



Legislative UPDATE

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Number 5

State Leaders Release Property Tax Reform Plan: Interested City Officials Should Engage Now

The governor, lieutenant governor, speaker of the house, and chairs of the Senate Committee on Property Tax and House Committee on Ways and Means held a joint press conference January 31 to release their property tax reform legislation, [H.B. 2](#) and [S.B. 2](#).

According to the lieutenant governor, “I’m hoping that the cities...will come in and support their taxpayers....we are asking our partners at the local level to come in and partner with us...the days of [cities and counties] saying no...are over.” The entire 20-minute press conference is available at <https://www.youtube.com/watch?v=UInxYc86FoY&feature=youtu.be>. (Scroll to 12:00 for the beginning of the conference, and scroll to 26:50 to hear the lieutenant governor’s, and others’ comments.)

The identical bills would:

- Lower the rollback rate from 8 to 2.5 percent for cities with combined annual property and sales tax revenue of \$15 million or more. (Cities that bring in less than the combined \$15 million in property tax and sales tax revenue keep an 8 percent rollback rate.)
- Require a mandatory election on the November uniform election date for all cities that exceed the rollback rate, whether that rate is 2.5 percent or 8 percent. (Instead of a citizen-initiated election as provided in current law.)

- Provide no carve-out for police, fire or other services. (The bills would make certain concessions for disaster areas.)

City officials in affected cities should begin preparing data to show the effect of the proposals, as well as suggestions for how the legislation can be improved for their city. Interested city officials should begin to visit now with their representatives and senator. Officials may also wish to appear in Austin next week to testify at the Senate Committee on Property Tax hearing, which the lieutenant governor stated would take place at 8:00 a.m. on Wednesday.

A complete summary is available under the “Property Tax” Section of the “City Related Bills Filed” elsewhere in this edition.

2.5 Revenue Cap is Really a Salary Cap for Police and Firefighters

Leadership’s plan to limit property tax increases to 2.5 percent might, in previous sessions, be referred to as a revenue cap. But that 2.5 percent figure — dramatically lower than similar proposals in recent sessions — is something else entirely by virtue of being so unreasonably low, lower even than inflation in many recent periods. Cities don’t have “revenues” the same way that corporations or individuals do. Cities don’t take home any of their tax dollars as profit at the end of the day. Tax dollars that flow into city coffers flow right back out in the form of police and firefighter salaries, 60 to 70 percent of the budget in many cities. Taxes are police and fire salaries in large part — cities are just the middleman. A 2.5 percent limit is more accurately characterized as a police and firefighter “salary cap.”

Supporters of the plan say cities can just make their case to the voters. The problem with that is cities aren’t allowed to make their case to voters. It is illegal under state election law for cities to spend any resources to influence an election such as the one the plan would require.

Police and firefighter associations need to realize that these radical capping proposals are getting so extreme that public safety personnel’s ability to make a living protecting citizens will be the ultimate victim. City councils would not be able to honor collective bargaining agreements at numbers beyond the salary cap. Gone, too, will be the days that city councils in cities without collective bargaining can give “catch-up” raises after a few years of an economic downturn, which is often done. State-imposed salary caps simply won’t permit those things anymore. Cities can’t suffer from bad ideas, but people can.

Report: Governor’s Committee to Support the Military

In September 2018, Governor Abbott established the Governor’s Committee to Support the Military. The Governor appointed twenty-two individuals to the committee, including Texas-resident veterans, community leaders, and business leaders. The committee was tasked to

examine ways to maintain and enhance military value at installations within the state. The essential tasks of the committee were to:

- Study and make recommendations on how best to maintain and enhance military value at existing military installations in Texas.
- Study and make recommendations on how best to make Texas a more attractive destination for additional military missions.
- Collaborate with local governments and chambers of commerce to explore surrounding civilian infrastructure and identify competing and complementary needs between private development, the rights of private landowners, and military necessities.
- Examine the 2005 criteria used by the Base Realignment and Closure Commission and identify strategies to avoid future base closures.
- Coordinate with the Texas Military Preparedness Commission and Texas Military Value Task Force. Since January 2018, the Texas Military Value Task Force has met with each Texas installation commander and staff, along with the local communities, to identify new missions or mission growth opportunities.

Last week, the Committee released its report, offering thirteen recommendations submitted to the governor and the legislature to improve military communities in Texas. They include:

- **Mitigate the Impact of Lost Property Tax Revenue Due to the Disabled Veterans Residence Homestead Exemption:** Eligibility for this program should expand to include counties with a military installation, the cities in that county, and cities in an adjacent county so as to provide reimbursement for cities near the installation, but not contiguous to the installation. The Legislature should also fully fund the program to allow for eligible cities to be reimbursed for 100 percent of lost revenue.
- **Defense Economic Adjustment Assistance Grant (DEAAG) Program:** Fully fund the DEAAG program to help protect military installations in Texas from potential negative impacts of BRAC.
- **Encroachment on Military Training:** Legislation or policy changes should be considered that strengthen the state's protections against encroachment, including commercial development. This includes adding prohibitions against Chapter 313 school district subsidies that may impact rotary-wing aviation training areas and military training routes located outside military installation boundaries.

The full report is [available online](#).

Interim Report: **House Committee on County Affairs**

The House Committee on County Affairs recently released its interim report, which contains two city-related items. A summary of the relevant charges and the committee's recommendations are provided below.

Charge No. 1 (Emergency Response to Disasters): Examine how emergency response activities are organized, funded, and coordinated. Review the impact of natural disasters on county finances. Identify any deficiencies in authority for the most populous counties related to infrastructure planning, emergency response, and recovery. Explore ways to improve efficiencies and manage costs while protecting public safety. Additionally, study the relationship between the state, counties, non-governmental organizations, and churches in preparing for and responding to Hurricane Harvey and its aftermath, and determine if preparedness plans are adequate.

Recommendations:

- 1. The Texas Legislature should study and consider using other taxation resources, such as the Economic Stabilization Fund, as collateral for general obligation bonds to prepare for and respond to emergencies and disasters.**

While local governments have a mechanism to apply for federal disaster recovery funds, there is no comparable dedicated state fund. Despite various public financing options available to local governments, many counties and cities lack the ad valorem tax base and other revenue sources to properly fund debt issuance. The State should look to its current resources, including the Economic Stabilization Fund (Rainy Day Fund), to provide adequate funding to aid in local disaster recovery.

- 2. The Texas Legislature should work with its federal partners to share best practices learned during Hurricane Harvey response, relief, and recovery efforts, including recommendations that would update and streamline FEMA and HUD requirements that create duplicative and/or conflicting processes which result in increased costs and delays.**

The National Flood Insurance Program (NFIP) is reauthorized by Congress every five years. FEMA thresholds for teardown/rebuild should be updated from 150,000 to 300,000. Residents would be better served if there was an expanded option to rebuild rather than elevate in many circumstances. FEMA and HUD should embrace new modular building units as a solution that could serve as short-term and long-term housing such as Rapido and 3D printing.

- 3. The Texas Legislature should consider designating a single state agency to be responsible for training local officials and providing immediate response specialists to assist local officials in coordinating with the state and FEMA.**

- 4. The Texas Legislature should encourage extensive National Incident Management System (NIMS) training for local, state, and federal partners prior to disaster, as well as adherence to NIMS protocol.**

Within this training there should be a stronger emphasis on communication from federal and local officials with state representatives. Additional emphasis should also be placed on better communication and coordination with charitable organizations.

- 5. The Texas Legislature should look to provide state assistance in compiling a preapproved vendor list for debris, if local governments need to expand beyond their contracts.**

Local governments are dependent upon private contractors for the majority of debris removal. Delays in this task hamper recovery by utilities, schools, businesses, and housing. While larger entities may obtain pre-event contracts for these services, smaller jurisdictions cannot. Debris removal in smaller counties are often delayed while proposed contracts are reviewed by FEMA.

- 6. The Texas Legislature should consider reviewing Section 23.02 of the Texas Property Tax Code and consider solutions to alleviate challenges for reappraisals after a disaster.**

- 7. The Texas Legislature should consider amending Chapter 775 and Section 121.006 of the Texas Health & Safety Code to authorize ESDs to provide mobile integrated healthcare or community paramedicine (MIH-CP) services.**

ESDs are not currently authorized to implement MIH-CP programs. Authorizing ESDs to provide MIH-CP programs could help reduce the costs those entities incur for unnecessary EMS transport and simultaneously improve healthcare for at-risk individuals in our communities.

