18th birthday; and (8) prohibit a municipal court for issuing a warrant to an individual that committed an offense when the individual was under the age of 18. (This bill is identical to **H.B. 330** by **Wu**.)

H.B. 1230 (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. 1232 (Walle) – Age of Criminal Responsibility: would provide that, for purposes of criminal prosecution, a defendant is treated as a juvenile if he or she is 10 years of age or older, and under 18 years of age. (Note: current law provides that a defendant retains juvenile status only if he or she is under 17 years old.) (This bill is identical to **H.B. 53** by **McClendon**.)

H.B. 1264 (Wu) – Intoxication Offenses: would require a governmental entity to keep blood or urine specimens collected as part of an investigation of an alleged intoxication offense for: (1) the greater of two years or the period of the statute of limitations for the offense; (2) the duration of a defendant’s sentence or term of community supervision; or (3) until the defendant is acquitted or the indictment of information is dismissed with prejudice.

Community and Economic Development

H.B. 1156 (Alvarado) – Economic Development: would require the Texas Department of Information Resources to: (1) establish an electronic government project to develop an Internet website accessible through the state electronic Internet portal that provides a single location for a business entity to receive information about state and local economic development incentives and apply for those incentives, when feasible; and (2) direct, coordinate, and assist state agencies and local governments in establishing and using a common application and reporting system.

H.B. 1203 (Murr) – Recreational Use Limited Liability: would limit the liability of an agritourism entity involved in an agritourism activity.

H.B. 1244 (D. Bonnen) – Windstorm Insurance: would authorize the Texas Windstorm Insurance Association to insure certain structures that don’t comply with recent building codes in certain circumstances. (Companion bill is **S.B. 498** by **Taylor**.)

H.B. 1249 (Schaefer) – Economic Development Corporations: would authorize, and if petitioned by at least 10 percent of the number of voters participating in the last general election in the city, require, a Type A or Type B economic development corporation to hold an election to

make expenditures for general infrastructure improvements, including: (1) streets and roads; (2) water supply facilities; and (3) sewage facilities.

H.B. 1277 (Ashby) – Annexation: would provide that a general law city may not annex an area in which 50 percent or more of the property in the area to be annexed is primarily used for a commercial or industrial purpose unless the city: (1) is otherwise authorized to annex the area; and (2) obtains the written consent of the owners of a majority of the property in the area to be annexed. (Companion bill is **H.B. 665** by **K. King**.)

S.B. 456 (Burton) – Extraterritorial Jurisdiction: would limit the extraterritorial jurisdiction for all cities to an area that is contiguous to and within one-half mile of the city’s corporate boundaries.

S.B. 474 (Kolkhorst) – Eminent Domain: would provide that, if the amount of damages awarded by the special commissioners is at least 10 percent greater than the amount the condemnor offered to pay before the proceedings began or if the commissioners’ award is appealed and a court awards damages in an amount that is at least 10 percent greater than the amount the condemnor offered to pay before the proceedings began, the condemnor shall pay: (1) all costs; and (2) any reasonable attorney’s fees and other professional fees incurred by the property owner in connection with the eminent domain proceeding.

S.B. 479 (Schwertner) – Eminent Domain: would, in relation 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. 484 (Kolkhorst) – Economic Development: would: (1) require a business who is a recipient of economic development funds to repay all of the value of any subsidy or incentive if the business has a federal immigration conviction for unlawful employment of undocumented workers unless the business reasonably relied on an E-Verify program; and (2) prohibit a governmental entity, including a city, from awarding an economic development incentive to a business that has been convicted and had to repay an incentive for two years after any repayment is made.

S.B. 498 (Taylor) – Windstorm Insurance: this bill is identical to **H.B. 1244**, above.

S.B. 503 (Perry) – Military Preparedness Commission Grants: would provide that the Texas Military Preparedness Commission: (1) may provide a loan or financial assistance to a defense community for an economic development project that minimizes the negative effects of a base realignment process that occurred during the year 1995 or later; and (2) the assistance may not be less than \$50,000 or more than \$5 million.

