

HUMBLE CITY COUNCIL

MEETING PACKET

FEBRUARY 26, 2013 - 9:30 A.M.

HUMBLE CITY COUNCIL

AGENDA

FEBRUARY 26, 2013 - 9:30 A.M.

1. INVOCATION/PLEDGE OF ALLEGIANCE
2. CURRENT INVOICES
3. PRESENTATION OF CITY OF HUMBLE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012 - MR. KELLY HUNTER, FITTSROBERTS & CO, P.C.
4. APPROVAL OF CITY OF HUMBLE GOOD OIL DAYS TO BE HELD APRIL 6, 2013 AND CLOSURE OF MAIN STREET FROM RAILROAD AVENUE TO AVENUE E INCLUDING THE CROSS STREETS FROM HIGGINS TO GRANBERRY
5. APPROVAL OF ARCHITECTURAL CONTRACT FOR PUBLIC WORKS FACILITY, ANIMAL SHELTER AND JAIL EXPANSION
6. AMENDMENT TO ORGANIZATION CHART BY ADDING ASSISTANT FINANCE DIRECTOR
7. CITY OF HUMBLE ORDINANCE NO. 13-715 ESTABLISHING RULES AND REGULATIONS REGARDING SANITATION AND POLLUTION CONTROL OF THE AREAS IN PROXIMITY TO THE CITY'S PUBLIC WATER SUPPLY WELLS
8. CORRESPONDENCE: TML LEGISLATIVE UPDATE
9. ADJOURNMENT

COUNCIL MEETING

2-26-2013

AGENDA ITEM # 2

CURRENT INVOICES

ACCOUNTS PAYABLE CHECKS

Date	General Fund	Water & Sewer Operating Fund	Special Revenue	Red Light Camera	Beautification	2005 A Const	TOTAL
2/21/2013	367,684.75	117,497.55	6,506.21			78,418.82	\$ 570,107.33
							\$ -
							\$ -
						78,418.82	570,107.33

Paula
A/P Check Regis-
Checks from

to

Check Number	Check Date	Vendor Name	Net Check Amount	Check Status	Check Type
Cash Account: 01-1070-00-00					
96178	02/21/13	A-LINE AUTO PARTS #25	838.91	0	Regular
96179	02/21/13	AFLAC	2,111.68	0	Regular
96180	02/21/13	AFSHEEN DANIEL TAFARROJI	15.00	0	Regular
96181	02/21/13	AIRTIME AMUSEMENTS	750.00	0	Regular
96182	02/21/13	ALABIT HERBERT-ARCOS	40.00	0	Regular
96183	02/21/13	ALLIANT INSURANCE SERVICES INC	21,250.00	0	Regular
96184	02/21/13	ALLIED WASTE SERVICES #852	3,819.47	0	Regular
96185	02/21/13	AMERICAN EXPRESS	340.40	0	Regular
96186	02/21/13	AMERICAN TIRE DISTRIBUTORS	1,407.47	0	Regular
96187	02/21/13	ANABELL GONZALEZ	100.00	0	Regular
96188	02/21/13	ARKK ENGINEERS	56,064.02	0	Regular
96189	02/21/13	ARTHUR ALLAN BELL OR	1,181.66	0	Regular
96190	02/21/13	ASAEL MERINO-PAREDES	40.00	0	Regular
96191	02/21/13	AT&T	12.00	0	Regular
96192	02/21/13	AUTO ZONE	71.83	0	Regular
96193	02/21/13	BARBARA CELL	210.00	0	Regular
96194	02/21/13	BIO LANDSCAPE & MAINTENANCE	8,032.75	0	Regular
96195	02/21/13	BOUND TREE MEDICAL, LLC	3,007.75	0	Regular
96196	02/21/13	BUMFIELD SANITATION SERVICES	590.00	0	Regular
96197	02/21/13	BURKE'S MECHANICAL SERVICES	1,525.00	0	Regular
96198	02/21/13	CARLOS LIZAMA	40.00	0	Regular
96199	02/21/13	CECIL MORGAN	86.19	0	Regular
96200	02/21/13	CENTERPOINT ENERGY	90.47	0	Regular
96201	02/21/13	CENTURY ASPHALT	187.80	0	Regular
96202	02/21/13	CESAR OCTAVIO ORTEGA	40.00	0	Regular
96203	02/21/13	CHAMPIONSHIP PRINTING INC	419.65	0	Regular
96204	02/21/13	CHILDRENS ASSESSMENTCTR	755.00	0	Regular
96205	02/21/13	CHRISTIAN ORLANDO GALLEGOS	230.00	0	Regular
96206	02/21/13	CIGNA HEALTHCARE	211,112.77	0	Regular
96207	02/21/13	CIRCUS AMERICA	500.00	0	Regular
96208	02/21/13	CITY OF HOUSTON	75,538.41	0	Regular
96209	02/21/13	CITY OF HOUSTON HEALTH DEPT.	264.00	0	Regular
96210	02/21/13	COASTAL TANK & TESTING	1,801.41	0	Regular
96211	02/21/13	COLONIAL LIFE & ACCIDENT	1,606.54	0	Regular
96212	02/21/13	COMCAST BUSINESS SERVICES	598.73	0	Regular
96213	02/21/13	COMCAST SPOTLIGHT INC	1,884.45	0	Regular
96214	02/21/13	CONFIDENTIAL RESEARCH	15.00	0	Regular
96215	02/21/13	CONROE WELDING SUPPLY	16.75	0	Regular
96216	02/21/13	CONTRERAS BORING & WELDING	1,200.00	0	Regular
96217	02/21/13	COX CPA SERVICES INC	225.00	0	Regular
96218	02/21/13	CRECENCIO SILVA-CONCHA	35.00	0	Regular
96219	02/21/13	CSG INTERNATIONAL	369.13	0	Regular
96220	02/21/13	DANIEL MARCUS STACY	29.50	0	Regular
96221	02/21/13	DE LAGE LANDEN	2,306.95	0	Regular
96222	02/21/13	DEX ONE	97.50	0	Regular
96223	02/21/13	DONNIE MCMANNES	166.23	0	Regular

Pause
A/P Check Regis'
Checks from

to

Check Number	Check Date	Vendor Name	Net Check Amount	Check Status	Check Type
96271	02/21/13	PRO COATS PAINTING LLC	7,800.00	0	Regular
96272	02/21/13	PRO LINE MATERIAL INC	600.00	0	Regular
96273	02/21/13	RAINBOW PEST CONTROL	57.00	0	Regular
96274	02/21/13	ROBERT BLACK	35.03	0	Regular
96275	02/21/13	ROSSONIAN CLEANERS	1,112.00	0	Regular
96276	02/21/13	ROXANNA GARZA	100.00	0	Regular
96277	02/21/13	SANDRA HAYES	100.00	0	Regular
96278	02/21/13	SEAMLESS SOLUTIONS, INC.	430.13	0	Regular
96279	02/21/13	SERGIO HERNANDEZ	55.00	0	Regular
96280	02/21/13	SERGIO M. CORRALES	420.00	0	Regular
96281	02/21/13	SHEILA A. THORNTON	734.61	0	Regular
96282	02/21/13	SHS GRIFFIN	3,923.79	0	Regular
96283	02/21/13	SMITH MUNICIPAL SUPPLIES	347.46	0	Regular
96284	02/21/13	STANDARD INSURANCE COMPANY	4,305.92	0	Regular
96285	02/21/13	STEVEN KYLE HAFELDER	50.00	0	Regular
96286	02/21/13	SUN COAST RESOURCES INC	120.19	0	Regular
96287	02/21/13	SUPERIOR RENTAL & DESIGN	4,808.00	0	Regular
96288	02/21/13	TAMMY GIBSON	20.00	0	Regular
96289	02/21/13	TEXAS DEPARTMENT OF STATE	106.00	0	Regular
96290	02/21/13	TEXAS DEPARTMENT OF STATE	100.00	0	Regular
96291	02/21/13	TEXAS POLICE ASSOCIATION	30.00	0	Regular
96292	02/21/13	THYSSENKRUPP ELEVATOR CORP	383.00	0	Regular
96293	02/21/13	TONY TATE	30.00	0	Regular
96294	02/21/13	TY-CLEANING SOLUTIONS	1,550.00	0	Regular
96295	02/21/13	TYCO INTEGRATED SECURITY LLC	225.93	0	Regular
96296	02/21/13	UNITED HEALTHCARE MEDICARE	223.25	0	Regular
96297	02/21/13	US HEALTH WORKS MEDICAL GROUP	315.00	0	Regular
96298	02/21/13	VERIZON WIRELESS	2,254.19	0	Regular
96299	02/21/13	VESTA HAMMONDS	871.73	0	Regular
96300	02/21/13	VINOD PATEL	6,550.00	0	Regular
96301	02/21/13	WAHLBERG-MCCREARY, INC	233.76	0	Regular
96302	02/21/13	WASTE MANAGEMENT	4,229.06	0	Regular
96303	02/21/13	ZOLL DATA SYSTEMS	1,249.99	0	Regular
96304	02/21/13	RELIABLE SIGNAL AND	1,981.95	0	Quick Check
96305	02/21/13	INDEPENDENCE TITLE	1,000.00	0	Quick Check

Check totals:
ACH totals: 570,107.33
EFTPS totals:

Wire transfer totals:
GRAND TOTALS 570,107.33

COUNCIL MEETING

2-26-2013

AGENDA ITEM # 4

**APPROVAL OF CITY OF HUMBLE GOOD OIL
DAYS TO BE HELD APRIL 6, 2013 AND CLOSURE
OF MAIN STREET FROM RAILROAD AVENUE TO
AVENUE E INCLUDING THE CROSS STREETS
FROM HIGGINS TO GRANBERRY**



January 9, 2013

Mr. Darrell Boeske
City Manager
City of Humble
114 West Higgins
Humble, TX 77338

RE: Good Oil Days April 6, 2013

Dear Darrell,

As acting co-chair for Good Oil Days 2013, I would like permission from the City of Humble to hold the 33rd Annual Good Oil Days Festival on Saturday, April 6, 2013 on Main Street, Humble.

The Festival will be held on Main Street from Railroad Ave. to Ave. E including the cross streets from Higgins to Granberry. Additionally, we would like the use of Up-Town Park, its parking lot and side driveway. The committee requests that these areas be blocked off to traffic on Saturday, April 6th beginning at 5a.m. until 5 p.m.

We will also be marking off Main Street for booth spaces on Friday, April 5th at 4 p.m.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Pat Gill". The signature is fluid and cursive, with a large loop at the end.