- 8. The Committee agrees with recommendation from [Eye of the Storm, Report of the Governor's Commission to Rebuild Texas](#), Chapter 6 - Number 10: The Texas Legislature should set up a response team at the state level to respond to questions and other inquiries from local emergency management officials.**

- 9. The Texas Legislature should ensure that current resources are adequately funded and maintained.**

Providing fire and emergency services is a costly, yet necessary service. The gear for one responder can cost upwards of \$8,000. Trucks and equipment can range from \$500,000 – \$800,000. Resources must be available in advance of their need and require ongoing maintenance and repair. Additionally, they need to be strategically placed and positioned for easy deployment across the state. Ensuring that communities have the needed resources for both local use and statewide mutual use should be a priority.

Charge No. 2 (Flood Mitigation): Evaluate whether counties have the necessary ordinance-making and enforcement authority to deal with flood risk in unincorporated rural and suburban areas of Texas. Additionally, examine whether counties have adequate resources and authority to ensure that new development in unincorporated areas is not susceptible to flooding.

Recommendations:

- 1. The Texas Legislature should explore solutions to create greater parity between the standards and regulations regarding new development and construction both inside a city's extraterritorial jurisdiction and unincorporated areas within counties. Review current county ordinance making authority to set minimum standards for emergency mitigation in both platted subdivisions and other unincorporated areas.**

Counties currently have subdivision authority to require limited mitigation regulations for new development that occurs within a platted subdivision. However, counties do not have this authority for development that falls outside of subdivisions, which is the source for much of the growth in counties. Due to the lack of authority, there is a lack of uniformity about the safety of structures going up across the state. Increased authority would allow for universal mitigation efforts for new development in the unincorporated areas of the county.

- 2. The Committee agrees with recommendation from Eye of the Storm, Report of the Governor's Commission to Rebuild Texas, Chapter 7 - Number 1: The Texas Legislature should establish a special study committee to evaluate and propose options for a state-local partnership to help future-proof Texas against flood events on watershed basis.**

Get Involved:
TML Grass-Roots Involvement Program

The Texas Municipal League is once again implementing our Grass-Roots Involvement Program (GRIP). GRIP collects information about your relationship with your legislators and is one way TML staff contacts city officials regarding action on harmful legislation.

To participate in GRIP, go to <http://bit.ly/TMLGRIP2019> 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

Property Tax

H.B. 1032 (Bohac) – Property Tax Limitation: would establish a mandatory property tax freeze for all taxing units on the residence homesteads of individuals who are disabled or over 65 and their surviving spouses. (See **H.J.R. 53**, below.)

H.B. 1036 (Beckley) – Sales Price Disclosure: would provide that: (1) a person may not file for record or have recorded in the county clerk’s office an instrument conveying real property under a contract for sale unless the instrument discloses the sales price of the property; (2) the purchaser of any property for which an instrument is recorded in violation of (1), above, is liable to the state for a civil penalty for each violation in an amount equal to five percent of the sales price of the property; and (3) the attorney general or the county or district attorney for the county in which the property is located may bring suit to recover a penalty under (2), above.

H.B. 1050 (Lucio) – Appraisal Information: would authorize the chief appraiser to provide information required to be in certain notices by directing the property owner to the appraisal district’s website.

H.B. 1056 (Bohac) – Property Tax Exemption: would exempt from property taxes: (1) a motor vehicle leased to the state or a political subdivision of the state; or (2) a motor vehicle that is leased to an organization that is exempt from federal income taxation as a 501(c)(3) and would be exempt from taxation if the vehicle were owned by the organization.

H.B. 1081 (Raymond) – Property Tax Appraisal: would provide that the appraisal review board, on motion of a property owner, may direct by written order changes in the appraisal roll or related appraisal records for the current tax year and for either of the two preceding tax years to correct an inaccuracy in the appraised value of the owner’s tangible personal property that is the result of an error or omission in a rendition statement or property report filed for the applicable tax year.

H.B. 1148 (Murphy) – Property Tax Collection: would provide that the interest rate associated with a tax lien during a period of deferred collection of taxes on the residence homestead of an elderly or disabled individual, or a residence homestead appreciating at a high rate, is the five-year Constant Maturity Treasury Rate reported by the Federal Reserve as of January 1 of the year in which the deferral or abatement was obtained.

H.B. 1188 (Hefner) – Property Tax Appraisal: would, among other things, provide that land remains eligible for appraisal as qualified open-space land after a change in ownership of the land occurs if the change in ownership results from a transfer of the land from the former owner to a person who is related to the former owner within the second degree by affinity or third degree by consanguinity.

H.B. 1194 (Dutton) – Property Tax Exemption: would provide that a person is entitled to a property tax exemption by a school district of improved and unimproved real property, any part

of which is located within a one-mile radius of the center of a campus of that school district or within a municipal management district, that the person owns for the purpose of building low-income housing. (See **H.J.R. 58**, below.)

H.J.R. 53 (Bohac) – Property Tax Limitation: would amend the Texas Constitution to establish a mandatory property tax freeze for all taxing units on the residence homesteads of individuals who are disabled or over 65 and their surviving spouses. (See **H.B. 1032**, above.)

H.J.R. 58 (Dutton) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from property taxation by one or more political subdivisions of this state property located near a public school or within a municipal management district that is owned by a person for the purpose of building low-income housing on the property. (See **H.B. 1194**, above.)

S.B. 2 (Bettencourt) – Property Tax Reform: this bill, known as the “Texas Property Tax Reform and Relief Act of 2019,” would make numerous changes to the process for adopting property tax rates. Of primary importance to cities, the bill would:

1. adjust the property tax rollback rate in the following ways:
 - a. for a taxing unit other than a small taxing unit, provide for a rollback rate of 2.5 percent;
 - b. define “small taxing unit” as a taxing unit other than a school district for which the sum of the following amounts is \$15 million or less:
 - i. the total amount of property taxes that would be imposed by the taxing unit for the current tax year if the tax rate proposed for that tax year were applied to the current total value for the taxing unit; and
 - ii. the total amount of sales and use tax revenue received by the taxing unit, if any, for the last preceding four quarters for which that information is available.
 - c. maintain an eight percent rollback rate for all small taxing units;
 - d. for a taxing unit other than a small taxing unit, provide for a rollback rate of 2.5 percent;
2. require a mandatory election on the November uniform election date for all cities that exceed the rollback rate, whether that rate is 2.5 percent or eight percent (instead of a citizen-initiated election as provided in current law);
3. provide no carve-out for police, fire, or other services (the bills would make certain concessions for disaster areas (detailed below)); and
4. make numerous calendar changes to the property tax appraisal, collection, and rate-setting process in order to have property tax ratification elections on the November uniform election date.

Additionally – and more specifically – the bill would, among other things:

1. rename the “effective tax rate” and “effective maintenance and operations rate” the “no-new-revenue tax rate” and “no-new-revenue maintenance and operations rate,” respectively;

2. require the comptroller to appoint a property tax administration advisory board to make recommendations to the comptroller regarding state administration of property taxation and state oversight of appraisal districts and local tax offices;
3. require the comptroller to prescribe tax rate calculation forms to be used by the designated officer or employee of each taxing unit to calculate and submit the no-new-revenue tax rate and rollback tax rate for the taxing unit;
4. require the forms described in Section 3, above, to be in an electronic format and:
 - a. have blanks that can be filled in electronically;
 - b. be capable of being certified by the designated officer or employee after completion as accurately calculating the applicable tax rates and using values that are the same as the values shown in the taxing unit's certified appraisal roll; and
 - c. be capable of being submitted electronically to the chief appraiser of each appraisal district in which the taxing unit is located;
5. require the comptroller to prepare an annual list that includes the total tax rate imposed by each taxing unit in the state for the year in which the list is prepared that shall be sorted alphabetically according to:
 - a. the county or counties in which each taxing unit is located; and
 - b. the name of each taxing unit;
6. require the comptroller to publish on the comptroller's website the list required in Section 5, above, not later than January 1 of the following year;
7. require the chief appraiser to establish an office of tax notices in the appraisal district, to be responsible for delivering the notice of estimated taxes and creating and maintaining the real-time tax database;
8. make numerous calendar changes to the property tax appraisal, collection, and rate-setting process in order to have property tax ratification elections on the November uniform election date, including among others:
 - a. requiring the appraisal district to certify the appraisal roll to taxing units by July 10th (instead of July 25th under current law);
 - b. requiring the tax assessor/collector to submit the appraisal roll showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property to the governing body of the taxing unit by July 15th, or as soon thereafter as practicable (instead of August 1st under current law);
 - c. requiring the designated officer or employee of the taxing unit to submit the tax rates to the governing body by July 22;
 - d. requiring the designated officer or employee of the taxing unit to deliver by mail to each property owner in the unit, publish in a newspaper, and post prominently on the home page of the unit's website if published in a newspaper by July 27th a lengthy notice that was determined by the legislature to be too confusing to the taxpayer only six years ago; and
 - e. requiring taxing units adopting a tax rate exceeding the lowered rollback tax rate to do so before August 15th (instead of September 30th under current law) (NOTE: this would also require a city that adopts a tax rate exceeding the rollback rate to adopt its budget before August 15th, as state law provides that property taxes may only be levied in accordance with the city budget);
9. provide that a taxing unit other than a small taxing unit may direct the designated officer or employee to calculate the rollback tax rate of the taxing unit in the manner provided

for a small taxing unit if any part of the taxing unit is located in an area declared a disaster area during the current tax year by the governor or by the president of the United States;