S.B. 505 (Perry) – Utility Towers: would: (1) provide that a tower that is at least 50 feet but not more than 200 feet in height above ground level: (a) must be painted in equal alternating bands of aviation orange and white; (b) must have aviation orange marker balls; and (c) may not be supported by guy wires unless the wires have a seven foot safety sleeve; (2) make it a misdemeanor offense to own, operate, or erect a tower in violation of (1), above; (3) except from the requirements in (1), above: (a) a tower that supports an electric utility transmission or distribution line; (b) a facility licensed by the Federal Communication Commission or any structure with the primary purpose of supporting telecommunications equipment; (c) a wind-powered electrical generator with a rotor blade radius greater than six feet; or (d) a traffic-control signal erected or maintained by the Texas Department of Transportation; and (4) authorize the Texas Department of Transportation to adopt certain rules, including rules requiring a person who owns, operates, or erects a tower to provide notice to the department of the existence of or intent to erect a tower and to register the tower with the department. (Companion bill is **H.B. 946** by **Workman**.)

Personnel

H.B. 1137 (Israel) – Whistleblower: would expand the definition of “appropriate law enforcement authority” for purposes of whistleblower retaliation claims to include a supervisor, officer, or other manager of the governmental entity. (This bill is likely a reaction to a recent series of cases narrowly construing the term “appropriate law enforcement authority.”)

H.B. 1243 (Fletcher) – Civil Service: would amend Chapter 143 of the Local Government Code to provide that if a civil service commission or a hearing examiner orders that a suspended firefighter or police officer be restored to the position or class of service from which the person was suspended, the firefighter or police officer is entitled to immediate reinstatement to the position or class of service from which the person was suspended, notwithstanding any action filed in a court by the city or department head challenging the commission’s decision.

H.B. 1278 (Hughes) – Death Benefits: would increase the amount of state death benefits given to the families of public safety employees killed in the line of duty. (Companion bill is **S.B. 436** by **Lucio**).

H.B. 1281 (Rodriguez) – Pregnancy Accommodation: would, for an employee or applicant for employment who has a known limitation related to pregnancy, childbirth, or a related medical condition: (1) make it an unlawful employment practice for an employer, including a city, to: (a) fail or refuse to make a reasonable accommodation for an individual described above, unless the employer proves that the accommodation would be an undue hardship; (b) take retaliatory personnel action or discriminate against an employee because the employee requests, uses, or complains about an accommodation; (c) deny an employment opportunity to an individual because of a limitation due to pregnancy, childbirth, or another related condition; (d) require an individual described to accept an accommodation that the individual chooses not to accept; or (e) require an individual to take leave under leave law or a personnel policy if it was possible to provide another reasonable accommodation to the employee; (2) require an employer to: (a) engage in a timely, good faith, and interactive process with the described individual to determine an effective reasonable workplace accommodation including listed accommodations related to

time off, modifying equipment, light duty, providing room to express breast milk, or modifying the individual's job duties, among others; and (b) provide notice of these accommodation requirements; (3) not require an employer to: (a) create new position, unless the employer does so as an accommodation for other classes of employees; (b) change another employee's job position unless the employer does so as an accommodation for another class of employees; (4) require an employer who uses an undue hardship defense to avoid accommodating an individual, to prove that an undue hardship exists; (5) require the Texas Workforce Commission to develop training to inform employers and employees about their respective rights and duties under this section; and (6) not diminish the employment protection for pregnancy, childbirth, or a medical condition related to pregnancy or childbirth provided under any other law.

Public Safety

H.B. 1099 (Johnson) – Drug Possession: would create a defense to prosecution for drug possession crimes, if the individual: (1) requested emergency medical assistance in response to the possible controlled substance overdose of another person; (2) was the first person to make a request for medical assistance; (3) remained on the scene until the medical assistance arrived; and (4) cooperated with medical assistance and law enforcement personnel. (Companion bill is **S.B. 295** by **Schwertner**.)

H.B. 1131 (Elkins) – Photographic Traffic Signal Enforcement System: would: (1) prohibit the issuance of a traffic complaint, notice of violation, or other form of civil or criminal charge or citation related to an alleged violation of any state, county, or city law relating to the operation of a motor vehicle if the alleged violation was detected through the use of a photographic traffic signal enforcement system; and (2) make a city that issues a complaint, notice of violation, or other form of civil or criminal charge or citation arising from the use of a photographic traffic signal enforcement system liable for the costs, including reasonable attorney's fees, incurred by an owner or operator of a motor vehicle who received such complaint, notice, or citation. (Companion bill is **S.B. 340** by **Huffines**.)