Pat Gill
Humble Civic Center Secretary/Good Oil Days Co-Chair

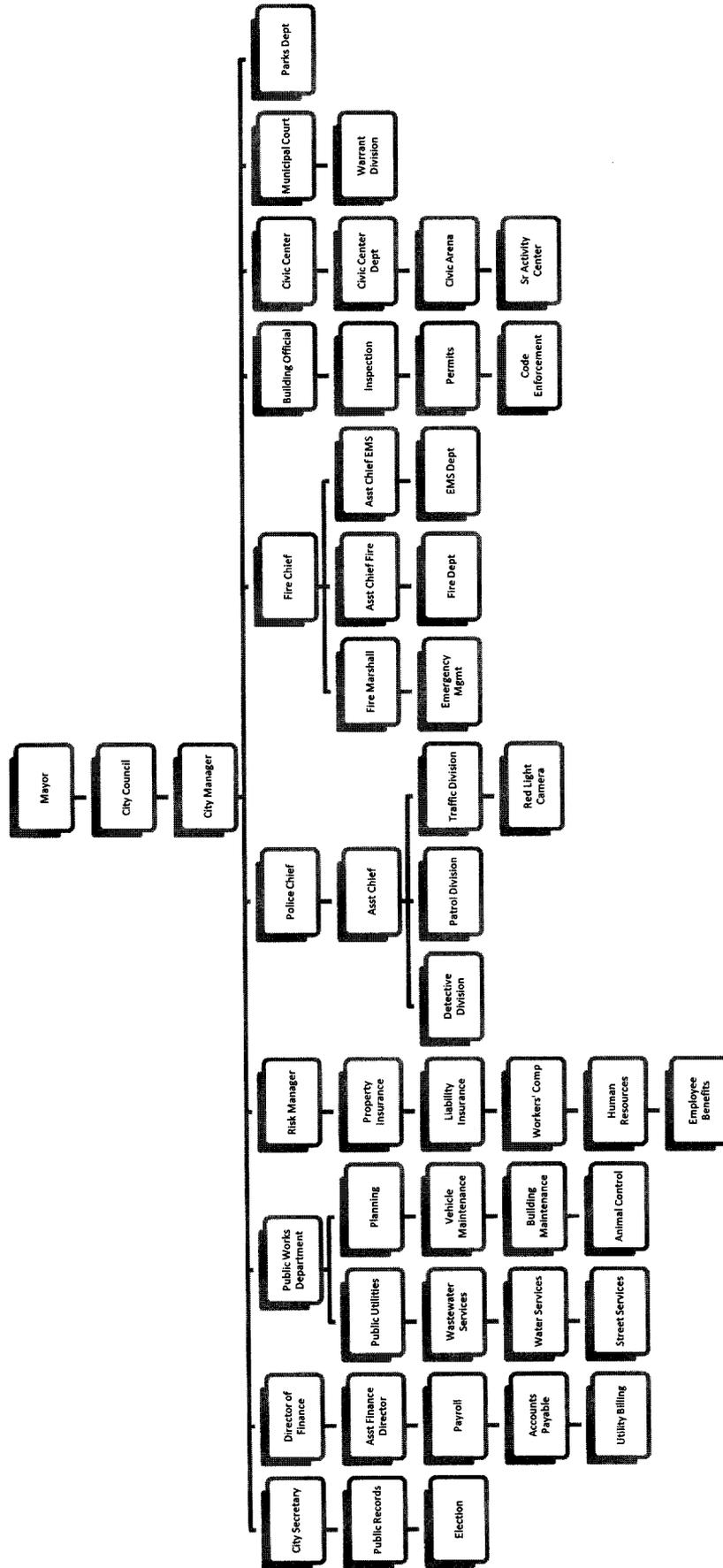
Cc: Sergio Corrales

COUNCIL MEETING

2-26-2013

AGENDA ITEM # 6

**AMENDMENT TO ORGANIZATION CHART BY
ADDING ASSISTANT FINANCE DIRECTOR**



COUNCIL MEETING

2-26-2013

AGENDA ITEM # 7

**CITY OF HUMBLE ORDINANCE NO. 13-715
ESTABLISHING RULES AND REGULATIONS
REGARDING SANITATION AND POLLUTION
CONTROL OF THE AREAS IN PROXIMITY TO
THE CITY'S PUBLIC WATER SUPPLY WELLS**

CITY OF HUMBLE

ORDINANCE NO. 13-715

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUMBLE, TEXAS, ESTABLISHING RULES AND REGULATIONS REGARDING SANITATION AND POLLUTION CONTROL OF THE AREAS IN PROXIMITY TO THE CITY'S PUBLIC WATER SUPPLY WELLS

WHEREAS, the City of Humble, Texas (the "City"), owns and operates water supply facilities within the City, including five (5) water wells and related facilities (the "Wells"), which provide potable water to the residents of the City; and

WHEREAS, because maintenance of sanitary conditions around such Wells is vital to the protection of the Wells and to the protection of the health and safety of the residents of the City, the City Council deems it necessary and proper to establish rules and regulations governing the control of sanitary conditions around the Wells; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUMBLE, TEXAS:

Section 1. Purpose.

- A. This Ordinance sets forth uniform requirements for the users and the construction of facilities in or on land within one hundred fifty feet (150') of the Wells in order to promote sanitary conditions in and around such Wells, to secure all such land from pollution hazards, and to enable the City to comply with all applicable state and local regulations.
- B. The objective of this Ordinance is to prevent certain uses and the construction of facilities in or on land surrounding the Wells, which might create a danger of pollution to the water produced from such Wells.

Section 2. Definitions.

Unless the context requires otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

- A. *City Council* shall mean the City Council of the City of Humble, Texas.
- B. *City* shall mean the City of Humble, Texas.
- C. *Ordinance* shall mean this Ordinance Establishing Rules and Regulations Regarding Sanitary and Pollution Control of the Area in Proximity to the City's Public Water Supply Wells.
- D. *Person* shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents, successors, or assigns.

- E. *Wells* shall mean the water wells owned and operated by the City, which are more specifically identified and described in Exhibit "A" attached hereto and made a part hereof.

Section 3. Prohibited Activities.

The following activities are prohibited within the designated areas of land surrounding the Wells:

A. Construction an/or operation of any underground petroleum and/or chemical storage tank, liquid transmission pipeline, stock pen, feedlot, dump grounds, privy, cesspool, septic tank, sewage treatment plant, sewage wet well, sewage pumping station, drainage ditch which contains industrial waste discharges or the wastes from sewage treatment systems, solid waste disposal site, land on which sewage plant or septic tank sludge is applied, land irrigated by sewage plant effluent, septic tank perforated drain field, absorption bed, evapotranspiration bed, area irrigated by low dosage, low angle spray on-site sewage facility, military facility, industrial facility, wood treatment facility, liquid petroleum and petrochemical production, storage, and/or transmission facility, Class 1,2,3, and/or 4 injection well, pesticide storage and/or mixing facility, abandoned well, inoperative well, improperly constructed water well of any depth, and all other construction or operation that could create an unsanitary condition is prohibited within, upon, or across all areas of land within a 150-foot radius of the Wells. For the purposes of this Ordinance, "improperly constructed water wells" are those wells that do not meet the surface and subsurface construction standards for a public water supply well.

B. Construction and/or operation of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, and cemeteries is specifically prohibited within, upon, or across any area of land within a 50-foot radius of the Wells.

C. Construction of homes or building upon any area of land within a 150-foot radius of the Wells is permitted, provided the restrictions described in items A and B above are met.

D. Normal farming and ranching operations are not prohibited by this Ordinance; provided, however, livestock shall not be allowed within a 50-foot radius of the Wells.

Section 4. Right of Entry.

City employees, or authorized representatives of the City, bearing proper credentials and identification, shall be permitted to immediately enter upon any premises located within a 150-foot radius of any Well to conduct any inspection or observation necessary to enforce this Ordinance.

Section 5. Penalty.

Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$ _____. Each day of violation shall constitute a separate offense.

Section 6. Required Removal.

Any person who shall violate any provision of this Ordinance shall be required to remove the

prohibited construction or contamination source within _____ days after notification that they are in violation of this Ordinance.

Section 7. Superceding Regulation or Statute.

Whenever any applicable statute, regulation, or permit of any state, federal, or other agency, having jurisdiction over the subject matter of this Ordinance, is in conflict herewith, the stricter requirement shall apply, unless mandated otherwise.

Section 8. Severability.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Humble, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

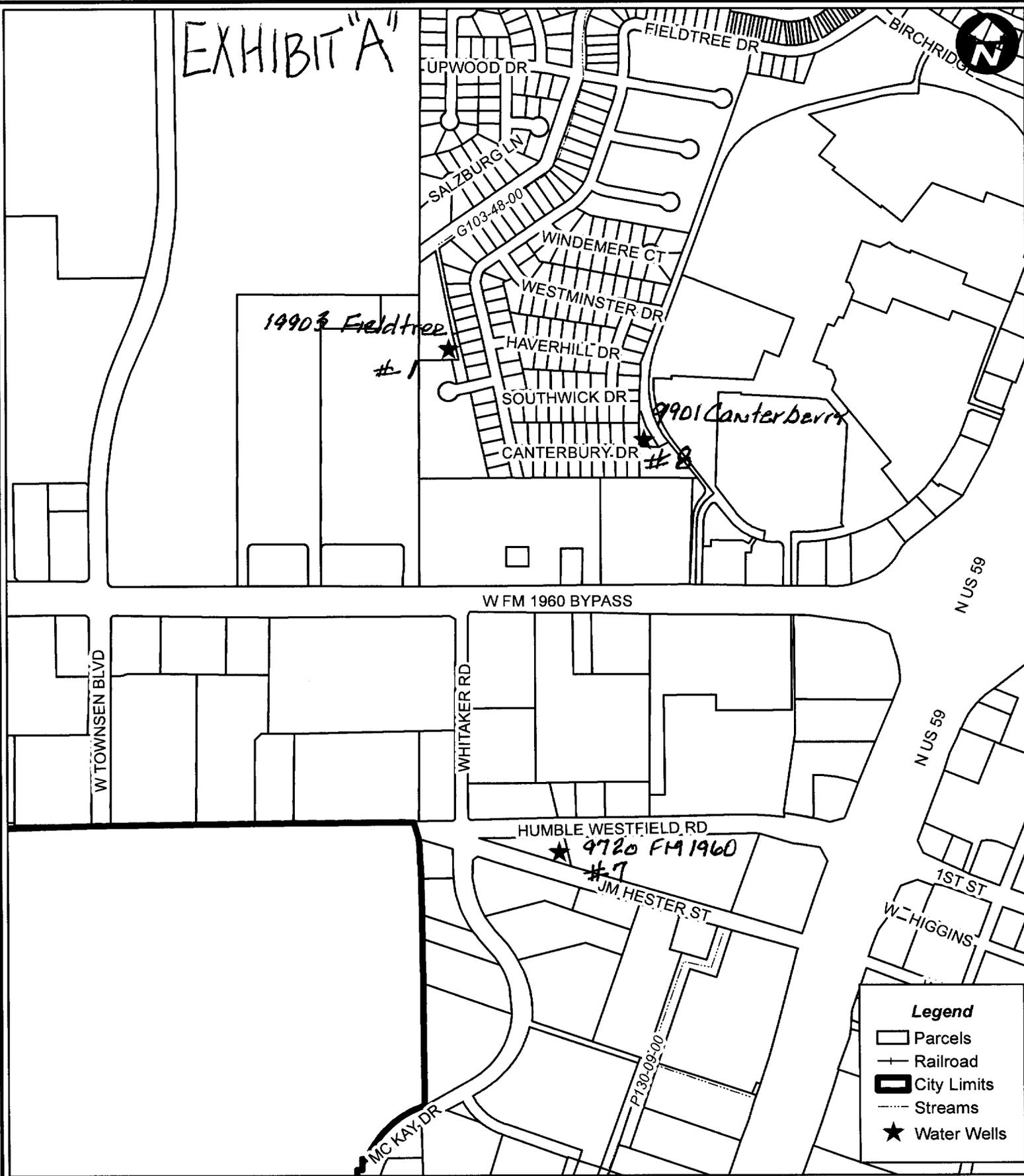
PASSED AND APPROVED, AND ADOPTED this the 26th day of February, 2013.