10. provide that the designated officer or employee shall continue calculating the rollback tax rate in the manner provided by Section 9, above, until the earlier of:
 - a. the first tax year in which the total taxable value of property taxable by the taxing unit as shown on the appraisal roll for the taxing unit submitted by the assessor for the taxing unit to the governing body exceeds the total taxable value of property taxable by the taxing unit on January 1 of the tax year in which the disaster occurred; or
 - b. the fifth tax year after the tax year in which the disaster occurred.
11. provide that the designated officer or employee of a taxing unit may not submit the no-new-revenue tax rate and the rollback tax rate to the governing body of the taxing unit and the taxing unit may not adopt a tax rate until the designated officer or employee has accurately calculated the tax rates and has used values that are the same as the values shown in the taxing unit's certified appraisal roll in performing the calculations;
12. provide that the designated officer or employee of a taxing unit may not submit the no-new-revenue tax rate and the rollback tax rate to the governing body of the taxing unit and the taxing unit may not adopt a tax rate until the designated officer or employee certifies on the tax rate calculation forms that the designated officer or employee has accurately calculated the tax rates and has used values that are the same as the values shown in the taxing unit's certified appraisal roll in performing the calculations;
13. provide that, as soon as practicable after the designated officer or employee calculates the no-new-revenue tax rate and the rollback tax rate of the taxing unit, the designated officer or employee shall submit the tax rate calculation forms used in calculating the rates to the county assessor-collector for each county in which all or part of the territory of the taxing unit is located;
14. by July 22nd or as soon as practicable, require the tax notice officer of each appraisal district to deliver by regular mail or email to each owner of property located in the appraisal district a notice that the estimated amount of taxes to be imposed on the owner's property by each taxing unit in which the property is located may be found in the real-time tax database maintained by the appraisal district;
15. require the governing body of a taxing unit to include as an appendix to the taxing unit's budget for a fiscal year the tax rate calculation forms used by the designated officer or employee of the taxing unit to calculate the no-new-revenue tax rate and the rollback tax rate of the taxing unit for the tax year in which the fiscal year begins;
16. authorize a property owner to seek an injunction prohibiting the taxing unit in which the property is taxable from adopting a tax rate if the assessor or designated officer or employee of the taxing unit, the tax notice officer of the applicable appraisal district, or the taxing unit, as applicable, has not complied with the statutory computation, publication, or posting requirements;
17. provide that it is a defense in an action for an injunction under Section 16, above, that the failure to comply was in good faith;
18. prohibit the governing body of a taxing unit from holding a public hearing on a proposed tax rate or a public meeting to adopt a tax rate until the 14th day after the date the officer or employee designated by the governing body of the taxing unit to calculate the no-new-

- revenue tax rate and the rollback tax rate for the taxing unit complies with the requirements related to the real-time tax database;
19. prohibit the governing body of a taxing unit other than a school district from adopting a tax rate until the designated officer or employee of the taxing unit has:
 - a. entered the information described by Section 34, below, into the real-time tax database for the current tax year;
 - b. incorporated the completed tax rate calculation forms into the real-time tax database maintained by the tax notice officer; and
 - c. posted the information described by Section 38, below, on the Internet website used by the taxing unit used for that purpose;
 20. authorize a property owner to seek an injunction restraining the collection of taxes by a taxing unit in which the property is taxable if the taxing unit has not complied with truth-in-taxation requirements;
 21. provide that it is a defense in an action for an injunction under Section 20, above, if the failure to comply was in good faith;
 22. provide that an action to enjoin the collection of taxes must be filed not later than the 15th day after the date the taxing unit adopts a tax rate;
 23. provide that a property owner is not required to pay the taxes imposed by a taxing unit on the owner's property while an action filed by the property owner to enjoin the collection of taxes imposed by the taxing unit on the owner's property is pending;
 24. provide that, if a property owner pays the taxes and subsequently prevails in an action, the property owner is entitled to a refund of the taxes paid, together with reasonable attorney's fees and court costs and is not required to apply to the collector for the taxing unit to receive the refund;
 25. prohibit the governing body of a taxing unit that imposes a sales tax for property tax relief from adopting certain components of the tax rate until the chief financial officer or the auditor for the taxing unit submits to the governing body of the taxing unit a written certification relating to the amount of sales tax for property tax relief revenue used to pay debt service;
 26. require a taxing unit with a low tax levy that provides public notice of its proposed tax rate by publication in a newspaper to post notice of the proposed tax rate prominently on the home page of the Internet website maintained by the taxing unit;
 27. require a taxing unit to provide one of four specific notices on the tax rate, depending on whether the taxing unit:
 - a. is proposing to adopt a tax rate that exceeds the no-new-revenue tax rate and the rollback tax rate of the taxing unit;
 - b. is proposing to adopt a tax rate that exceeds the no-new-revenue tax rate but does not exceed the rollback tax rate of the taxing unit;
 - c. is proposing to adopt a tax rate that does not exceed the no-new-revenue tax rate but exceeds the rollback tax rate of the taxing unit; or
 - d. is proposing to adopt a tax rate that does not exceed the lower of the no-new-revenue tax rate or the rollback tax rate;
 28. provide that if a taxing unit publishes notice of the public hearings on the tax rate in the newspaper, the taxing unit must also post the notice prominently on the home page of the taxing unit's Internet website from the date the notice is first published until the second public hearing is concluded;

29. provide that the meeting to vote on a tax increase may not be earlier than the third day or later than the seventh day after the date of the second public hearing on the tax rate;
30. require notice of the tax rate to include a table that compares the taxes imposed on the average residence homestead in the preceding year to the taxes proposed to be imposed on the average residence homestead in the current year;
31. provide that the order calling a rollback election in a taxing unit other than a school district may not be issued later than August 15th;
32. require the county-assessor collector to post on the county's website for each taxing unit all or part of the territory of which is located in the county:
 - a. the tax rate calculation forms used by the designated officer or employee of each taxing unit to calculate the no-new-revenue and rollback tax rates of the taxing unit for the most recent five tax years beginning with the 2020 tax year;
 - b. the name and official contact information for each member of the governing body of the taxing unit; and
 - c. the tax rate calculation forms for the current tax year not later than August 1st;
33. require the tax notice officer of each appraisal district to create and maintain a real-time property tax database that:
 - a. is identified by the name of the office of tax notices, instead of the name of the appraisal district, as the "Real-Time Tax Database";
 - b. contains information that is provided by designated officers or employees of the taxing units that are located in the appraisal district in the manner required by the comptroller;
 - c. is continuously updated as preliminary and revised data become available to and are provided by the designated officers or employees of taxing units;
 - d. is accessible to the public; and
 - e. is searchable by property address and owner;
34. require the real-time tax database to be capable of generating, with respect to each property listed on the appraisal roll for the appraisal district, a real-time tax notice that includes:
 - a. the property's identification number;
 - b. the property's market value;
 - c. the property's taxable value;
 - d. the name of the each taxing unit in which the property is located;
 - e. for each taxing unit other than a school district in which the property is located:
 - i. the no-new-revenue tax rate; and
 - ii. the rollback tax rate;
 - f. for each school district in which the property is located:
 - i. the tax rate to maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year; and
 - ii. the rollback tax rate;
 - g. the tax rate proposed by the governing body of each taxing unit in which the property is located;
 - h. for each taxing unit other than a school district in which the property is located, the taxes that would be imposed on the property if the unit adopted a tax rate equal to:

- i. the no-new-revenue tax rate; and
 - ii. the proposed tax rate;
 - i. for each school district in which the property is located, the taxes that would be imposed on the property if the unit adopted a tax rate equal to:
 - i. the tax rate to maintain the same amount of state and local revenue per weighted student that the district received in the school year beginning in the preceding tax year; and
 - ii. the proposed tax rate;
 - j. for each taxing unit other than a school district in which the property is located, the difference between the amount calculated for the no new taxes tax rate and the proposed tax rate;
 - k. for each school district in which the property is located, the difference between the amount calculated to maintain the same amount of state and local revenue per weighted student the district received in the school year beginning in the preceding year and the proposed tax rate;
 - l. the date and location of each public hearing, if applicable, on the proposed tax rate to be held by the governing body of each taxing unit in which the property is located;
 - m. the date and location of the public meeting in which the tax rate will be adopted to be held by the governing body of each taxing unit in which the property is located; and
 - n. for each taxing unit in which the property is located, an email address at which the taxing unit is capable of receiving written comments regarding the proposed tax rate of the taxing unit;
35. require the Real-Time Tax Database to provide a link to the website used by each taxing unit in which the property is located to post the budget and tax rate information required by Section 38, below;
36. require the officer or employee designated by the governing body of each taxing unit in which the property is located to calculate the no-new-revenue tax rate and the rollback tax rate for the taxing unit to electronically:
- a. enter the information described by Section 34, above, as the information becomes available; and
 - b. incorporate into the database the completed tax rate calculation forms at the same time the designated officer or employee submits the tax rates to the governing body of the taxing unit;
37. require each taxing unit to maintain an Internet website or have access to a generally accessible Internet website that may be used for the purposes of posting tax rate and budget information;
38. require each taxing unit to post on its Internet website the following information in a format prescribed by the comptroller:
- a. the name of each member of the governing body of the taxing unit;
 - b. the mailing address, e-mail address, and telephone number of the taxing unit;
 - c. the official contact information for each member of the governing body of the taxing unit;
 - d. the taxing unit's budget for the preceding two years;
 - e. the taxing unit's proposed or adopted budget for the current year;

- f. the change in the amount of the taxing unit’s budget from the preceding year to the current year, by dollar amount and percentage;
 - g. for a taxing unit other than a school district, the amount of property tax revenue budgeted for both maintenance and operations and debt service, respectively, for:
 - i. the preceding two years; and
 - ii. the current year;
 - h. the tax rate for both maintenance and operations and debt service, respectively, adopted by the taxing unit for the preceding two years;
 - i. the tax rate for both maintenance and operations and debt service, respectively, adopted by the taxing unit for current year; and
 - j. the most recent financial audit of the taxing unit;
39. eliminate the ability of a taxing unit to challenge before the appraisal review board the level of appraisals of any category of property in the appraisal district or in any territory in the appraisal district; and (finally)
40. provide that the appraisal review board may not determine the appraised value of the property that is subject of a protest to be an amount greater than the appraised value of the property as shown in the appraisal records submitted to the board by the chief appraiser.

(Companion bill is **H.B. 2** by **Burrows**.)

S.B. 434 (Hinojosa) – Property Tax Lien: would provide that, if the chief appraiser adds property or appraised value that was erroneously exempted in a prior year to the appraisal roll, a tax lien may not be enforced against the property to secure the payment of any taxes, penalties, or interest imposed for that year on the property as a result of the addition of the property or appraised value if, at any time after January 1 of that year, the property was sold in an arm’s length transaction to a person who was not related to the seller within the first degree by consanguinity or affinity. (See **S.J.R. 31**, below.)

S.B. 443 (Hancock) – Property Tax Exemption: would lengthen the duration of a residence homestead property tax exemption for property that is rendered uninhabitable or unusable by a casualty or by wind or water damage from two years to five years if: (1) the property is located in an area declared to be a disaster area by the governor following a disaster; and (2) the residential structure located on the property is rendered uninhabitable or unusable as a result of the disaster.

S.B. 453 (Creighton) – Property Tax Appraisal: would, among other things: (1) provide that the chief appraiser of an appraisal district that appraises property for a taxing unit that is located partly or entirely inside an area declared to be a disaster area by the governor shall reappraise all property damaged in the disaster at its market value immediately after the disaster; (2) allow a property owner to refuse to have the owner’s property reappraised under (1), above; and (3) require the chief appraiser to complete the reappraisal not later than the 45th day after the date the governor declares the area to be a disaster area.

S.B. 492 (Alvarado) – Property Tax Appraisal: would define “disaster recovery program” for purposes of the value of a replacement structure for the ten percent appraisal cap for a residence

homestead as a disaster recovery program funded with community development block grant disaster recovery money authorized by federal law.

S.J.R. 31 (Hinojosa) – Property Tax Lien: would amend the Texas Constitution to provide that, if the chief appraiser adds property or appraised value that was erroneously exempted in a prior year to the appraisal roll, a tax lien may not be enforced against the property to secure the payment of any taxes, penalties, or interest imposed for that year on the property as a result of the addition of the property or appraised value if at any time after January 1 of that year the property was sold in an arm’s length transaction to a person who was not related to the seller within the first degree by consanguinity or affinity. (See **S.B. 434**, above.)

Sales Tax

H.B. 1083 (Raymond) – Sales Tax Exemption: would exempt from sales taxes the sale of beer or ale that takes place on July 4th if the seller holds a wine and beer retailer’s off-premise permit.

H.B. 1192 (E. Thompson) – Local Sales Tax Administrative Fee: would lower the comptroller’s administrative fee amount deducted from distributions of local sales and use tax revenue from two percent to one percent.

S.B. 457 (Creighton) – Sales Tax Exemption: would exempt firearms and hunting supplies from sales taxes during the last full weekend in August.

Purchasing

H.B. 985 (Parker) – Collective Bargaining Organizations: would prohibit a governmental entity, including a city, that awards a public work contract funded with state funds, including the issuance of debt guaranteed by the state, from: (1) prohibiting, requiring, discouraging, or encouraging a person bidding on the contract, including a contractor or subcontractor, from entering into or adhering to an agreement with a collective bargaining organization relating to the project; or (2) discriminating against a person described by (1) based on the person’s involvement in the agreement, including the person’s status or lack of status as a party to the agreement or willingness or refusal to enter into the agreement. (Companion bill is **S.B. 473** by **Hancock**.)

S.B. 491 (Creighton) – Israel: would modify the provisions of H.B. 89 (2017) – which provides that neither a state agency nor a political subdivision may enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract – by providing that: (1) “company” does not include a sole proprietorship; and (2) the law applies only to a contract that: (a) is between a governmental entity and a company with 10 or more full-time employees; and (b) has a value of \$100,000 or more that is to be paid wholly or partly from public funds of the governmental entity. (Companion bill is **H.B. 793** by **King**.)

Elections

H.B. 1107 (Swanson) – Early Voting by Mail: would, among other things: (1) require that an application for an early voting ballot to be voted by mail be signed by the applicant using ink on paper; and (2) provide that an electronic signature or photocopied signature is not permitted.

H.B. 1048 (Guillen) – Early Voting Polling Place: would provide that political subdivisions holding elections in November may not designate as an early voting polling place a location other than an eligible county polling place, unless each eligible county polling place located in the political subdivision is designated as an early voting polling place for the election.

H.B. 1067 (Ashby) – Deceased Candidates: would provide that, if a candidate dies on or after the second day before the deadline for filing an application for a place on the ballot and before the ballots are prepared, the authority responsible for preparing the ballots may choose to omit the candidate from the ballot.

H.B. 1104 (Meza) – Early Voting by Mail: would, among many other things, authorize early voting by mail for any qualified voter and provide for implementing procedures. (Companion bill is **S.B. 164** by **Rodriguez**.)

H.B. 1117 (Swanson) – Preservation of Election Records: would provide that the term “precinct election records,” for record preservation purposes, includes all ballot envelopes and carrier envelopes returned by a voter voting early by mail.

H.B. 1138 (Meza) – Voter Registration: would, among other things, provide that a person who would be eligible to vote in an election but for the requirement to be a registered voter shall be accepted for voting in the precinct of the person’s residence if, on the day the person offers to vote, the person: (1) submits a voter registration application to an elected official at the polling place; and (2) presents acceptable proof of identification.

H.B. 1184 (Israel) – Early Voting By Mail: would provide that an application for a ballot to be voted by mail: (1) may be submitted at any time in the year of the election for which a ballot is requested, but not later than 5 p.m. on the 11th day before election day, unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day; and (2) deposited in a post office box before the post office box is last inspected for removal of mail on the next business day is considered timely submitted.