H.B. 1150 (J. White) – Fireworks: would expand the days that a retail fireworks seller may sell fireworks to individuals.

H.B. 1168 (Rinaldi) – Resisting Arrest, Search, or Transportation: would: (1) in regard to the offense of preventing or obstructing a peace officer from effecting an arrest, search, or transportation, provide that it is a defense to prosecution that the arrest or search was unlawful; and (2) in regard to the offense of knowingly permitting or facilitating the escape of a person in custody and the offense of escaping from custody, provide that it is a defense to prosecution that the custody was unlawful.

H.B. 1199 (Simpson) – Synthetic Drugs: would amend the Deceptive Trade Practices-Consumer Protection Act to provide that the term "false, misleading, or deceptive acts or practices" includes producing, selling, distributing, or promoting a synthetic substance that produces and is intended to produce an effect when consumed or ingested similar to, or in excess of, the effect of a controlled substance or controlled substance analogue.

H.B. 1200 (Simpson) – Synthetic Drugs: would provide for the civil liability of a person who produces, distributes, sells, or provides or aids in the production, distribution, sale, or provision of certain synthetic substances to another person.

H.B. 1212 (Price) – Synthetic Drugs: would, among other things: (1) authorize the commissioner of public health to designate certain consumer commodities as abusable synthetic substances, and provide that such commodities are subject to certain regulations and enforcement actions; (2) authorize the commissioner of public health to emergency schedule a substance as a controlled substance under certain circumstances; (3) provide that it is a defense to prosecution for the offense of knowingly or intentionally possessing certain controlled substances if the actor requested emergency medical assistance in response to the possible overdose of the actor or another person; and (4) provide that it is not an affirmative defense to the prosecution of certain offenses involving the manufacture, delivery, or possession of a controlled substance analogue that the analogue was not intended for human consumption.

H.B. 1220 (Laubenberg) – DNA Samples: would: (1) provide that: (a) an individual has an exclusive property right in a DNA sample provided by the individual; and (b) a person may not, without the informed, written consent of an individual or an individual's legal guardian or authorized representative, collect a DNA sample from the individual, perform a genetic test on the individual's DNA sample, or retain the sample; (2) provide that (1), above, does not apply to a DNA sample collected for the purpose of emergency medical treatment, a law enforcement purpose, or a similar use under the laws of this state or another jurisdiction; and (3) provide that a person who violates (1), above: (a) is liable to the State of Texas for a civil penalty not to exceed the amount of any profits that are attributable to the violation, or subject to an injunction, or both; and (b) with criminal negligence, commits a Class A misdemeanor. (Companion bill is **S.B. 475** by **Kolkhorst**.)

H.B. 1233 (Springer) – Fire Inspectors: would: (1) allow certain entities in addition to the Texas Commission on Fire Protection to provide fire inspection training; and (2) allow individuals who are in a county of 250,000 or less to perform fire inspections regardless of state certification if: (a) they have received training from any of the listed entities; or (b) they are a member of a volunteer fire department.

H.B. 1234 (Tinderholt) – Concealed Handguns: would authorize a license holder to carry a concealed handgun on certain private or public school property if authorized by written regulations or authorization of the school.

H.B. 1252 (Pickett) – Motor Vehicle Weight Enforcement: would: (1) require the Department of Public Safety to establish by rule uniform weighing procedures for weight enforcement officers to ensure an accurate weight is obtained for a motor vehicle; (2) authorize the Department of Public Safety to revoke or rescind the authority of a weight enforcement officer who fails to comply with the rules described in (1), above; and (3) provide that it is an affirmative defense to prosecution for certain offenses related to operating an overweight vehicle if the weight enforcement officer fails to follow the rules described in (1), above, when determining the weight of the vehicle.

H.B. 1293 (Alvarado) – Stalking Victims: would allow the victim of certain stalking offenses to choose a pseudonym to be used instead of the victim’s name to designate the victim in all public files and records concerning the offense and require law enforcement to use that pseudonym.