D. G. McMannes
Mayor

ATTEST:

Sue Daniel
City Secretary

EXHIBIT "A"



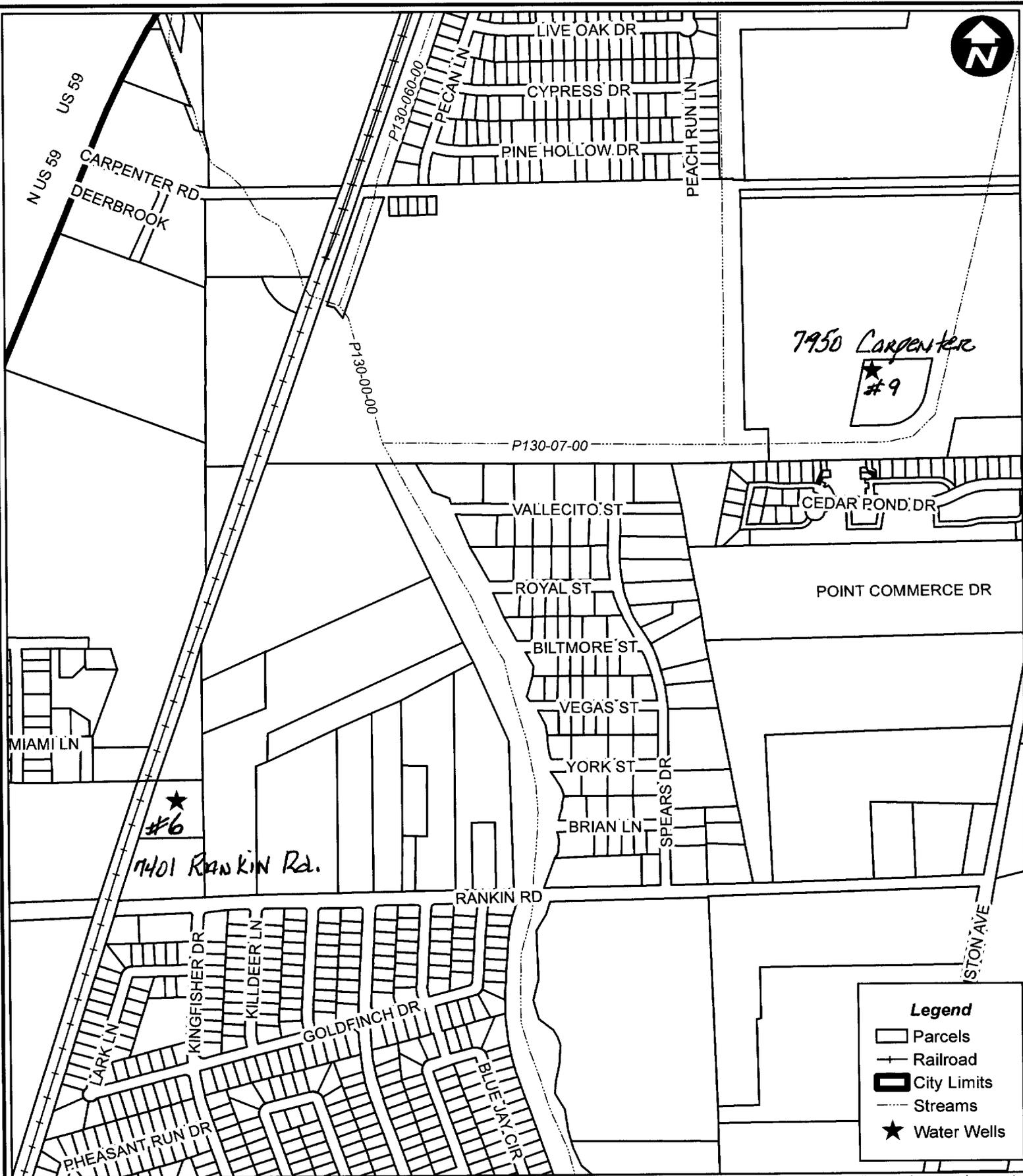
Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Humble makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Humble from any damage, loss, or liability arising from such use.



City of Humble
 114 W Higgins St
 Humble, TX 77338
 (281) 446-3061
www.cityofhumble.net

Humble GIS Mapping

1" = 775'
Public Works
 102 Granberry
 Humble, TX 77338
 (281) 446-2327



Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Humble makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Humble from any damage, loss, or liability arising from such use.



City of Humble
114 W Higgins St
Humble, TX 77338
(281) 446-3061
www.cityofhumble.net

Humble GIS Mapping

1" = 775'
Public Works
102 Granberry
Humble, TX 77338
(281) 446-2327

COUNCIL MEETING

2-26-2013

AGENDA ITEM # 8

**CORRESPONDENCE: TML LEGISLATIVE
UPDATE**



Legislative **UPDATE**

February 15, 2013
Number 6

Fiscal Transparency Bills May Miss the Mark

The Texas Comptroller's recently-filed "fiscal transparency" bills (S.B. 14 by Senator Tommy Williams (R – The Woodlands)/H.B. 14 by Representative Jim Pitts (R – Waxahachie)) impose additional requirements on local governments that wish to issue debt. (Detailed summaries of the bills are available in the "City-Related Bills Filed" section elsewhere in this edition.) Interestingly, nothing in the fiscal transparency bills addresses the issuance of *state debt*.

On the same day the comptroller and the authors held a press conference to discuss the importance of limiting the "increasing amount of debt issued by local governments," the Senate Finance Committee heard testimony from the Texas Bond Review Board, which is the state agency responsible for oversight of both state and local debt. During the hearing, Senator Kevin Eltife (R – Tyler) accurately pointed out that, while so much attention is being paid to local government debt, debt issued by the state has actually increased at a higher rate than local debt over the last four years. [Click here](#) to watch a short video of Senator Eltife's comments.

The fiscal transparency bills place a number of requirements on cities and other local governments that seek to issue debt. Those include, among other things, notice of certificate of obligation (CO) issuance and detailed ballot language for any bond proposition. The notice and ballot language must include technical financial information about the total and per-capita amount of principal and interest of all outstanding debt obligations by the city and the principal

and interest information for the bond or CO. The bills would also mandate additional, detailed reporting requirements regarding city debt, and would alter the petition threshold requirement for COs.

The League is generally supportive of efforts to increase transparency. But the goal of increased transparency sometimes leads to proposals that can actually have the opposite effect. For instance, under current law a ballot proposition must provide basic and pertinent information about a bond proposal, including how much the bond will cost the taxpayer in a given year. The addition of detailed financial data to the ballot will ultimately distract from the most useful data that a taxpayer needs to know—the purpose of the debt and how much it will cost the taxpayer.

The text of the bills is available at:

<http://www.legis.state.tx.us/tlodocs/83R/billtext/pdf/SB00014I.pdf#navpanes=0>

<http://www.legis.state.tx.us/tlodocs/83R/billtext/pdf/HB00014I.pdf#navpanes=0>

Sequestration Still Looming: March 1 Deadline

On January 1, 2013, Congress and the President approved a deal avoiding the “fiscal cliff” known as sequestration. Part of that legislation included the delay of billions of dollars in automatic spending cuts in federal defense and non-defense programs in order to reduce the federal deficit (i.e., sequestration).

Unless Congress takes action, the cuts required by sequestration will take effect on March 1, and the federal government will shut down when the temporary spending resolution expires on March 27.

City-related programs that may be affected include the Community Development Block Grant Program, HOME Investment Partnership, Byrne Justice Assistance Grants, and COPS grants, as well as other federally-funded programs for local governments in the areas of water infrastructure, job training, education, transit, and emergency management.

The National League of Cities continues to work in Washington, D.C., to protect cities’ interests.

Texas House Implements Electronic Witness Committee Forms

If you have ever testified before a legislative committee at the State Capitol, you are familiar with filling out a Witness Affirmation Form (WAF) stating your position on a bill, who you represent, etc. These hardcopy forms were then submitted to the committee clerk to be placed in a queue for the chairman to call once the bill was laid out.

If you are testifying before a *House* Committee this legislative session, this process has changed. You can now load a profile online at:

<https://www.mytxlegis.legis.state.tx.us/hwrspublic/about.aspx>

After your profile has been created and saved, you can access your information from iPads located outside the House committee hearing rooms or from your personal iPad. From there, you can create an electronic WAF by choosing which committee you plan to testify before and which bill you plan to testify on.

City Officials Testify

When the legislature is in session, nothing compares to the effectiveness of city officials testifying at the Capitol. City officials who take their time to travel to Austin to speak out on important city issues should be applauded by us all.

Among the city officials who recently testified in front of legislative committees are the following:

- Scott Kerwood, Fire Chief, Hutto Fire Rescue
- Fred Calhoun, Assistant Fire Chief, Flower Mound
- Robert Puente, President/CEO, San Antonio Water System
- Mark Loethen, Deputy Director of Public Works and Engineering, Houston
- Mitch Fuller, Mayor Pro Tem, Cedar Park

City-Related Bills Filed

PROPERTY TAX

H.B. 1003 (L. Gonzales) – Property Tax: would provide that an owner of heavy equipment may not collect the unit property tax from a lessee or renter if the equipment is leased or rented to the state or a political subdivision of the state.

H.B. 1008 (D. Bonnen) – Property Tax: would provide that, for an individual who qualifies for a property tax exemption on the residence homestead of a totally disabled veteran, the amount of property tax due on the property is calculated as if the individual qualified for the exemption on January 1 and continued to qualify for the exemption for the remainder of the tax year. (Companion bill is **S.B. 486** by **Taylor**.)

H.B. 1059 (G. Bonnen) – Property Tax: would allow an individual who is disabled or at least 65 years of age, or a disabled veteran or his/her unmarried surviving spouse, to make four installment payments of property taxes without penalty or interest if notice is given to the appropriate taxing units.

H.B. 1110 (Nevarez) – Property Tax: would allow an individual who is disabled or at least 65 years of age or a disabled veteran to make four installment payments of property taxes without penalty or interest if property notice is given to the appropriate taxing unit.

H.B. 1173 (Anchia) – Property Tax: would provide that a person who installs a drip irrigation system or a rainwater harvesting system on the person’s property is entitled to a credit against the taxes imposed on the property if the governing body of the taxing unit takes official action to adopt the credit.

S.B. 465 (Van de Putte) – Property Tax: would increase the progressive property tax exemption amounts for disabled veterans and their surviving spouses and children.

S.B. 476 (Hinojosa) – Property Tax: would: (1) require the transferee of a property tax lien to deliver notice to the property owner regarding the possibility that the taxing unit may offer an installment agreement for payment of delinquent property taxes; (2) require the tax collector for a taxing unit to enter into an installment agreement for the payment of property taxes, penalties, and interest on a residence homestead if requested by a person who is delinquent in the payment of property taxes and who has not entered into an installment agreement with the taxing unit in the previous 24 months; (3) require the installment agreement to provide for installment payments in equal amounts and a period of at least 12 months; (4) provide that a delinquency penalty does not accrue on the unpaid balance of property taxes during the period of the agreement if the property is a residence homestead; (4) require a notice of delinquency sent by a taxing unit to contain specific language regarding the ability to enter into an installment agreement; and (5) provide that a debtor is not in default under a deed of trust or other contract lien on real property used as the debtor’s residence for the delinquent payment of property taxes if the debtor is in substantial compliance with an installment agreement and has given notice of the installment agreement to the mortgage servicer.

S.B. 486 (Taylor) – Property Tax: would provide that, for an individual who qualifies for a property tax exemption on the residence homestead of a totally disabled veteran, the amount of property tax due on the property is calculated as if the individual qualified for the exemption on January 1 and continued to qualify for the exemption for the remainder of the tax year. (Companion bill is **H.B. 1008** by **D. Bonnen**.)

S.B. 489 (Paxton) – Property Tax: would appear to clarify that a special district may establish a limitation on the amount of ad valorem taxes on the residence homesteads of individuals who are disabled or elderly and their surviving spouses. (Please see **S.J.R. 32**, below.)

S.J.R. 30 (Van de Putte) – Property Tax: would amend the Texas Constitution to allow for an increase in the progressive property tax exemption amounts for disabled veterans and their surviving spouses and children.

S.J.R. 32 (Paxton) – Property Tax: would amend the Texas Constitution to clarify that a special district may establish a limitation on the amount of ad valorem taxes on the residence homesteads of individuals who are disabled or elderly and their surviving spouses. (Please see **S.B. 489**, above.)