S.B. 445 (Fallon) – Polling Places: would allow a person to use his/her mobile phone to access information at a polling place.

S.B. 462 (Campbell) – Bond Propositions: would: (1) require a proposition to issue debt obligations by political subdivisions to distinctly state: (a) the purpose of the debt obligations; (b) the principal amount of the debt obligations; (c) that taxes sufficient to pay the annual principal and interest on the debt obligations may be imposed; (d) the aggregate amount of outstanding principal of the debt obligations as of the beginning of the fiscal year; and (e) the ad valorem

debt service tax rate at the time the election is ordered; and (2) authorize the secretary of state to adopt a form of the ballot for a bond election that could (but does not have to) be used by a political subdivision.

S.B. 464 (Campbell) – Charter Amendment Propositions: would: (1) require that a 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 in a city to file an action for writ of mandamus to compel a city council to comply with (1), and prohibit a city from accepting pro bono legal services to defend the action; (3) require a court to award a plaintiff who substantially prevails in a mandamus action described in (2) the plaintiff's reasonable attorney's fees, expenses, and court costs; and (4) allow a court to award a city that substantially prevails in a mandamus action described in (2) the city's court costs, but not attorney's fees or expenses.

S.B. 466 (Fallon) – Eligibility for Office: would provide that, in order to be eligible to be a candidate for, or elected or appointed to, a public elective office, a person finally convicted of a felony must have been pardoned (i.e., this bill would delete current law that provides a person convicted of a felony could be qualified for office if they have been excused of a felony conviction by means other than a pardon).

Open Government

No city-related open government bills were filed this week.

Other Finance and Administration

H.B. 681 (Stephenson) – County Assistance Districts: would remove the ability of the governing body of a city to exclude municipal territory from a proposed county assistance district.

H.B. 984 (Parker) – City Fees: would: (1) require every city (except those located in a county with a population of less than 30,000) to establish and maintain an email notification service to which any person may electronically subscribe to receive information regarding new or increased city fees; (2) provide that the email notification service must: (a) allow a subscriber to request notification of each: (i) new fee proposed to be adopted by the city; (ii) existing fee proposed to be increased by the city; (iii) proposed budget of the city that includes use of revenue from a new or increased fee; (iv) adopted budget of the city that includes use of revenue from a new or increased fee; and (v) public hearing scheduled to be held at which a fee or budget described by (i) through (iv) is scheduled to be discussed; (b) include a link in the notification to any web page maintained by the city on which the fee or budget may be viewed; and (c) notify the subscriber by email not later than the day: (i) the city provides public notice of a public hearing at which a proposed new or increased fee or a proposed budget is scheduled to be discussed, for notification of a public hearing for a proposed fee or budget; (ii) the budget officer files a proposed budget with the city clerk, for notification of a proposed budget; or (iii) the governing body files an adopted budget with the city clerk, for notification of an adopted budget; (3) provide that a city's

proposed budget that includes estimated revenue from a new fee or the increase of an existing fee must contain a cover page with the following statement in 18-point or larger type: “This budget includes estimated revenue from the following new or increased fees: (include a description of each new or increased fee, the dollar amount of each new fee, and the dollar amount of an percentage of increase of each increased fee); (4) provide that adoption of a budget that includes estimated revenue from a new fee or the increase of an existing fee requires a separate vote of the governing body to ratify the use of that revenue, and the vote is in addition to and separate from the vote to adopt the budget or a vote to adopt or increase the fee; (5) provide that a city’s adopted budget contain a cover page that includes, if applicable, the following statement in 18-point or larger type: “This budget includes estimated revenue from the following new or increased fees: (include a description of each new or increased fee, the dollar amount of each new fee, and the dollar amount of and percentage of increase of each increased fee).”

H.B. 1035 (Zedler) – Religious Freedom: would: (1) prohibit a governmental entity from taking discriminatory action against religious organizations and certain other persons because of the organization’s or person’s sincerely held religious belief or moral conviction that: (a) marriage is a union between one man and one woman; or (b) biological sex is objectively determined at the time of birth; (2) prohibit a governmental entity from taking discriminatory action against an employee and authorize an employee to be recused from certain duties because of the employee’s sincerely held religious belief or moral conviction that: (a) marriage is a union between one man and one woman; or (b) biological sex is objectively determined at the time of birth; and (3) allow certain claims, defenses, injunctive relief, declaratory relief, and damages for a violation of the prohibition in (1) or (2).

H.B. 1120 (Miller) – County Assistance Districts: would provide that a county assistance district may perform inside or outside the district a function that benefits the district and that the county is authorized to perform.

H.B. 1125 (Murr) – Historic Courthouse Preservation Program: would require the Historical Commission to consider the county’s or city’s local funding capacity as measured by the total taxable value of properties in the county or city, as applicable, when considering whether to grant an application for a grant or loan for a historic courthouse project. (Companion bill **S.B. 496** by Perry.)

H.B. 1154 (Dutton) – Alcohol Sales: would provide that the Texas Alcoholic Beverage Commission may, on the request of the chief executive officer of a city, extend the hours during which alcoholic beverages may be sold and consumed in a licensed or permitted premises located in a hotel in the city during a special event that is being held in or near the city not to exceed 72 consecutive hours.

H.B. 1170 (Anchia) – Firearms: would prohibit the investment of certain state retirement system funds, including those of the Texas Municipal Retirement System, in companies that manufacture firearms or firearm ammunition.

S.B. 452 (Fallon) – Term Limits: would authorize the governing body of a general law city to order an election to impose term limits.

S.B. 465 (Campbell) – Political Subdivision Public Information Database: would, among other things: (1) require the comptroller to create and make accessible on the Internet a database to be known as the Political Subdivision Public Information Database; (2) require that for each political subdivision, the database must include: (a) the name of the political subdivision; (b) the name of each member of the governing body of the political subdivision; (c) contact information or the main office of the political subdivision; (d) the name of any employee of the political subdivision that is employed as a general manager or executive director, or other position to perform duties or functions comparable to those of a general manager or executive director; (e) contact information for a person representing the utility operator, if the political subdivision contracts with a utility operator; (f) contact information for the tax assessor-collector, if the political subdivision contracts with a tax assessor-collector; (g) the political subdivision’s Internet website, if any; (h) various information related to the debt of the political subdivision; (i) the rate of any sales and use tax the political subdivision imposes; and (j) various information related to the political subdivision’s property tax rate; (3) authorize the comptroller to consult with the appropriate officer or representative of each political subdivision to obtain the information necessary to operate and update the database; (4) require a political subdivision to transmit records and other information to the comptroller annually for purposes of providing the information to operate and update the database; (5) provide that, if a political subdivision doesn’t timely submit information to the comptroller as required by law, that the comptroller shall provide written notice to the political subdivision: (a) informing the political subdivision of the violation; and (b) notifying the political subdivision that the political subdivision will be subject to a penalty of \$1,000 if the political subdivision does not report the information on or before the 30th day after the date the notice is provided.

S.B. 476 (Hancock) – Dogs at Restaurants: would: (1) provide that a food service establishment may permit a customer to be accompanied by a dog in an outdoor dining area in certain circumstances; and (2) provide that a city may not adopt or enforce an ordinance, rule, or similar measure that imposes a requirement on a food service establishment for a dog in an outdoor dining area that is more stringent than the requirements in (1).

S.B. 493 (Alvarado) – Housing Tax Credits: would allow the Texas Department of Housing and Community Affairs to allocate housing tax credits to more than one development in a single community, in the same calendar year, if: (1) the developments are located in an area declared to be a disaster by the state; and (2) the communities are located within a county with a population that exceeds one million.

Municipal Courts

H.B. 1021 (Moody) – Court Costs: would require the judge of any court, including municipal court, in civil or criminal proceeding before the court, who finds that the defendant or plaintiff in the proceeding is indigent shall waive all court costs, including costs on conviction, and all filing fees and other fees imposed by law on the indigent defendant or plaintiff.

H.B. 1189 (E. Johnson) – Municipal Court: would provide, when fines and cost are being imposed on a defendant under the conservatorship of the Department of Family and Protective Service or in extended foster care, that a municipal judge: (1) may not require a defendant to pay any amount of fines and costs; and (2) shall require the defendant to perform community services to discharge fines and costs if the fines and costs are not waived.