S.B. 17 (Estes) – Concealed Handguns: would provide that: (1) a person who is licensed to carry a handgun may openly carry a holstered handgun; and (2) a city may not prohibit such carry on most property owned or leased by a governmental entity.

S.B. 461 (Perry) – Synthetic Drugs: would: (1) make it a crime to mislabel an abusable synthetic substance that is used by individuals to effect their perception or central nervous system; (2) allow an individual to be prosecuted under this and any other law that makes their activity illegal; (3) create a civil penalty of up to \$25,000 a day related to this activity that the attorney general, district attorney, county attorney, or city attorney could collect; (4) allow a city to keep the civil penalty if collected by the city; and (5) establish that it is not a defense to prosecution or a civil penalty that the substance was labeled with “Not for Human Consumption.”

S.B. 475 (Kolkhorst) – DNA Sample: this bill is identical to **H.B. 1220**, above.

S.B. 476 (Kolkhorst) – Firearms: would: (1) define “certification” to mean the process by which a chief law enforcement officer, including a city police chief, provides the certification of identity (via fingerprints and photograph) required on a federal application to make a firearm or transfer a firearm; (2) with some exceptions, require a chief law enforcement officer to provide certification, as defined in (1), above, not later than 15 days after receipt of a request for certification; (3) require a chief law enforcement officer who is unable to provide certification, as defined in (1), above, to provide the person who requested the certification a written notification of and reason for the denial; (4) authorize a person who requested certification, as defined in (1), above, to appeal a chief law enforcement officer’s denial of a request for certification to the district court in the county in which the person resides; (5) provide that an appeal described in (4), above, is by trial de novo and require a court that finds no substantial evidence to support the officer’s denial to order the chief law enforcement officer to issue the certification and award court costs and reasonable attorney’s fees to the person requesting the certification; and (5) provide that a chief law enforcement officer who, in good faith, provides a certification as defined in (1), above, is immune from civil or criminal liability resulting from the certification. (Companion bill is **H.B. 1179** by **Geren**.)

S.B. 513 (Taylor) – Metal Recycling: would: (1) require a person selling regulated metal to a metal recycling entity to sign a written statement provided by the metal recycling entity certifying that the person has not previously been convicted of an offense of theft of metal or another law involving the sale of metal; (2) provide that a metal recycling entity may not enter into more than one transaction for the purchase of metal from the same seller in a business day; (3) repeal language specifically preempting city and county regulation of types of payment for metal sales; (4) provide that a metal recycling entity may only pay a metal seller by check, money order, or direct deposit by electronic funds transfer if the sale is for less than \$25; (5) require a metal recycling entity to obtain a digital photograph or video recording of the seller’s

face and the metal purchased if the seller is paid by check or money order; (6) require a metal recycling entity to pay an individual by mailed check or money order if the sale is for \$25 or more; (7) repeal the provision allowing a process for a metal recycling entity to pay in cash; and (8) create a penalty for a person who violates these requirements not to exceed \$1,000 to be assessed after a contested case hearing.

S.B. 528 (Hughes) – Fertilizer Facilities: would: (1) increase reporting requirements for owners and operators of ammonium nitrate facilities, including requiring the owner or operator to: (a) file an updated “tier two” form with the Texas Commission on Environmental Quality (TCEQ) not later than the 90th day after there is a change in chemical weight range in a hazardous chemical or extremely hazardous material or within 72 hours of beginning operation or having a reportable addition of ammonium nitrate; and (b) furnish the tier two form to the local fire chief and local emergency planning committee; (2) require ammonium nitrate facilities to: (a) store ammonium nitrate or ammonium nitrate material in a separate structure; and (b) separate ammonium nitrate or ammonium nitrate material from combustible for flammable material by 30 feet or more; (3) increase the duties and authority of state and local fire marshals and fire departments by: (a) requiring the owner or operator of an ammonium nitrate storage facility to allow a state or local fire marshal to examine the facility; (b) allowing a local fire department to access an ammonium nitrate storage facility to make a pre-fire planning assessment; (c) requiring an owner or operator to correct any hazardous situations found by a fire marshal; (d) allowing a fire marshal to enforce storage and spacing requirements listed above; (e) allowing a fire marshal or fire department to do an inspection of an ammonium nitrate facility without being certified as an inspector by the Texas Commission on Fire Protection for pre-planning purposes; (4) increase the authority and duties of the TCEQ in regards to ammonium nitrate facility reporting and enforcement by: (a) requiring the TCEQ to inform the Texas Division of Emergency Management (TDEM) and the state fire marshal within 72 hours of receiving a tier two form reporting the presence of ammonium nitrate at an ammonium nitrate storage facility; (b) making the TCEQ, rather than the Texas Department of State Health Services, the repository for information regarding ammonium nitrate facilities; (c) allowing the TCEQ to enforce ammonium nitrate facility reporting requirements through Chapter 7 of the Water Code including penalties of up to \$5,000 for each violation and corrective action orders; and (5) require state agencies such as the TCEQ and the TDEM to report to local entities regarding ammonium nitrate tier two reporting. (Companion bill is **H.B. 942** by **Kacal**.)