SALES TAX

H.B. 1133 (Otto) – Sales Tax: would provide a sales tax exemption for: (1) property that is sold, leased, rented, or used by a provider of cable television service, Internet access service, or telecommunications service, or the provider’s subsidiary, affiliate, or partner; and (2) property directly used or consumed in or during the provision, creation, or production of a cable television service, Internet access service, or telecommunications services by the provider or the provider’s subsidiary, affiliate, or partner.

H.B. 1162 (E. Thompson) – Sales Tax: would provide that a taxable item sold, leased, or rented to, or stored, used, or consumed by a disabled veteran or the unmarried surviving spouse of the veteran is exempted from sales and use taxes.

S.B. 446 (Eltife) – Sales Tax: would require the comptroller to transfer to the appropriate Parks and Wildlife Department accounts amounts from sporting goods sales tax proceeds sufficient to fund the state contributions for employee benefits of Parks and Wildlife Department employees. (Companion bill is **H.B. 896** by **Menendez.**)

S.B. 475 (Van de Putte) – Street Maintenance Sales Tax: would allow one general law city in Bexar County to reauthorize the sales tax for street maintenance every ten years.

S.B. 485 (Ellis) – Sales Tax: would extend the current sales tax holiday for clothing and footwear by one week.

S.B. 493 (Lucio) – Sweetened Beverage Tax: would impose a tax on the sale of sweetened beverages with the resulting revenue going to the state’s general revenue fund.

PURCHASING

H.B. 959 (Reynolds) – Professional Services Procurement: would, in addition to many other changes that apply only to state purchasing, add attorneys to the list of professionals who must be procured according to the Professional Services Procurement Act.

S.B. 438 (Birdwell) – Purchasing: would provide that an interlocal contract between a governmental entity and a purchasing cooperative may not be used to purchase roofing materials or services, including materials or services for construction, repair, or replacement of a roof. (Companion bill is **H.B. 123** by **D. Anderson.**)

ELECTIONS

H.B. 1129 (White) – Elections: would allow members of the United States armed forces on active duty overseas to cast a ballot electronically.

S.B. 452 (Patrick) – Elections: would among other things, change certain election dates as follows: (1) move the general primary election date to the first Tuesday in February in each even number year; (2) move the runoff primary election date to the fourth Tuesday in April following

the general primary election; and (3) provide that the presidential primary election date is the first Tuesday in February in each presidential election year.

OPEN GOVERNMENT

S.B. 458 (J. Rodriguez) – Motor Vehicle Records: would add motor vehicle title or registration information to the list of confidential motor vehicle records that a governmental body may redact without requesting a decision from the attorney general. (Companion bill is **H.B. 987** by **Marquez.**)

S.B. 471 (Ellis) – Record of Meeting: would remove the requirement that recordings of meetings be “tape” recordings.

OTHER FINANCE/ADMINISTRATION BILLS

H.B. 14 (Pitts) – City Debt: would, among other things: (1) require local tax rates to be published on the comptroller’s website, based on information reported from the county assessor-collector; (2) require a local debt issuer to complete and submit a local securities annual report form provided by the Bond Review Board; (3) provide that the attorney general may not approve a local security until the attorney general receives word from the Bond Review Board that the board has received information on local securities from the issuer; (4) require a political subdivision’s ballot proposition for a bond to include a significant amount of information, including: (a) the total amount and per capita amount of: (i) the principal of all outstanding debt; (ii) the combined principal and interest required to pay all outstanding debt; (iii) the principal of the bonds to be authorized; and (iv) the estimated combined principal and interest required to pay the bonds to be authorized; (b) the purpose for which the bonds are to be authorized; (c) the estimated rate of interest for the bonds to be authorized; and (d) the maturity date of the bonds to be authorized; (5) require a political subdivision issuing a bond to post a sample ballot on its website as soon as practicable after the ballot is prepared; (6) require every political subdivision to prepare an annual financial report that contains financial information for each city fund, as well as a significant amount of information relating to the city’s debt obligations; (7) require a city to maintain an Internet website and require a city to post the annual financial report on its website continuously along with the city’s relevant contact information; (8) provide that, except in a case of grave public necessity to meet an unusual and unforeseen condition, a city may not issue a certificate of obligation (CO) if the voters voted down a bond proposition for the same purpose within the preceding three years; (9) extend the timeframe to publish newspaper notice of intention to issue a CO from 30 to 45 days before the passage of the ordinance; (10) require a city issuing a CO to maintain an Internet website, and to continuously post notice of intention to issue a CO on its website for 45 days before the passage of the CO issuance ordinance; (11) require that the notice of intention to issue a CO include: (a) total and per capita amount of the principal and interest of the then-current outstanding debt obligations and estimated principal and interest of COs to be authorized; (b) the estimated rate of interest for the COs to be authorized; (c) the maturity date of the COs to be authorized; and (d) the process by which a petition for an election may be submitted; (12) change the threshold number of voters needed to petition to force an election on the issuance of a CO from five percent of the qualified voters of the issuer to five percent of the total number of voters that voted in the most recent gubernatorial general

election in the city; and (13) make COs issued for personal or professional services subject to the notice requirements. (Companion bill is **S.B. 14** by **Williams.**)

H.B. 1050 (Callegari) – Construction Contracts: would: (1) prohibit a local government from entering into a contract to purchase construction-related goods or services through a purchasing cooperative in an amount greater than \$50,000 unless an architect or engineer certifies in writing that: (a) the project for which the construction-related goods or services are being procured does not require the preparation of plans and specifications by an architect or engineer under current law; or (b) if current law requires plans and specifications to be prepared by an architect or engineer, that has been done; (2) authorize a governmental entity with a population of 500,000 or more within the entity's geographic boundary or service area to enter into design-build contracts for not more than six civil works projects in any fiscal year; (3) provide that a design-build firm responding to a request for detailed proposals must identify its project team and may not make changes to that team, except under limited exceptions; (4) provide that a governmental entity shall pay an unsuccessful design-build firm that submits a response to the governmental entity's request for additional information a stipend, in an amount equal to at least one-quarter of one percent of the contract amount, for preliminary engineering costs associated with the development of the proposal; (5) provide that a violation of (4), above, voids the contract for the project entered into by the governmental entity; and (6) repeal that requirement that a governmental entity make a formal finding on the criteria used for selection of a design-build firm for civil works projects before preparing a request for qualifications.

H.B. 1068 (Moody) – State Legislation: would require the Legislative Budget Board to study the feasibility of estimating and preparing a statement on the impact of any bill or resolution that alters funding or affects the responsibilities or liabilities of a political subdivision.

S.B. 14 (Williams) – City Debt: this bill is the same as **H.B. 14**, above.

S.B. 449 (Hinojosa) – Capital Appreciation Bonds: would prohibit a county, city, special district, school district, junior college district, or other political subdivision from issuing capital appreciation bonds.

S.J.R. 28 (Patrick) – Automatic Resignation: would amend the Texas Constitution to provide that a city councilmember who has a term of office of more than two years and announces his/her candidacy for another public office automatically resigns as a councilmember if he/she has more than one year and sixty days left in the city council term.

MUNICIPAL COURTS

H.B. 989 (S. Thompson) – Municipal Court Fines: would increase the maximum fines for municipal court convictions from \$500 to \$1,000 for general ordinances and from \$2,000 to \$4,000 for the violation of an ordinance that governs fire safety, zoning, or public health and sanitation.

H.B. 1069 (McClendon) – Theft: would increase the maximum stolen value for a class C fine-only misdemeanor offense.

H.B. 1107 (Bonnen) – Jury Service: would: (1) disqualify a person from jury service if he/she cannot read and write English; and (2) allow a court to suspend the qualification that requires a person to be able to read and write English if it appears to the court that the requisite number of jurors able to read and write English cannot be found in the county.

H.B. 1178 (Gooden) – Jurisdiction: would: (1) provide that a municipal court has jurisdiction over an offense committed on the entire width of a segment of highway or street abutting property located in a city, if the criminal case involves an offense that is punishable by fine only; and (2) expand a peace officer's jurisdiction in accordance with the court's jurisdiction described in (1), above.

S.B. 390 (West) – Court Costs: would provide that all changes in court costs or fees take place the next January 1 after the law making the change takes effect, regardless of contrary provisions in the bill.

S.B. 463 (Huffman) – Exclusion of Witnesses: would: (1) allow a prosecutor to designate one person who is an officer or employee of a party that is not a natural person to serve as the state's courtroom representative during a criminal proceeding; and (2) provide that, if a law enforcement officer is the designee, he or she may not wear a law enforcement uniform or badge while serving as such. (Companion bill is **H.B. 70** by **Fletcher.**)

COMMUNITY AND ECONOMIC DEVELOPMENT

S.B. 444 (Birdwell) – Low Income Housing Tax Credits: would provide that the Texas Department of Housing and Community Affairs shall score and rank a low income housing tax credit application using a point system that includes – among many other criteria – the level of community support for the application, which must be evaluated on the basis of a resolution concerning the development that is voted on and adopted by the governing body of a city and the commitment of development funding by the city.

S.B. 472 (Ellis) – Takings Claims: would provide that: (1) a person asserting a taking claim against a governmental entity shall give written notice of such claim by certified mail to the governmental entity against which such claim is being made at least 60 days before the filing of a suit in any court based upon certain common-law takings claims that are codified in the bill; (2) any party asserting a taking claim shall state that it has complied fully with the provisions of the bill and shall provide such evidence thereof as the judge of the court may require; (3) the notice provided under (1), above, shall toll the applicable statute of limitations to and including a period of 75 days following the giving of the notice, and this tolling shall apply to all parties and potential parties; (4) no fewer than 45 days after receipt of a notice required by (1), above, the governmental entity shall deliver to the sender in person, by third-party delivery or by certified mail, a response stating whether or not the governmental entity contends in good faith that one or more of the facts described by the claimant in the notice were the result of the governmental entity's enforcement of one or more laws enacted for the protection of public health or safety and, if yes, identifying the said law or laws; (5) if the response required by (4), above, does not state that one or more of the facts described in the claimant's notice were the result of the

governmental entity's enforcement of one or more laws enacted for the protection of public health or safety, the bill's procedures do apply to the taking claim; (6) if a pleading of a claimant filed in any court may be fairly construed to make a takings claim as defined by the bill the claimant shall, not later than 120 days after the date the original petition is filed, serve on each party or the party's attorney one or more expert reports, with a curriculum vitae of each expert listed in the report, for each governmental entity against which a taking claim is asserted; (7) if, as to a defendant, an expert report has not been served, the court, on the motion of the affected governmental entity, shall with certain exceptions enter an order that awards to the affected governmental entity reasonable attorney's fees and costs of court incurred by the governmental entity and dismiss the claim with respect to the governmental entity, with prejudice to the refiling of the claim; (8) until a claimant has served the expert report and curriculum vitae under (6), above, all discovery in a taking claim is stayed except for the acquisition by the claimant of information by certain allowable means; (7) certain interlocutory appeals by a governmental entity are authorized; and (8) alternative dispute resolution procedures to a takings claim.

S.B. 473 (Carona) – Day Laborers: would: (1) allow a city or county within its jurisdictional limits to regulate employers of day laborers by: (a) requiring an employer of day laborers to obtain a license; (b) collecting a fee from each employer; (2) require any such regulations to: (a) give a license to anyone who meets its requirements and pays a fee; (b) provide that such a license is not assignable or transferable; (c) make the employer maintain and make available to the city or county the name, contact information and wage information for each day laborer used by the employer; (d) require each employer who holds a license who operates a labor center to provide adequate facilities for the workers; (e) prohibit an employer from charging day laborers for equipment, uniforms, or cashing their checks; (3) provide that any day laborer list is confidential unless requested by court order; (4) make any violation of a city ordinance or county order adopted under this section a class A misdemeanor; and (5) repeal the state laws that currently regulate the employers of day laborers.