S.B. 415 (Huffman) – Family Violence Offenses: would require a judge to take the plea of a defendant charged with an offense involving family violence in open court.

S.B. 489 (Zaffirini) – Political Reports: would require, in certain circumstances, the Texas Ethics Commission to remove or redact the residence address of a municipal court judge or the spouse of a municipal court judge from a political report before permitting a person to inspect the report or making the report available on the Internet.

S.B. 495 (Hughes) – Pretrial Victim-Offender Mediation Program: would: (1) allow a city council to establish a pretrial victim-offender mediation program for certain people that commit a misdemeanor of offenses against property; (2) allow a pretrial hearing on a motion to allow the defendant to enter a pretrial victim-offender mediation program; and (3) create an additional court cost to fund the pretrial victim-offender mediation program.

Community and Economic Development

H.B. 991 (Burns) – Eminent Domain: would: (1) define a “private entity” as “a corporation, including a water supply corporation, authorized to exercise the power of eminent domain to acquire private property for public use and any affiliate or subsidiary of or entity related to the corporation;” (2) provide that a private entity is subject to numerous additional processes and remedies throughout the eminent domain process; and (3) provide that – in a proceeding involving any condemnor, including a city – in estimating injury or benefit to property taken, the special commissioners shall consider an injury or benefit that is peculiar to the property owner and that relates to the property owner’s ownership, use, or enjoyment of the particular parcel of real property, including an injury or benefit to the remaining property as a result of: (a) the characteristics of any infrastructure on the condemned property, including the size or visibility of the infrastructure or the pressure or voltage range provided by the infrastructure; (b) any limitation of future expansion on the remaining property; and (c) a provision in an easement acquired in connection with, or the alignment of an easement in connection with, the condemnation. (Companion bill is **S.B. 421** by **Kolkhorst**.)

H.B. 1038 (Burns) – Annexation: would modify the provisions of S.B. 6 (2017) that authorize a countywide election to adopt Tier 2 status to provide that a city must suspend any pending annexation if it receives notice from the county clerk of a verified petition. (Companion bill is **S.B. 404** by **Birdwell**.)

H.B. 1136 (Price) – Tourism Public Improvement Districts: would authorize any city to establish a tourism public improvement district composed of territory in which the only businesses are one or more hotels.

H.B. 1157 (C. Bell) – Eminent Domain: would provide, among other things, that: (1) after making a bona fide offer, an entity with eminent domain authority shall disclose to the property owner any new, amended, or updated appraisal report produced or acquired by or on behalf of the entity after making the offer and used in determining the entity’s opinion of value; (2) a disclosure required by (1) must be made not later than the earlier of: (a) the 10th day after the date the entity receives the appraisal report; or (b) the third business day before the date of a special commissioner’s hearing if the appraisal report is to be used at the hearing; and (3) a court shall dismiss a condemnation proceeding if the court finds that the party that filed the condemnation petition failed to comply with various provisions relating to making a bona fide offer.

H.B. 1174 (Reynolds) – County Assistance Districts: would authorize a county assistance district to provide a grant or loan to a political subdivision to assist in funding the performance of one or more functions a district is authorized to perform.

S.B. 422 (Campbell) – Extraterritorial Jurisdiction: would prohibit a city from imposing a fine or fee in certain areas located in the extraterritorial jurisdiction that have been disannexed or for which the city has attempted and failed to obtain consent for annexation.

S.B. 450 (Powell) – Economic Development Corporations: would require an economic development corporation to turn in its required report to the comptroller by April 1st of each year.

S.B. 498 (Huffman) – Massage Parlors: would provide that: (1) notwithstanding a provision in a commercial lease to the contrary, a tenant’s right of possession terminates if the tenant is using the premises or allowing the premises to be used to operate, maintain, or advertise a massage establishment that is not in compliance with a local ordinance relating to the licensing or regulation of a massage establishment; and (2) a landlord of a multiunit commercial property is in breach of a lease with a tenant if: (a) the tenant reasonably believes that another tenant is engaging in certain unlawful activity, including prostitution, human trafficking, or operating, maintaining, or advertising a massage establishment that is not in compliance with a local ordinance relating to the licensing or regulation of a massage establishment; (b) the tenant gives the landlord certain notice of the unlawful activity; and (c) the landlord does not take certain action against the offending tenant.

Personnel

H.B. 872 (Hefner) – Survivor Benefits: would provide that the surviving spouses of a jailer is entitled to receive certain funeral expenses and monthly annuity payments from the state if the jailer is killed in the line of duty and had not qualified for an annuity under an employees’ retirement plan.

H.B. 1001 (Israel) – Whistleblower: would, in an addition to current law, prohibit a state or local governmental entity from taking an adverse employment action against an employee who in good faith reports a violation of law by the employing governmental entity or another public employee to: (1) the reporting employee’s supervisor; (2) an individual or office designated by

the employer as the appropriate individual or office for reporting a grievance; or (3) a member of the employer's human resources staff.

H.B. 1041 (Walle) – Personnel: would prohibit a public employer from providing a bathroom, regardless of whether the bathroom is a single-user bathroom, as a place where an employee can express breast milk.

H.B. 1049 (Neave) – Discrimination: would prohibit employment discriminating on the basis of an individual's status as a survivor of family violence or sexual assault.

H.B. 1061 (Minjarez) – Mandatory Arbitration: would prohibit an employer from requiring an employee to sign a mandatory arbitration agreement as a condition of employment unless, on hiring the employee: (1) the employer verbally reviews the agreement with the employee; (2) the employer and employee sign an acknowledgement that the employer has: (a) reviewed the agreement with the employee; (b) answered the employee's questions and concerns; and (c) both parties understand their rights; and (3) the arbitration agreement and acknowledgment is provided to the employee in the employee's native language.

H.B. 1091 (Vo) – Police Employment of Legal Permanent Residents: would: (1) allow a political subdivision to employ, as a peace officer, a legal permanent resident of the United States who is an honorably discharged veteran of the armed forces of the United States; and (2) require that the Texas Commission on Law Enforcement issue a peace officer license to a person who is a legal permanent resident of the United States if the person: (a) meets the requirements to be a peace officer; and (b) is an honorably discharged veteran of the armed forces of the United States.

H.B. 1123 (Bohac) – First Responder Licensed Carry: would, among other things:

1. Define "first responder" as a "public safety employee whose duties include responding rapidly to an emergency...[t]he term includes fire protection personnel and emergency medical services personnel, including a physician who is an emergency medical services medical director;"
2. Provide that a first responder is eligible for an on-duty first responder designation on the first responder's license to carry a handgun if the first responder completes a course, the standards for which are described in the bill;
3. Prohibit a governmental entity, emergency medical services provider, or first responder organization that employs or otherwise supervises first responders from adopting a rule or regulation that prohibits a first responder who holds a license bearing a designation under the bill from: (a) carrying a handgun while on duty; or (b) storing a handgun on the premises of or in a vehicle owned or operated by the entity, provider, or organization if the handgun is secured with a device approved by the Department of Public Safety;
4. Provide that the bill does not create a cause of action or liability;
5. Provide that a governmental entity, emergency medical services provider, or first responder organization that employs first responders is not liable in a civil action arising from the discharge of a handgun by a first responder who is licensed to carry a handgun,

provided that the entity, provider, or organization reasonably provides for the safety of the first responders;

6. Authorize a first responder to discharge a handgun while on duty only under circumstances in which the first responder would be justified in using deadly force under state law;
7. Provide that the bill does not: (a) create a cause of action against a first responder for failure to discharge a firearm; or (b) limit the liability of a first responder who improperly discharges a firearm;
8. Clarify that the discharge of a handgun by a first responder who is licensed to carry a handgun is outside the course and scope of the first responder's duties; and
9. Provide that the bill may not be construed to waive the immunity from suit or liability of a governmental entity, emergency medical services provider, or first responder organization that employs or otherwise supervises first responders under the Tort Claims Act or any other law; and
10. Authorize a first responder who is carrying a concealed handgun and holds a license to carry a handgun that bears an on-duty first responder designation to carry essentially anywhere.

S.B. 433 (Hinojosa) – Civil Service Police Personnel Files: would: (1) provide that, in a city that has adopted civil service, a police officer's personnel file that is maintained by a police department for the department's internal use (often referred to as the "(g) file") is public information and subject to disclosure, unless the personnel file is made confidential under the Public Information Act or another law; and (2) provide that, in a city with a population of 1.5 million or more that has adopted civil service: (a) an investigatory file that relates to disciplinary action against a police officer that was overturned on appeal or any document in possession of the police department that relates to a charge of misconduct against a police officer, regardless of whether the charge is sustained, shall be included in the police officer's civil service personnel file (not the "g" file); (b) a police officer shall have access to information subject to disclosure under the Public Information Act that is contained in a file maintained by an internal affairs division or other similar internal investigative division; and (c) the police department shall include a record of supervisory intervention procedure or a policy and procedure inquiry regarding a police officer in both the civil service personnel file and the "g" file.