Transportation

H.B. 1130 (Sheets) – Towing: would prohibit an entity, including a city, from removing a vehicle from a roadway if: (1) the vehicle is disabled; (2) the vehicle is not obstructing traffic; (3) the owner is in the immediate vicinity of the vehicle; and (4) the owner is not incapacitated and is able to provide instructions for the vehicle’s removal.

H.B. 1147 (Kacal) – All-Terrain Vehicles: would expand the individuals who are authorized to drive all-terrain vehicles on public streets to include firefighters, ambulance personnel, and other emergency services personnel.

H.B. 1165 (Burkett) – Transportation Funding: would provide that administrative penalties and fines collected for violations of certain laws involving the operation of an overweight vehicle shall be deposited to the credit of the state highway fund.

H.B. 1238 (D. Bonnen) – Traffic Barriers: would: (1) require an entity, including a city, to install concrete barriers if it needs to direct traffic to an opposite lane of travel for construction; (2) create new speed limits in properly marked construction or work zones to be either: (a) 20 miles per hour; or (b) 30 percent of the normal speed; (3) require an entity, including a city, to post the speed limit sign with the construction zone speed; and (4) require an entity, including a city, to place on the citation for a violation of a construction speed zone a warning about the doubled maximum fine.

S.B. 5 (Nichols) – Transportation Funding: would provide that all net revenue derived from the tax on the sale of a motor vehicle sold in this state that exceeds the first \$2.5 billion of that revenue coming into the treasury for a state fiscal year (excluding amounts previously dedicated to school property tax relief) shall be deposited to the credit of the state highway fund and may be appropriated only to: (1) construct, maintain, or acquire rights-of-way for public roadways other than toll roads; or (2) repay the principal and interest on general obligation bonds. (See **S.J.R. 5**, below.)

S.J.R. 5 (Nichols) – Transportation Funding: would amend the Texas Constitution to provide that all net revenue derived from the tax on the sale of a motor vehicle sold in this state that exceeds the first \$2.5 billion of that revenue coming into the treasury for a state fiscal year (excluding amounts previously dedicated to school property tax relief) shall be deposited to the credit of the state highway fund and may be appropriated only to: (1) construct, maintain, or acquire rights-of-way for public roadways other than toll roads; or (2) repay the principal and interest on general obligation bonds. (See **S.B. 5**, above.)

Utilities and Environment

H.B. 1146 (Kacal) – Public Water Supply System: would: (1) allow a licensed operator of a water supply system to be a volunteer; and (2) require the owner or manager of the water system to maintain a record of each volunteer operator.

H.B. 1153 (Turner) – Interbasin Transfers: would repeal the provisions of the interbasin transfers statute that make proposed transfers of all or a portion of a water right junior in priority to water rights granted before the time the application for transfer is accepted for filing.

H.B. 1184 (Paddie) – Energy Savings Performance Contracts: would expand the definition of energy savings performance contracts that a local government can enter into with a provider for energy or water conservation to include alternative fuel programs resulting in energy cost savings and reduced emissions for local government vehicles, including fleet vehicles.