PERSONNEL

H.B. 13 (Callegari) – Pensions: would: (1) require public pension systems to place financial reports and administrator contact information on their websites; (2) impose reporting requirements on the public pension board if a public retirement system does not post its required financial documents, including: (a) posting the names of the systems on its website; (b) notifying either members of the state government or the political subdivision of the failure, depending on the pension system; (3) require the pension board to create model ethical and conflict of interest rules for public pension systems to adopt voluntarily; and (4) require the public pension board to create an educational training program for public pension system administrators. (Companion is **S.B. 13** by **Duncan.**)

H.B. 1002 (E. Johnson) – Health Insurance Exchange: would create the Texas Health Insurance Exchange in accordance with the federal Affordable Care Act.

H.B. 1091 (Martinez) – Disease Presumption: would extend the time frame for discovering an illness or disease of police, EMS, and fire personnel to five years after they leave employment for which they may be entitled to benefits or compensation.

H.B. 1117 (Y. Davis) – E-Verify: would: (1) require an employer, including a city, that has voluntarily enrolled in E-verify to: (a) consider consulting the Texas Workforce Commission’s website for information about E-Verify; (b) receive E-verify training; and (c) post a notice regarding enrollment in E-verify and an anti-discrimination notice; and (d) ensure that the program is only used for verifying employment authorization status; (2) provide a complaint process for violations of E-verify requirements; (3) provide a civil penalty and civil cause of action for violation of E-verify requirements; and (4) make it an unlawful employment practice if an employer, including a city, that is participating in E-verify makes an employment decision without following E-verify procedures.

H.B. 1121 (Perry) – Employee Liability: would limit liability for employers that hire an individual with a criminal conviction.

H.B. 1146 (E. Johnson) – Employment Discrimination: would prohibit an elected city official or a city that employs fifteen or more employees from discriminating against an employee or an employment applicant on the basis of sexual orientation or gender identity. (Companion bills are **H.B. 238** by **Villarreal** and **S.B. 237** by **Van de Putte**.)

H.B. 1188 (S. Thompson) – Employee Liability: would limit the liability of an employer who hires an individual with a criminal conviction.

H.J.R. 77 (Anchia) – Marriage: would repeal the provision of the Texas Constitution providing that marriage in this state consists only of the union of one man and one woman and prohibiting this state or a political subdivision of this state from creating or recognizing a legal statute identical or similar to marriage. (This bill is identical to **H.J.R. 78** by **Coleman**.)

H.J.R. 78 (Coleman) – Marriage: this bill is identical to **H.J.R. 77**, above.)

S.B. 13 (Duncan) – Pensions: this bill is identical to **H.B. 13**, above.

S.B. 416 (Ellis) – Employment: would: (1) make it an illegal employment practice for an employer, including a city, to require or request an employee or applicant to give their user name, password, or other access to their personal electronic accounts such as an e-mail or a social networking site account; (2) allow an employer to access information about an employee or applicant on the Internet that is open to the public or to manage an employee’s use of city electronic equipment or use of electronic equipment during work hours. (Companion bill is **H.B. 451** by **Dukes**.)

PUBLIC SAFETY

H.B. 972 (Fletcher) – Concealed Handguns: would, among other things, expand the places where a concealed handgun licensee can carry a handgun to include the campus of an institution of higher education, with certain exceptions. (Companion bill is **S.B. 182** by **Birdwell**.)

H.B. 1009 (Villalba) – School Marshal: would create the position of school marshal and allow a school marshal to make arrests and exercise all authority given to peace officers, except the ability to issue a traffic citation, subject to written regulations adopted by the board of trustees of a school district.

H.B. 1015 (Guillen) – Big Cats and Primates: would: (1) prohibit a person in a county or city with a population of at least 75,000 from: (a) owning, possessing, harboring, selling, transferring, breeding, or having custody or control of a big cat or nonhuman primate; and (b) allowing a member of the public to come in direct contact with or to be in proximity to a big cat or nonhuman primate without ensuring there is sufficient distance between the animal and person and providing protective barriers to separate the animal from the person; (2) exempt from the prohibition in (1)(a), above, various persons, including a county, a city, an agency of the state, a zoo or aquarium or related facility, a research facility, a wildlife sanctuary, an animal shelter, a licensed veterinarian, a law enforcement officer, a circus, certain colleges or universities, a television or movie production company, a person temporarily transporting a big cat or nonhuman primate, and a person who lawfully possesses the big cat or nonhuman primate before September 1, 2013, if they meet certain requirements; (3) provide for civil penalties, criminal penalties, and injunctive relief; (4) require a municipal court to order the seizure of an animal and hold a hearing on a sworn complaint and showing of probable cause to believe there has been a violation of (1), above; (5) provide that a big cat or nonhuman primate may be forfeited by judicial determination or voluntarily and placed with a zoo or aquarium or euthanized; and (6) while unclear, appear to preempt city ordinances related to big cats and primates.

H.B. 1030 (Burnam) – Sale of Firearms: would clarify that a city may prohibit the sale of firearms on property owned or controlled by the city, other than the sale of firearms at a permanent retail store.

H.B. 1038 (Eiland) – DNA Records: would require an individual arrested for any offense punishable as a class B misdemeanor or higher to provide one or more DNA samples for the purpose of creating a DNA record.

H.B. 1044 (Eiland) – Recreational Vehicles: would: (1) expand the list of vehicles that are prohibited from being operated on certain beaches; (2) allow city and county vehicles to be driven on beaches; (3) allow the operation of certain private vehicles on the beach if: (a) the person has a driver's license; and (b) the beach is open to motor vehicle traffic; and (4) allow a city or county to prohibit the use of all-terrain vehicles on a beach.

H.B. 1049 (Laubenberg) –Firearms: would, among other things, prohibit a state or local government officer, agent, employee, or representative from enforcing or attempting to enforce any federal statute, order, rule, or regulation that: (1) purports to regulate a firearm, a firearm accessory, or firearm ammunition that remains exclusively within the borders of this state; (2) took effect on or after January 1, 2013; and (3) imposes a prohibition, restriction, or other regulation, such as a capacity or size limitation or a registration requirement, that does not exist under the laws of this state.

H.B. 1063 (Hernandez Luna) – DNA Records: would require an individual convicted or placed on deferred adjudication for any offense punishable as a class B misdemeanor or higher to provide one or more DNA samples for the purpose of creating a DNA record.

H.B. 1076 (Toth) – Firearms: would make certain findings related to provisions of the U.S. Constitution related to firearms and would enact the “Texas Firearm Protection Act.” The Act would, among other things: (1) apply to the state, a city, a county, or a special district or authority; (2) prohibit an entity described by (1), above, from adopting a rule, order, ordinance, or policy under which the entity enforces, or by consistent action allows the enforcement of, a federal statute, order, rule or regulation enacted on or after January 1, 2013, that purports to regulate a firearm, firearm accessory, or firearm ammunition if the statute, order, rule or regulation imposes a prohibition, restriction or other regulation, such as capacity or size limitation, a registration requirement or a background check, that does not exist under the laws of this state; and (3) provide that an entity described by (1), above, may not receive state grant funds if the entity adopts a prohibited practice.

H.B. 1078 (Kleinschmidt) – Firearms: would authorize a concealed handgun license holder to carry on certain premises associated with colleges and universities.

H.B. 1096 (Canales) – Law Enforcement: would, among other things: (1) require a police department to make an audio or audiovisual electronic recording of custodial interrogations of persons suspected of or charged with certain offenses; (2) set out good cause reasons that make electronic recording infeasible; (3) require preservation of the electronic recording for a specified time; (4) require a prosecutor to provide a defendant with a copy of the recording; and (5) exempt the electronic recording from release under the Texas Public Information Act, except when it must be released under the law enforcement exception. (Companion bill is **S.B. 87** by **Ellis.**)

H.B. 1109 (Burkett) – Persons with Mental Illness: would: (1) require a peace officer answering an emergency call to attempt to determine whether any person involved in the emergency call is a person with a mental illness; (2) provide that if a peace officer reasonably believes that a person involved in an emergency call is a person with a mental illness, but has not committed an offense, the officer: (a) must notify local mental health authorities; (b) may assist the person; and (c) may take the person into custody as an emergency detention; (3) provide that if a peace officer reasonably believes that a person involved in an emergency call is a person with mental illness and has probable cause to believe the person has committed a misdemeanor offense, the peace officer may: (a) issue a citation in lieu of arresting the person (as allowed by law); or (b) take the person into custody as an emergency detention; and (4) require the Texas Commission on Law Enforcement Officer Standards and Education to require training courses and programs to include training in the investigation and documentation of cases that involve mental illness.

H.B. 1147 (N. Gonzalez) – Trafficking of Persons: would: (1) require a state or local law enforcement agency, district attorney, or county attorney that assists in the prevention of human trafficking to cooperate with and assist the Human Trafficking Prevention Task Force in collecting statistical data on the nature and extent of human trafficking in the possession of the agency or attorney; (2) require the task force to collect certain data regarding human trafficking

and ensure that each state or local law enforcement agency, district attorney, or county attorney collects certain data regarding human trafficking; and (3) require that human trafficking data collected include information about the routes by which victims are trafficked across the state's international border.

H.B. 1166 (Villalba) – Commission on Law Enforcement Officer Standards and Education: would change the name of the Commission on Law Enforcement Officer Standards and Education to the Texas Commission on Law Enforcement.

H.B. 1174 (Fallon) – Passing a School Bus: would increase the penalty for passing a stopped school bus to a misdemeanor punishable by a fine of not less than \$500 or more than \$1,250.

H.B. 1177 (Gooden) – Sex Offenders: would permit a general law city to prohibit a registered sex offender from going in, on, or within a specified distance of a child safety zone within the city.

S.B. 443 (Birdwell) – Reserve Officers: would require the state as employer to give a leave of absence to any state employee who is receiving peace officer training as a reserve law enforcement officer.

S.B. 459 (Rodriguez) – Scrap Tires: would: (1) require a retail seller to contract for the transportation of scrap tires only with a licensed scrap tire transporter; (2) require an individual who stores scrap tires to store the scrap tires in a fully enclosed area or container that must be made secure by locking; and (3) create an offense for selling an unsafe tire, as defined in the Transportation Code.

S.B. 484 (Whitmire) – Prostitution Prevention Program: would: (1) allow a city, or group of cities, to establish a prostitution prevention program for defendants charged with prostitution; (2) authorize a program to collect a fee from a participant in the program; and (3) require a commissioners court of a county to establish a prostitution prevention program if the county has a population of more than 200,000.

UTILITIES AND ENVIRONMENT

H.B. 1028 (Munoz) – Certificates of Convenience and Necessity: would: (1) allow a landowner to petition for expedited release from a certificate of convenience and necessity; and (2) entitle the landowner to that release if the landowner's property is located in the boundaries of a city and certain other conditions are met.

H.B. 1094 (Keffer) – Clean Energy Assessments: would: (1) enact the Property Assessed Clean Energy (PACE) Act, which would authorize a city to create PACE districts to promote private sector water conservation and energy efficiency; and (2) provide that property owners in a PACE district would be able to obtain low-cost, long-term financing from private sector lenders for water conservation improvements and energy efficiency retrofits to existing structures. (Companion bill is **S.B. 385** by **Carona**.)

H.B. 1148 (Harless) – Gas Rate Cases/Municipal Reimbursement: would provide that: (1) an electric or gas utility is not required to reimburse a city for the city's rate case expenses if, under a franchise with the city, the utility has agreed to pay more than two percent of gross receipts as a franchise fee; and (2) in order to receive reimbursement for its electric or gas rate case expenses, a city must first "prepay" its rate case expenses to its attorneys and consultants, as well as must adopt an ordinance that expressly assumes the obligation to pay the expenses and declares that the obligation is not contingent on the city's receipt of reimbursement.