S.B. 446 (West) – Public Service Loan Forgiveness Program: would require a political subdivision, including a city, provide to an employee, not later than the 30th day after the date on which the employee begins employment with the political subdivision, written notice of the ability of eligible employees to participate in the federal Public Service Loan Forgiveness Program. (Companion bill is **H.B. 74** by **Hinojosa**.)

Public Safety

H.B. 1020 (Moody) – Cite and Release: would: (1) require the Bill Blackwood Law Enforcement Management Institute of Texas to develop, adopt, and disseminate to law enforcement agencies a model policy and training materials regarding the issuance of citations in lieu of arrest for certain misdemeanors; and (2) require each law enforcement agency to adopt

and implement a policy regarding the issuance of citations in lieu of arrest that meets certain requirements.

H.B. 1023 (Moody) – Assault of Public Servant: would increase the statute of limitations to ten years for aggravated assault of a public servant.

H.B. 1027 (Bohac) – Red Light Cameras: would, in addition to the information required by current law, require that red light camera signs include the range of monetary penalties that may be imposed for a violation recorded by a red light camera.

H.B. 1028 (Guillen) - Criminal Penalties: would, among other things, increase the punishment for committing the following offenses in an area that is subject to state declared disaster or an evacuation order: (1) burglary of a coin-operated or coin-collection machine; and (2) burglary of a vehicle.

H.B. 1042 (Toth) – Active Shooter Plan and Training: would require each law enforcement agency to: (1) establish a plan for coordinating with other law enforcement agencies and first responders when responding to an active shooter emergency on the campus of a school or educational institution to be submitted to the Department of Public Safety; and (2) annually conduct an active shooter drill with local law enforcement agencies and first responders in accordance with the plan, review and, if necessary, revise the plan.

H.B. 1064 (Ashby) – Firefighters: would designate May 4th as Texas Firefighters Day.

H.B. 1113 (S. Davis) – Sex Trafficking: would create: (1) a matching grant program for cities to establish a municipal sex trafficking prevention program; and (2) a grant program for local law enforcement agencies to train local law enforcement officers to recognize signs of sex trafficking.

H.B. 1115 (White) – Child Custody: would require each law enforcement agency to: (1) adopt a written policy that contains certain requirements regarding the placement of a child taken into possession by a peace officer during a person’s arrest; (2) have an agreement with the Department of Family and Protective Services to take temporary custody of a child who is taken into possession by a peace officer during a person’s arrest when no competent adult can be found; and (3) periodically inform an arrested person about the care and custody status of the person’s child.

H.B. 1126 (C. Bell) – Licensed Carry: would provide that: (1) a person with control over the premises of a business who allows entry on the premises by a license holder with a concealed handgun is not liable based solely on that permission for damages arising from the lawful carrying of a concealed handgun on the premises; and (2) for purposes of the bill, the lack of an oral or written communication that constitutes notice for purposes of Section 30.06, Penal Code, is sufficient to constitute allowing entry on the premises by a license holder with a concealed handgun.

H.B. 1127 (Stucky) – Licensed Carry: would authorize an active judicial officer, including a municipal court judge, who is licensed to concealed carry a handgun, to carry onto the premises of a place, regardless of whether a 30.06 sign prohibits such carry.

H.B. 1145 (Krause) – Drivers Responsibility Program: would, among other things, repeal the driver responsibility program, make several conforming changes to related traffic laws, and create additional fines for people convicted of certain intoxicated driver offenses and driving without financial responsibility.

H.B. 1163 (Anchia) – Licensed Handgun Carry: would provide that a city over 750,000 population may hold an election on the question of whether the city can adopt an ordinance to prohibit a person who holds a license to carry a handgun from carrying in that city.

H.B. 1164 (Anchia) – Licensed Carry: would: (1) prohibit a person who holds a license to carry a handgun from carrying on the premises or property of an indoor or outdoor arena, stadium, golf course, automobile racetrack, amphitheater, auditorium, theater, museum, zoo, civic center, or convention center, unless the license holder is a participant in an event conducted at the facility and a handgun is used in the event; and (2) provide that the prohibition in (1) is not effective without proper notice.

H.B. 1165 (Anchia) – Licensed Carry: would provide that, in relation to the notice required to prohibit licensed carry (e.g., “30.06” and “30.07” signs), the words “Pursuant to Section 30.06, Penal Code, Concealed Carry of Handguns Prohibited” and/or “Pursuant to Section 30.07, Penal Code, Open Carry of Handguns Prohibited,” along with a pictogram that shows a handgun within a circle and a diagonal line across the handgun, provide sufficient notice to a license holder that carrying is prohibited on the premises.

H.B. 1166 (Anchia) – Licensed Carry: would clarify that: (1) the attorney general has the authority under existing law to investigate the unlawful posting of a 30.07 (open carry prohibited) sign; and (2) a governmental entity that owns or leases premises is prohibited from posting notice that licensed carry is not allowed only if it actually occupies the premises.

H.B. 1167 (Anchia) – Licensed Handgun Carry: would expand the current prohibitions against a license holder carrying: (1) near an educational institution as defined by the bill to include the “campus and grounds” of the institution; and (2) in an amusement park to include a park of at least 10 acres that has security guards at all times.

H.B. 1168 (Anchia) – Weapons: would expand the definition of “secured area” of an airport for purposes of the prohibition against carrying weapons to include an adjacent aircraft parking area used by common carriers in air transportation, but not used by general aviation. (Companion bill is **S.B. 123** by **West**.)

H.B. 1177 (Phelan) – Handguns: would provide that a person may: (1) carry a handgun, with or without a license, if he or she does so while: (a) evacuating from an area subject to a mandatory evacuation order issued during a state of disaster or a local state of disaster; or (b) reentering that area following the person’s evacuation; (2) do so if (a) not more than 168 hours have elapsed

since the evacuation was ordered or more than 168 hours have elapsed since the evacuation order was issued and the governor has extended the period during which a person may carry a handgun; and (b) the person is not prohibited by state or federal law from possessing a firearm; and (3) carry into a location operating as an emergency shelter during a state of disaster declared or a local state of disaster if: (a) the owner, controller, or operator of the premises or a person acting with the apparent authority of the owner, controller, or operator, authorized the carrying of the handgun; and (b) the person is not prohibited by state or federal law from possessing a firearm. (Companion bill is **S.B. 506** by **Creighton**.)

S.B. 416 (Huffman) – Legal Advice: would provide that the attorney general may provide legal counsel to a political subdivision that is subject to a state declared emergency on matters related to disaster mitigation, preparedness, response, and recovery upon request by: (1) the political subdivision’s emergency management director; (2) the county judge or a county commissioner of a county subject to the declaration; or (3) the mayor a city subject to the declaration.

S.B. 459 (Fallon) – Red Light Cameras: would: (1) prohibit a county assessor-collector and the Texas Department of Motor Vehicles from refusing to transfer the title of or register a motor vehicle alleged to have been involved in a violation detected by a photographic traffic signal enforcement system solely because of such a violation or because the owner of the vehicle is delinquent in the payment of a related civil penalty; (2) prohibit a local authority from providing certain information about photographic traffic signal violations to a person authorized to register or title a vehicle; and (3) prohibit reporting the failure to pay a civil penalty related to a violation detected by a photographic traffic signal to a consumer reporting agency.

S.B. 460 (Johnson) – Possession of Marihuana: would reduce criminal penalties for the possession of marihuana and would eliminate criminal penalties for possession of two ounces or less of marihuana.

S.B. 485 (Hughes) – Biometric Identifiers: would (1) define “biometric identifier” as an ear retina or iris scan, a fingerprint, a voiceprint, or a record of an individual’s hand or face geometry, heartbeat, gait, or vascular pattern; (2) provide that a governmental entity cannot capture an individual’s biometric identifier without the individual’s voluntary consent with limited exceptions, including if it is authorized under a warrant; (3) provide that biometric identifiers captured under a warrant must be destroyed by the governmental entity if: (a) the chargers are not filed, (b) if the individual was subsequently acquitted, or (c) the charges against the individual from the resulting investigation are dismissed; and (4) provide that the Attorney General can seek an injunction, civil penalties not less than \$1,000 for each violation, and costs and attorney’s fees against a person who appears to be violating the bill.