H.B. 1191 (Isaac) – Regulation of Groundwater: would require a person seeking to drill or operate a water well for commercial purposes that is located near a priority groundwater

management area to submit an application for approval to drill and operate the well to the Texas Water Development board and the local groundwater conservation district.

H.B. 1192 (Isaac) – Graywater: would require the graywater standards adopted by the Texas Commission on Environmental Quality to permit the use of graywater for toilet and urinal flushing.

H.B. 1222 (Lucio) – Texas Water Development Board Financial Assistance: would remove the authority of the Texas Water Development Board to provide financial assistance to the following programs in regional water plans: (1) water bond insurance program; (2) research and planning program; (3) water pollution control; and (4) program for water and wastewater financial assistance for disadvantaged rural communities.

H.B. 1224 (Lucio) – Texas Water Development Board: would allow the Texas Water Development Board, by resolution, to approve the use of assets of certain revolving funds to be used as a source of revenue or security for the payment of the principal of and interest on state revolving fund bonds.

H.B. 1226 (Lucio) – On-site Sewage Disposal Systems: would require a local governmental entity that applies for financial assistance under a program for economically distressed areas from the Texas Water Development Board to receive and maintain a designation as an authorized agent of the Texas Commission on Environmental Quality only if: (1) the financial assistance is for a project related to on-site sewage disposal systems; and (2) the local government entity is not located in the jurisdiction of an authorized agent.

H.B. 1228 (Lucio) – Water Conservation Infrastructure: would: (1) allow a city to acquire, purchase, construct, improve enlarge, equip, operate, or maintain any property related to water conservation infrastructure; (2) declare a city providing funding for water conservation infrastructure to be: (a) in furtherance of the development and diversification of the economy of the city, (b) in furtherance of the conservation, preservation, or treatment of water resources of the city, and (c) beneficial to the operation of its utility system to be a public purpose under the Texas Constitution; (3) permit a city council to pledge the revenue of water conservation infrastructure to the payment of any public securities issued; (4) allow a city to grant a purchaser a franchise to operate encumbered water conservation infrastructure; (5) prohibit a city from selling city-owned water conservation infrastructure without a majority vote of the qualified voters of the city; (6) require the mayor of the city to establish and maintain a complete system of records for the water conservation infrastructure that has encumbered revenue; and (7) require the manager of the water conservation infrastructure to file an annual report on the operation of the water conservation infrastructure with the mayor and council.

H.B. 1247 (Smith) – Contested Case Hearings: would: (1) create a presumption that a draft permit application prepared by the executive director of the Texas Commission on Environmental Quality filed with the State Office of Administrative Hearings establishes a prima facie presumption that the permit application meets all state and federal legal and technical requirements; and (2) shift the burden to a party to the contested case hearing for rebut the

established presumption by establishing by a preponderance of the evidence that the draft permit violates specific state or federal legal or technical requirements.

H.B. 1248 (Lucio) – Groundwater Conservation Districts: would require a groundwater conservation district to renew an operating permit without a hearing if the permit holder is not requesting a change related to the renewal that would require a permit amendment under district rules.

H.B. 1269 (Springer) – Supplemental Environmental Projects: would: (1) allow a city in a county with a population of less than 50,000 to implement a supplemental environmental project in lieu of paying the Texas Commission on Environmental Quality an administrative penalty; and (2) require the city spend the difference between the penalty and cost of the supplemental environmental project on upgrading the facility at which the violation for which the penalty was assessed occurred.

H.B. 1284 (Simmons) – Solid Waste Facilities: would require the Texas Commission on Environmental Quality to: (1) mail a copy of a permit application for a solid waste facility to each city in whose city limits or extraterritorial jurisdiction the solid waste facility is located or with a boundary located not more than one mile from the facility; and (2) deny or amend an application based on the comments and recommendations from these cities.

S.B. 483 (Kolkhorst) – Water Level Fluctuations: would require a seller of real property adjoining an impoundment of water to provide the purchaser with written notice that the water levels fluctuate.

S.B. 521 (Fraser) – Emergency Authorizations: would: (1) extend the period of time that the Texas Commission on Environmental Quality can grant an emergency permit, order, or amendment to an existing water permit from 120 days to two years; and (2) allow the TCEQ to renew an emergency authorization for successive periods of not longer than one year.

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