H.B. 1149 (Harless) – Gas Rate Cases/Municipal Jurisdiction: would: (1) expand the Railroad Commission's exclusive jurisdiction (and therefore remove original municipal jurisdiction) over the rates and services of a gas utility to include an area the a gas utility treats as an "integrated rate area;" (2) provide that a gas utility may identify and establish an integrated rate area that includes one or more cities and related unincorporated areas for which the commission has exclusive original jurisdiction to establish the gas utility's rates on an area-wide basis; (3) provide that the integrated rate area is established on the date the gas utility files notice of the area's establishment with the commission; and (4) provide that the gas utility must deliver a copy of the notice to each city included in the area.

H.B. 1168 (Flynn) – Drainage Fees: would exempt property that is a dedicated cemetery from payment of municipal drainage fees.

S.B. 326 (Carona) – Municipal Electric Rates: would, in addition to imposing many low-income rate requirements on investor owned utilities, provide that, until a municipally owned utility or electric cooperative implements customer choice, the utility or cooperative may not reduce, in any manner, programs already offered to assist low-income electric customers. (Companion bill is **H.B. 550** by **Turner**.)

S.B. 349 (Nichols) – Municipally Owned Electric Utility Power Lines: would, with respect to municipal power lines, provide that: (1) a "distribution line" means a power line operated below 60,000 volts when measured phase to phase, and a "transmission line" means a power line operated at 60,000 volts or more when measured phase to phase; and (2) distribution and transmission lines shall be constructed along highways and at other places in accordance with the national electrical safety code. (Companion bill is **H.B. 898** by **Creighton**.)

S.B. 385 (Carona) – Clean Energy Assessments: this bill is the same as **H.B. 1094**, above.

S.B. 467 (Hegar) – TCEQ rulemaking: would require TCEQ to conduct a regulatory analysis before adopting an environmental rule and when giving notice incorporate more detailed information into the fiscal note; provides a penalty for noncompliance. (Companion bills are **H.B. 147** by **Burkett** and **H.B. 426** by **Creighton**.)

S.B. 488 (Davis) – Discounted Electric Rates: would provide that a municipally owned utility shall discount charges by 20 percent for electric service provided to a facility of a four-year state university, upper-level institution, and/or Texas State Technical College.

TRANSPORTATION

H.B. 1097 (Sheets) – Construction or Maintenance Work Zone: would amend the definition of a “construction or maintenance work zone” to mean a portion of a highway or street: (1) where highway construction or maintenance is undertaken, other than mobile operations; (2) that is marked by at least one sign: (a) indicating that it is a construction or maintenance work zone; (b) indicating the maximum lawful speed; and (c) stating that fines double when workers are present; and (3) that is marked by signs indicating where the zone begins and ends.

H.B. 1102 (Harper-Brown) – Complete Streets: would, among other things: (1) require the Texas Transportation Commission (Commission) to adopt a complete streets policy that provides guidelines for addressing the safety, accessibility, and mobility of users of streets and highways, including pedestrians, bicyclists, persons with disabilities, children, seniors, public transportation users, commercial goods movers, and motorists in the planning, design, construction, and maintenance of streets and highways; (2) require local authorities (counties, cities, and certain other local entities) to ensure that all transportation planning, design, construction, and reconstruction, street or highway improvements, and access roads, bicycle paths, and sidewalks to public transportation comply with the complete streets policy if federal or state funds are used; (3) require, to the extent consistent with federal law, a metropolitan planning organization to ensure that any transportation improvement plan complies with the complete streets policy; (4) exempt transportation projects from complying with the complete streets policy if: (a) use of the street or highway by bicyclists or pedestrians is prohibited by law; (b) the cost to comply would be excessively disproportionate to the present or future need or use of the street or highway; or (c) the sparseness of population indicates an absence of future need; (5) require that an exemption described in (4), above, be approved by the Texas Department of Transportation (TxDOT) or local authority and supported by publicly available documentation; and (6) require TxDOT or the local authority to certify that each transportation project complies with the complete streets policy in all aspects of project development.

H.B. 1105 (Harper-Brown) – Transportation Funding: would provide that the comptroller shall deposit 25 percent of the motor vehicle sales tax paid on motor fuel used in motorboats to the credit of the state’s available school fund, and shall deposit the remaining amount to the credit of the state highway fund.

S.J.R. 31 (Davis) – Transportation Funding: would amend the Texas Constitution to provide that: (1) subject to legislative appropriation, allocation, and direction, three-fourths of the net revenue that is remaining after payment of all refunds allowed by law and expenses of collection that is derived from taxes on motor fuels and lubricants used to propel motor vehicles over public highways shall be used for the sole purpose of constructing and maintaining public highways; and (2) for a biennium, the legislature may not appropriate those funds for a purpose other than acquiring rights-of-way or constructing or maintaining public roadways in an amount that exceeds the lesser of the total amount of those funds appropriated for a purpose other than acquiring rights-of-way, constructing, or maintaining public roadways in the preceding biennium or a slightly less amount in certain circumstances

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Legislative
UPDATE

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TML Webinars: Help the League Protect Municipal Interests

Activity at the Capitol is starting to heat up. Over 2,000 bills have been filed, and thousands more will be filed in the next two weeks. Committees for both chambers have begun to meet in earnest, and a number of bills that would affect cities have already been heard. League staff and city officials are working diligently to protect municipal interests.

One way city officials can help protect those interests is by listening to the League's upcoming webinars. These webinars are the best and quickest way to update you on what's happening in Austin, and to enlist your help in protecting your authority to govern your city as you see fit, without state interference.

The first webinar, "Legislative Status Report: the Countdown Begins," is scheduled for March 22. Please go to www.tml.org and click on "Training" for more detailed information on that webinar and future ones.

Local Parks Funding: Preliminary Increase in the Senate

The appropriations process is ever-changing, and nothing is final until the budget passes. That being said, early indications from the Senate Finance Committee show that local parks may

receive \$15 million more than originally proposed in S.B. 1, the Senate's version of the budget. (S.B. 1 as filed proposed spending \$868,960 for the 2014-2015 biennium.)

The House Appropriations Committee has considered the budget for the Texas Parks and Wildlife Department but has not decided whether to increase local parks grants over what has been recommended in the filed version of H.B. 1 (\$868,960).

City officials interested in increased local parks funding should contact the members of the House Committee on Appropriations, Subcommittee on Article VI, which is considering local parks funding. Here is a link to those committee members:

<http://www.house.state.tx.us/committees/committee/?committee=014&session=83>

Federal Bill Would Provide Uniform Collection of Sales Taxes

Federal legislation has been filed that would give states the authority to compel most online and catalog retailers to collect sales taxes at the time of sale, regardless of the location of the retailer.

The stated goal of the legislation, known as the Marketplace Fairness Act of 2013, is to put remote retailers on the same footing as local retailers for purposes of sales tax collection. The Act would reverse a 1992 U.S. Supreme Court opinion holding that a business may not be required to collect and remit sales and use taxes to a state if it has not established a physical presence in that state.

If adopted, the Act would subject remote retailers to sales taxes if the state simplified its sales tax laws in order to provide uniformity of collection nationwide. One component of any statewide simplification language would be mandatory "destination" sourcing of all interstate sales. Destination sourcing means that the sales tax is collected at the location where the sold item is received by the purchaser. In other words, cities would receive local sales taxes on purchases made by its residents from remote retailers covered by the Act.

A press release from the National League of Cities on the Marketplace Fairness Act of 2013 is available at <http://www.nlc.org/media-center/news-search/national-league-of-cities-supports-the-marketplace-fairness-act-%E2%80%93-urges-quick-adoption>.

What's Going on at the Capitol?

With less than 100 days to go in the regular legislative session, committees are beginning to meet with increased frequency, and bills are starting to move. Of particular note, H.B. 4 by Representative Ritter and S.B. 4 by Senator Fraser would provide for a one-time transfer of \$2 billion from the state's Rainy Day Fund for use in financing water projects in the State Water Plan, were heard in their respective committees with overwhelming support from city officials.

Although early indications showed that the number of bills filed would be down 30 percent from previous years, that gap has now shrunk to eight percent. And rumor has it that state bill drafters have thousands of bills in a logjam that will release shortly before the March 8 filing deadline.

City Officials Testify

When the legislature is in session, nothing compares to the effectiveness of city officials testifying at the Capitol. City officials who take their time to travel to Austin to speak out on important city issues should be applauded by us all.

Among the city officials who recently testified in front of legislative committees are the following:

- TML President John Monaco, Mayor, Mesquite
- Norm Archibald, Mayor, Abilene
- Gary Schatz, Assistant Traffic Director, Austin
- Lee Leffingwell, Mayor, Austin
- David Vaughn, City Manager, Burnet
- Mike Rawlings, Mayor, Dallas
- John Cook, Mayor, El Paso
- Annise Parker, Mayor, Houston
- Wes Perry, Mayor, Midland
- Alvin New, Mayor, San Angelo
- Julian Castro, Mayor, San Antonio
- Robert Puente, President, San Antonio Water System
- Barbara Hartle, Judge, Houston

Significant Committee Actions

S.B. 186 (Carona), relating to abatement of mosquitos in stagnant water on certain uninhabited residential property. Reported from the Senate Committee on Health and Human Services.

S.B. 349 (Nichols), relating to standards for power lines according to voltage. Reported from the Senate Committee on Business and Commerce.

S.B. 390 (West), relating to the effective date of new or amended court costs or fees. Reported from the Senate Committee on Jurisprudence.

City-Related Bills Filed

PROPERTY TAX

H.B. 1208 (Parker) – Property Tax Exemption: would repeal the requirement that interest is due on additional taxes when land loses an agricultural or open-space appraisal.

H.B. 1217 (Menendez) – Property Tax Exemption: would increase the progressive property tax exemption amounts for disabled veterans and their surviving spouses and children. (Companion bill is **S.B. 465** by **Van de Putte.**) (Please see **H.J.R. 82**, below.)

H.B. 1287 (Hilderbran) – Property Tax Exemption: would: (1) provide that an application for a residence homestead exemption need not include a copy of the applicant's driver's license or personal identification certificate if the applicant: (a) is a resident of a facility that provides services related to health, infirmity, or aging; or (b) is certified for participation in the address confidentiality program; and (2) allow a chief appraiser to waive the requirement that an address of the property for which the exemption is claimed correspond to the address listed on the applicant's driver's license or personal identification certificate if the applicant: (a) is an active duty member of the armed services or the spouse of an active duty member and the application includes a copy of the military identification card and a copy of the utility bill for the property subject to the claimed exemption; or (b) holds a license issued to a federal judge, state judge, spouse of the judge, or peace officer that omits the residence address if the application for that license to the Department of Transportation is included in the application for the exemption.

H.B. 1306 (E. Rodriguez) – Property Tax Exemption: in determining whether a property can be considered as qualified open-space land for purposes of an appraisal, would: (1) require a chief appraiser to consider the cumulative effect of all agricultural uses of a tract of land, including various agricultural production methods like organic, sustainable, pastured poultry, rotational grazing, and other unconventional production methods or systems; (2) provide that a tract of land cannot be disqualified for appraisal as qualified open-space land solely on the basis of the size of the tract so long as the tract is at least 1.5 acres; and (3) allow such an appraisal to apply to a not-for-profit community garden.

H.B. 1338 (Bell) – Appraisal Cap: would reduce the property tax appraisal cap on homesteads from ten to five percent, and apply the new appraisal cap to all real property. (Please see **H.J.R. 84**, below.)

H.B. 1348 (Menendez) – Property Tax Exemption: would provide an exemption from property taxes for a commercial aircraft used as an instrumentality of commerce that is under construction and other tangible personal property to be attached to the commercial aircraft if the aircraft and tangible personal property is located inside a defense base development authority.