S.B. 494 (Huffman) – Open Government Compliance During an Emergency: would:

1. provide that, in an emergency or when there is an urgent public necessity, (a) the notice of a meeting to deliberate or take action on the emergency or urgent public necessity; or (b) the supplemental notice that adds, to the agenda of a meeting for which notice has been properly posted, an item to deliberate or take action on the emergency or urgent

- public necessity is sufficient if the notice or supplemental notice is posted for at least one hour before the meeting is convened;
2. provide that a governmental body may only deliberate or take action on a matter at a meeting for which proper notice or supplemental notice is posted if: (a) the matter directly relates to responding to the emergency or urgent public necessity identified in the notice or supplemental notice; or (b) an agenda item was listed on a notice of the meeting before the supplemental notice was posted;
 3. expand the definition of an emergency or an urgent public necessity to include: (a) a fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm; (b) power failure, transportation failure or interruption of communication facilities; (c) an epidemic; or (d) a riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence;
 4. repeal current law that requires notice provided to members of the media in instances where the sudden relocation of a large number of residents from the area of a declared disaster is required;
 5. require that the presiding officer or member of a governing body who calls an emergency meeting provide notice of the meeting to members of the media at least one hour before the meeting is convened;
 6. provide that the attorney general may bring an action in a Travis County district court to stop, prevent, or reverse a violation or threatened violation of item (2) by members of a governmental body;
 7. provide that it is an affirmative defense to prosecution for the offense of conspiring to circumvent the requirements of the Open Meetings Act by meeting in numbers less than a quorum for the purpose of conducting secret deliberations if a member of a governing body or a group of members met in numbers less than a quorum to deliberate or take action on a matter directly related to responding to an emergency or urgent public necessity;
 8. provide that, when a catastrophic condition or occurrence interferes with the ability of a governmental body to comply with the requirements of the Public Information Act (“Act”), a governmental body may suspend the applicability of the requirements of the Act for an initial period of time that does not exceed seven consecutive days provided that: (a) the governmental body adopts a resolution finding that the governmental body is currently impacted by a catastrophe; and (b) submits notice to the office of the attorney general, in a form prescribed by the office of the attorney general, that the governmental body is currently impacted by a catastrophe and has elected to suspend the applicability of the Act for an initial suspension period;
 9. provide that the initial suspension period begins not earlier than the second day before the date the governmental body submits notice to the office of the attorney general and ends not later than the seventh day after the date the governmental body submits that notice;
 10. allow a governmental body to extend an initial suspension period for one period of time that does not exceed seven consecutive days if the governing body determines that the governing body is still impacted by the catastrophe on which the initial suspension period was based;
 11. provide that the extension of the initial suspension period begins on the day following the day the initial suspension period ends;

12. require that the governing body submit notice of the extension of the initial suspension period to the office of the attorney general, on a form prescribed by the office;
13. require a governmental body that suspends the applicability of the Act to: (a) provide notice to the public of the suspension in a place readily accessible to the public and in each other location the governmental body is required to post a notice of a meeting; and (b) to maintain the notice of suspension during the suspension period;
14. provide that a request for public information received by a governmental body during a suspension period is considered to have been received by the governmental body on the first business day after the date the suspension period ends;
15. toll the requirements of the Act related to a request for public information received by a governmental body before the date the initial suspension period begins until the first business day after the date the suspension period ends; and
16. require the office of the attorney general to continuously post on its website each notice of suspension submitted to the office from the date the office receives the notice until the first anniversary of that date.

Transportation

H.B. 1046 (Martinez) – Motor Vehicle Sales Tax: would increase from 35 to 75 percent the amount (after the first \$5 billion) of the state’s motor vehicle sales tax that goes into the state highway fund.

H.B. 1105 (Swanson) – Cell Phones: would: (1) preempt local authorities from regulating or prohibiting the use of a wireless communication device while operating a motor vehicle; and (2) repeal the ability of cities to prohibit the use of a wireless communication device while operating a motor vehicle.

H.B. 1121 (Sanford) – Governmental Vehicle Storage Facility: would require the operator of a governmental vehicle storage facility used to store or park at least 10 vehicles each year to allow the owner of property that is left in a vehicle stored at the facility to recover that property if: (1) at the time the vehicle was towed to the facility, the vehicle was operated by a motor carrier and the property was transported under an agreement between the property owner and motor carrier; and (2) the property owner demonstrates ownership of the property.

H.B. 1140 (T. King) – Governmental Vehicle Storage Facility: would require that a governmental vehicle storage facility used to store or park at least 10 vehicles each year decrease its storage fee amount, and allow it to increase its storage fee amount, if the Texas Commission on Licensing and Regulation notifies the facility that a fee increase or decrease is warranted based on a biennial review of the Consumer Price Index for Urban Wage Earners and Clerical Workers.

Utilities and Environment

H.B. 990 (Gutierrez) – Border Wall: would require the Texas Water Development Board and the Texas Commission on Environmental Quality to conduct a study regarding the effects of the construction of a border wall on storm drainage and other environmental matters in Texas. (Companion bill **S.B. 515** by **Rodriguez**.)

H.B. 997 (Collier) – Lead Contamination: would: (1) require that each school district and open-enrollment charter school shall conduct first-draw tap tests of potable water outlets every five years, before the start of the school year, to monitor the amount of lead in the water in each occupied school building under the jurisdiction of the school district or open-enrollment charter school; and (2) provide that each school district and open-enrollment charter school shall (a) submit the testing information to each local health authority with jurisdiction in the city or county in which the school district or open enrollment charter school is located.

H.B. 999 (Collier) – Concrete Plants: would provide that a representative of a school, place of worship, licensed day-care center, hospital, medical facility, or a person residing within 440 yards of a proposed concrete plant may request a public hearing prior to the construction or permitting of the concrete plant.

H.B. 1006 (Collier) – Environmental Permit Changes: would prevent an applicant for an environmental permit whose application has been referred for a contested case hearing to request changes to the application after the 31st day before the date scheduled for the preliminary hearing on the application with limited exceptions.

H.B. 1010 (Paul) – State Flood Plan: would require the Texas Water Development Board to: (1) prepare and adopt a state flood plan every five years to be delivered to the governor, lieutenant governor, speaker of the house, and appropriate legislative committees and leadership; (2) create regional flood planning groups with representation from the interests in the region, including cities, to adopt a regional flood plan; and (3) approve a regional flood plan when it meets certain requirements and does not negatively affect a neighboring flood planning area.

H.B. 1043 (Blanco) – Texas Emissions Reduction Plan: would extend the expirations date of various state TERP fees from August 31 2019, until the current non-attainment areas come into attainment.

H.B. 1052 (Larson) – Financial Assistance: would allow the Texas Water Development Board to use the state participation account of the water development fund to provide financial assistance for desalination or aquifer storage and recovery facilities.

H.B. 1059 (Lucio) – Stormwater Infrastructure Reporting: would: (1) define “green stormwater infrastructure” and “low impact development;” (2) create a Green Stormwater Infrastructure and Low Impact Development Report Group to be appointed by the Texas Commission on Environmental Quality, including one member from a city; and (3) require the Group to prepare a biennial report on the use of green stormwater infrastructure and low impact development in the state to be submitted to the members of the Texas Commission on Environmental Quality, the governor, the lieutenant governor, the speaker of the house, and each member of the legislature.

S.B. 417 (Miles) – Concrete Permitting: would: (1) require an application for a standard permit for a concrete plant that performs wet batching, dry batching, or central mixing to include a plot plan for the facility; (2) require that a standard permanent concrete plant that performs wet batching, dry batching, or central mixing located in an area not subject to municipal zoning to be located at least 440 yards from any residence, school, place of worship, public park, or outdoor recreational facility used for organized sporting events during the time the facility is used for those events; (3) require an additional public hearing for concrete plant permits in the county where the plant will be located; and (4) prohibit concrete crushing facilities within 440 yards of any residence, school, place of worship, public park, or outdoor recreational facility used for organized sporting events during the time the facility is used for those events, with some limited exceptions.

S.B. 475 (Hancock) – Electric Grid: would establish the Texas Electric Grid Security Council as an advisory body to facilitate the creation, aggregation, coordination, and dissemination of best security practices for the electric industry, including the generation, transmission, and delivery of electricity.

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