H.B. 1360 (Ritter) – Property Tax Exemption: would provide an exemption from property taxes for property that a person owns and leases to a school if: (1) the school uses the property exclusively for educational functions; (2) the property is reasonably necessary for the operation of the school; (3) the owner certifies by affidavit to the school that the rent for the lease of the property will be reduced by an amount equal to the amount by which the taxes are reduced due to the exemption; (4) the owner provides a disclosure statement to the school stating the amount by

which the taxes are reduced by the exemption; and (5) the rent charged reflects the reduction in the amount of taxes on the property resulting from the exemption. (Please see H.J.R. 86, below.)

H.B. 1371 (Munoz) – Property Tax Exemption: would include cancer, diabetes, multiple sclerosis, or epilepsy in the definition of “disabled” for purposes of eligibility for a local property tax exemption or local property tax freeze on the residence homestead of a person who is disabled. (Please see H.J.R. 88, below.)

H.J.R. 82 (Menendez) – Property Tax Exemption: would amend the Texas Constitution to increase the property tax exemption amount for each different disability rating applicable to disabled veterans and their surviving spouses and children. (Please see H.B. 1217, above.) (Companion resolution is S.J.R. 30 by Van de Putte.)

H.J.R. 84 (Bell) – Appraisal Cap: would amend the Texas Constitution to reduce the property tax appraisal cap on homesteads from ten to five percent, and apply the new appraisal cap to all real property. (Please see H.B. 1338, above.)

H.J.R. 86 (Ritter) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from property taxes real property leased to certain schools organized and operated primarily for the purpose of engaging in educational functions. (Please see H.B. 1360, above.)

H.J.R. 88 (Munoz) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to define “disabled” for purposes of eligibility for a local property tax exemption or local property tax freeze on the residence homestead of a person who is disabled. (Please see H.B. 1371, above.)

S.B. 520 (Paxton) – Property Tax Exemption: would provide that: (1) an elderly or disabled individual who qualifies for a residence homestead exemption from taxation by a school district or the optional exemption by a city can apply the exemption to newly acquired property as of January 1 of the tax year in which the property was acquired; and (2) an individual who does not qualify for the elderly or disabled residence homestead exemptions mentioned in (1), above, and who acquires property after January 1, may receive the exemptions for which the individual qualifies for the portion of that tax year.

S.B. 586 (Hegar) – Property Tax Liens: would provide that a property tax lien is inferior to the claim of any creditor that is the holder of a purchase money security interest on personal property encumbered to a property tax lien only to the extent of the amount of taxes, including penalties or interest on those taxes, that would have been imposed on the personal property had the property been taxed separately on the date the tax lien attached.

SALES TAX

H.B. 1202 (Parker) – Sales Tax Exemption: would expand the current sales tax holiday for clothing and footwear by one week. (Companion bill is S.B. 485 by Ellis.)

H.B. 1223 (Hilderbran) – Sales Tax Exemption: would provide that a qualifying data center, or operator or tenant of a qualifying data center, is entitled to receive a refund of the state sales taxes imposed on the purchase of tangible personal property that is necessary to manage or operate the data center.

H.B. 1291 (D. Bonnen) – Sales Tax Exemption: would exempt a gun safety device from sales and use taxes if: (1) the sales price of the device is less than \$2,500; and (2) the sale takes place on the weekend following the first Friday in July.

H.B. 1320 (Murphy) – Sales Tax Prepayment: would provide that a taxpayer who prepays sales and use tax liability on the basis of a reasonable estimate of the tax liability on a monthly or quarterly basis may deduct and withhold: (1) one percent of the amount of the prepayment if the taxpayer pays the tax quarterly; or (2) one-half of one percent of the amount of the prepayment if the taxpayer pays the tax monthly.

S.B. 535 (West) – Sales Tax Exemption: would exempt a number of energy-efficient products from sales and use taxes.

S.B. 571 (Deuell) – Sales Tax Exemption: would exempt hospital mattresses and intravenous systems, supplies, and replacement parts designed or intended to be used in the diagnosis or treatment of humans from sales and use taxes.

PURCHASING

S.B. 507 (Watson) – Public-Private Partnerships: would make various changes to the optional public-private partnership bill from 2011 (S.B. 1048). Of particular interest to cities, the bill would provide that: (1) a public private partnership project that is to be performed or located in a city must comply with the city's zoning and land use regulations, unless the project uses a building or land of a state agency for the same purposes as it is used currently; (2) a city that has adopted a resolution to opt-in to the provisions of the law shall, prior to engaging in any project, submit a copy of the required guidelines to the state's Partnership Advisory Commission for approval by the commission; and (3) a city that approves an unsolicited proposal shall: (a) select the contracting person for the project by soliciting additional proposals through a request for proposals or invitation to bid; and (b) include in the comprehensive agreement for the qualifying project a written declaration of the specific public purpose served by the project.

ELECTIONS

H.B. 1197 (Raymond) – Elections: would, among other things, provide that if a polling place is located in a building owned by a private business, the owner must notify the authority holding the election if electioneering will be prohibited on the privately-owned premises of the building.

H.B. 1243 (Hughes) – Elections: would prohibit the use of an electronic voting machine in an election unless the machine: (1) has been certified or otherwise approved by means of qualification testing by a nationally recognized test laboratory; (2) meets certain voluntary standards developed and adopted by the Federal Election Commission, the Election Assistance

Commission, or the National Institute of Standards and Technology; and (3) creates a contemporaneous auditable paper record copy of each electronic ballot that allows a voter to confirm the choices the voter made through both a visual and a non-visual method. Additionally, the bill would require an election authority using electronic voting machines to: (1) submit, at the request of the secretary of state, complete documentation relating to all hardware, software, and firmware components for the system, as well as all documents relating to the federal qualification process; (2) submit a physical security plan for the system to the secretary of state not later than 90 days before a system using electronic voting machines will be used in an election; (3) submit a list of all changes and modifications to the system, a training plan, and a communication plan explaining how election officers at each polling place will communicate on election day to the secretary of state not later than 46 days before a system using electronic voting machines will be used in an election; and (4) provide notice of the penalties for tampering with an electronic voting machine in each language used at a polling place at which an electronic voting machine is used for voting.

H.B. 1252 (Zedler) – Elections: would, among other things, provide that: (1) the presiding judge or a special peace officer may not remove an alternate presiding judge from the polling place without the approval of an election official other than the presiding judge or special peace officer; and (2) any information provided by a poll watcher that may be used to identify the watcher is confidential and may only be used for election administration purposes.

H.B. 1303 (Miller) – Elections: would provide that, upon accepting a poll watcher for service, an election officer shall provide the watcher with a form of identification, prescribed by the secretary of state, to be displayed by the watcher during the watcher's hours of service at the polling place.

H.B. 1428 (S. Davis) – Elections: would provide that, on a written application by the presiding officer of the local canvassing authority indicating that the early voting ballot board has inappropriately accepted or rejected a ballot or otherwise violated a provision of the Election Code, the secretary of state shall review the act in question and determine the appropriate remedy, including making a determination that may lead to an election recount.

S.B. 553 (Uresti) – Voting Clerks: would allow: (1) a school district to adopt a policy excusing a student from attending school for service as a student early voting clerk in an election; (2) the early voting clerk to appoint not more than four student early voting clerks at an early voting polling place; and (3) the secretary of state to initiate or assist in the development of a statewide program promoting the use of student early voting clerks.

S.B. 554 (Campbell) – Elections: would increase the penalty for theft of an official ballot or official carrier envelope for an election.

S.B. 568 (Watson) – Voter Registration: would provide that: (1) two voter registrars must be present at each polling place while the polls are open; (2) an eligible voter shall be accepted on the day the person offers to vote in the precinct of the person's residence if the person: (a) submits a voter registration application; (b) presents proof of identification; and (c) executes an affidavit stating all information submitted in the registration application is true; and (3) the

secretary of state shall adopt rules to ensure the accountability of election officers and to fairly implement the bill.

S.B. 612 (Lucio) – Drug Testing: would require any political candidate to: (1) submit to drug testing when applying for elective office; and (2) waive his or her right to confidentiality of the test result so that it can be placed on the Texas Ethics Commission website.

OPEN GOVERNMENT

H.B. 1295 (Fletcher) – Public Information Act: would: (1) allow motor vehicle accident report information to be shared with an agent who is authorized under a contract to administer the release of information held by the Texas Department of Transportation or a governmental entity; and (2) require a contract with an authorized agent to provide that a fee must be paid to the governmental entity and that information contained in accident reports may not be accessible by search engines on the Internet.

H.B. 1379 (Toth) – Federal Programs: would require the Office of State-Federal Relations to review, report, and provide recommendations on coercive federal funding programs.

OTHER FINANCE/ADMINISTRATION BILLS

H.B. 1207 (Parker) – Prevailing Wage Rates: would repeal the requirement that cities and other governmental entities pay the prevailing wage rates when engaging in the construction of public works, hospitals, and municipal airports.

H.B. 1226 (Smithee) – Self-Coverage Funds: would provide that a governmental unit may purchase reinsurance for a risk pool and that any law requiring insurance may be satisfied by coverage provided through a risk pool fund. (Companion bill is **S.B. 531** by **Duncan.**)

H.B. 1235 (Dale) – Swimming Pools: would require a city with a population of 750,000 or more to open and operate certain city swimming pools if certain conditions are met.

H.B. 1269 (Martinez Fischer) – Alcohol Permits: would require the holder of a wine and beer retailer permit, a mixed beverage permit, a private club registration permit, a retail dealer's on-premise license, or a brewpub license to have available for purchase and consumption on the permitted or licensed premises at least one nonalcoholic version of an alcoholic beverage, such as nonalcoholic beer or wine.

H.B. 1299 (Stickland) – Weapons: would: (1) prohibit a city from adopting or enforcing an ordinance or other regulation relating to the private ownership, keeping, carrying, transportation, licensing, or registration of an electric stun gun, a knife, or a personal defense spray; and (2) provide that the prohibition in (1), above, does not affect: (a) a city's authority to enforce certain Penal Code provisions related to weapons; and (b) a city's authority to adopt or enforce an ordinance or other regulation prohibiting a person, for purposes of entering a restricted area, from carrying an electric stun gun, knife, or personal defense spray past a metal detector or magnetometer used to screen for weapons.

H.B. 1321 (Murphy) – City Debt: would: (1) require a political subdivision’s ballot proposition for a bond to include a significant amount of information, including: (a) the total amount and per capita amount of the principal of all outstanding debt; (b) the combined principal and interest required to pay all outstanding debt; (c) the principal of the bonds to be authorized; (d) the estimated combined principal and interest required to pay the bonds to be authorized; (e) the purpose for which the bonds are to be authorized; (f) the estimated rate of interest for the bonds to be authorized; and (g) the maturity date of the bonds to be authorized; and (2) require a political subdivision’s notice of issuance of a certificate of obligation to include the same additional information as contained in (1), above, as it applies to a certificate of obligation.

H.B. 1343 (Howard) – Dedicated Revenue: would provide that the legislative budget board shall take various measures to reduce state government’s reliance on dedicated revenue for the purposes of certification of the state budget. (Note: The legislature has failed to allocate billions of dollars of dedicated fees, some of which would benefit cities, in the current biennium. That money has remained unspent to allow the comptroller to certify that the state’s budget is balanced.)

H.B. 1382 (Simpson) – Farmers’ Markets: would: (1) provide, with some exceptions, that samples of food or the sale of food to consumers at a farm or farmers’ market may not be regulated by a state rule and is not subject to regulation under certain state laws; (2) require that the preparation and distribution of samples of food at a farm or farmers’ market meet certain sanitary conditions; (3) prohibit the executive commissioner of the Health and Human Services Commission or a state or local enforcement agency from adopting a rule requiring a farmers’ market to pay a permit fee for conducting a cooking demonstration or providing samples of food, if the demonstration or provision of samples is conducted for a bona fide educational purpose; and (4) provide for the circumstances under which a person may conduct a cooking demonstration at a farmers’ market.

H.B. 1435 (Darby) – Lawsuits: would require: (1) a party filing a petition, motion, or other pleading challenging the constitutionality of a statute to serve notice on the attorney general if the attorney general is not a party; and (2) the council of government for an area to provide more specific notice to a county clerk of a municipal solid waste landfill until it is no longer operating.

H.J.R. 83 (Hughes) – State Taxes: would require an affirmative record vote of two-thirds of the Texas legislature on final consideration of a bill that imposes or increases a state tax.

H.J.R. 85 (Howard) – State Budget: would amend the Texas Constitution to provide that a state budget appropriation from the state’s Rainy Day Fund is an appropriation of state tax revenues dedicated by the Texas Constitution.

H.J.R. 87 (Munoz) – Vacancies: would amend the constitution to authorize a home-rule city whose governing body has terms of office of more than two years to provide in its charter the procedure for filling a vacancy on the governing body for which the unexpired term is 24 months or less.

S.B. 522 (Estes) – Administrative Procedures Act: would provide for significant reforms to the procedures for conducting contested cases before state agencies. (Note: City attorneys that work in the area of administrative law should carefully review the provisions of this bill.)

S.B. 531 (Duncan) – Self-Coverage Funds: this bill is the same as **H.B. 1226**, above.

S.B. 581 (Carona) – Public Funds Collateral Act: would: (1) allow a custodian of collateral to deliver a trust receipt for collateral to a governmental entity to either the appropriate public entity officer or the public entity's depository (current law authorizes only delivery to an officer for the public entity); and (2) require a custodian of collateral to provide a list of all investment securities pledged to the public entity at the request of the public entity.

S.B. 582 (Davis) – Residential Swimming Pool Safety Act: would: (1) require a person who constructs an in-ground or above-ground swimming pool, or who remodels a swimming pool for a single-family home, to provide: (a) on each access door from the home to the pool, an exit alarm; and (b) a swimming pool alarm that sounds on detection of accidental or unauthorized entrance into the water; (2) require that written notice of the requirements in (1), above, be provided to a homeowner by a person who sells, constructs, installs, or remodels pools; (3) require the Department of State Health Services to adopt rules necessary to implement the bill and to post on its website the requirements of the bill; (4) except various pools from the requirements of the bill, including a pool in the jurisdiction of a political subdivision that adopts an ordinance regarding alarms for residential swimming pools with requirements that are at least as stringent as the requirements of the bill; and (5) provide civil penalties for failure to comply with the bill.

S.B. 596 (Birdwell) – Alcoholic Beverage Permits: would, among other things, provide that an alcoholic beverage may not be provided to the public free of charge on the premises of a commercial establishment not licensed or permitted under the Alcoholic Beverage Code if the owner or operator of the establishment is ineligible for a permit or license or has been denied a permit or license for the premises.

S.B. 636 (Paxton) – Municipal Debt: would, among other things: (1) provide that the attorney general may not approve a local security until the attorney general receives written notification from the Bond Review Board that the board has received information on the local security from the issuing governmental body or has agreed to a later date of submission of the information; (2) require the Bond Review Board to maintain a searchable, computerized database that contains details on bond and debt obligations; (3) would require the state bond finance office to publish an annual report on local securities; and (4) would require an issuer of a local security to annually provide information that the state bond finance office considers necessary for the preparation of any report.

S.B. 637 (Paxton) – Municipal Debt: would, among other things, require: (1) any bond proposition to contain language regarding: (a) the maximum tax rate sufficient to pay the annual interest on the bonds and to provide a sinking fund to redeem the bonds at maturity; (b) the aggregate amount of outstanding bonds and other debt obligations, including interest, accumulated by the taxing unit on the date of the election; and (c) the ad valorem debt tax rate

for outstanding bonds and other debt obligations, including interest, imposed by the taxing unit on the date of the election; (2) a city to give notice of a bond election as soon as practicable after the election is ordered through the date of the election by prominently posting the notice of the election and contents of the ballot proposition on the city's website, if the city maintains a website; and (3) the ballot proposition to be printed to permit voting for or against the proposition: "The issuance of bonds and the imposition of an ad valorem tax."

MUNICIPAL COURTS

H.B. 1222 (Turner) – Water Safety Offenses: would grant jurisdiction to a municipal court over water safety offenses under the Parks and Wildlife Code.

H.B. 1311 (Farias) – Elderly Victims: would require a judge to make an affirmative finding of fact if the judge determines that the victim or intended victim of a crime was 65 years of age or older and would add a \$100 court cost to such an offense.

H.B. 1426 (Moody) – Discovery: would require a municipal prosecutor, upon request by a defendant, before or during a trial, and subject to certain exceptions and existing rules of evidence, to make available to the defendant multiple types of discovery records related to the case. (Companion bill is **S.B. 91** by **Ellis**.)

S.B. 501 (West) – Water Safety Offenses: this bill is the same as **H.B. 1222**, above.

COMMUNITY AND ECONOMIC DEVELOPMENT

H.B. 1191 (Burkett) – Group Homes: would: (1) make information about housing options for persons with mental illness available online through the Texas Information and Referral Network Internet site; and (2) require housing providers, including cities, to cooperate with the Texas Information and Referral Network Internet site to provide related information.

H.B. 1250 (Frank) – Property Acquisition/Eminent Domain: would provide that private property acquired through eminent domain or through purchase in connection with an initial offer must be initially used for the public use for which it was acquired.

H.B. 1335 (Sheets) – Economic Development: would prohibit a home-rule city from mandating to an economic development corporation in an economic development agreement under Chapter 380 of the Local Government Code the compensation to be paid to workers during the construction of a project.

H.B. 1377 (Kolkhorst) – Regulation of Trees and Timber: would provide that: (1) a landowner owns all trees and timber located on the landowner's land as real property until cut or otherwise removed from the land, unless otherwise provided by a contract, bill of sale, deed, mortgage, deed of trust, or other legally binding document; (2) a governmental entity, including a city, may not prohibit a landowner from trimming or removing trees or timber located on the landowner's land; (3) a governmental entity may, if authorized by other state law and subject to

the limitations of that law, assess a limited mitigation fee as that term is described by the bill against a landowner for the removal of a mature tree on the landowner's land; (4) a landowner is entitled to plant a replacement tree at the landowner's expense instead of paying a mitigation fee; and (5) notwithstanding any other law, a city may not regulate the trimming or removal of trees or timber in the city's extraterritorial jurisdiction, unless the extraterritorial jurisdiction is adjacent to or includes all or part of a federal military base in active use as of September 1, 2013.

PERSONNEL

H.B. 1031 (Lewis) – Personnel: would allow an employer, including a city, to create an ombudsman program for employees that: (1) provides an alternative dispute resolution service to help employees resolve workplace disputes; (2) gathers information that would be confidential and non-discoverable as a part of the ombudsman procedure; and (3) allows an employer to create a different ombudsman or alternative dispute resolution service that is not subject to the requirements and protections of the statutory program. (Companion bill is **S.B. 399** by **Hancock.**)

H.B. 1065 (Hernandez Luna) – Employee Leave: would: (1) require an employer, including a city, to give paid leave to an employee to attend a court hearing due to being a victim of a crime or their child being a victim of a crime; (2) allow an employer to require that an employee use their accrued paid leave to take the leave; (3) create a cause of action for an employee if they are retaliated against by an employer for use of the leave; (4) require the employee to provide appropriate documentation to the employer; (5) require an employer to place a conspicuous notice of this right in the workplace; and (6) prohibit a collective bargaining agreement adopted after 2013 from modifying the right to paid leave.

H.B. 1092 (Martinez) – Civil Service: would: (1) prohibit any condition from being placed on a voluntary civil service suspension of a fire fighter or police officer, unless the individual retains the right to appeal the condition; and (2) grant to a fire fighter or police officer the right to appeal any condition added to a suspension.

H.B. 1312 (Fletcher) – Police/Fire Civil Service: would amend Chapter 143 of the Local Government Code to provide that: (1) if a civil service commission finds that a period of disciplinary suspension should be reduced, the commission may order a reduction in the period of suspension; and (2) if the 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. 1364 (Lucio) – Meet and Confer: would reduce from 50,000 to 10,000 the minimum population allowing fire fighter meet and confer.

H.B. 1369 (McClendon) – Employee Leave: would: (1) require an employer, including a city, to allow an employee who is a parent or guardian to take unpaid time off to meet with his child's school or attend his child's school activities; (2) allow a city to require the employee to use any

paid leave time to go to the school; (3) require an employee to provide advance written notice and documentation to the employer if possible; (4) require the employer to give notice to its employees regarding this right; and (5) create a cause of action if an employee is retaliated against for using this right.

H.B. 1419 (S. Thompson) – Wage Discrimination Report: would require the Texas Workforce commission to prepare a wage discrimination report for the legislature every even-numbered year.

H.B. 1424 (Moody) – Workers Compensation: would waive governmental immunity for claims against a public employer, including a city, that discriminates or retaliates against a first responder who has filed a workers compensation claim.

H.B. 1430 (Fletcher) – Termination of Public Safety Employees: would: (1) prohibit a city from terminating an injured peace officer or firefighter before he or she has reached maximum medical improvement; and (2) create a cause of action for damages and reinstatement if the bill is violated.

H.B. 1447 (Button) – Immigration: would require a city to: (1) participate in the federal government’s program for electronic verification of employee immigration status (“E-Verify”); and (2) immediately terminate an employee responsible for verifying the immigration status of other employees if the verifying employee fails to use E-Verify.

S.B. 200 (Patrick) – Pension Review Board: this is the Pension Review Board sunset bill. Of interest to cities, the bill would: (1) continue the Pension Review Board until 2025; (2) authorize the board to provide training to retirement trustees and administrators; (4) exempt some fire fighter pension plans from the certain state law requirements; (5) require an audit for a public retirement system that is separate from a governmental entity’s general audit; (6) require that a public retirement system inform its participants within 31 days of any significant change in the ordinances or regulations of the system that could affect contributions, benefits, or eligibility; and (7) eliminate certain actuarial valuations for defined contribution plans.

PUBLIC SAFETY

H.B. 1194 (Paddie) – Firearms: would authorize a concealed handgun license holder to openly carry a handgun.

H.B. 1200 (Taylor) – Search and Rescue Dogs: would: (1) prohibit the owner, manager, or operator or an employee or agent of the owner, manager, or operator of a public facility from denying a search and rescue dog or the dog’s handler admittance because of the presence of the dog; (2) prohibit the owner, manager, or operator or an employee or agent of the owner, manager, or operator of a common carrier plan, train, bus, streetcar, boat, or other public conveyance or mode of transportation from: (a) refusing to accept as a passenger a search and rescue dog or the dog’s handler; and (b) requiring the dog’s handler to pay an additional fare because of the search and rescue dog; (3) prohibit a public facility from adopting a policy that prohibits the use of the facility by a search and rescue dog or the dog’s handler; (4) provide that a

search and rescue dog's handler is entitled to full and equal access to all housing accommodations offered for rent, lease, or compensation in this state, subject to any condition or limit established by law that applies to all persons, except that a handler may not be required to pay an extra fee or charge or security deposit for the search and rescue dog; (5) provide penalties for discrimination against a search and rescue dog and the dog's handler; (6) allow a person to maintain a civil cause of action against a handler for personal injury, property damage, or death resulting from the failure of the handler to properly harness or leash the dog; (7) make a handler liable for property damage caused by a search and rescue dog to a public facility or housing accommodation; (8) waive immunity from suit and liability of a governmental entity owning a search and rescue dog or employing the dog's handler for liability described in (6) and (7), above; and (9) authorize a person to ask a search and rescue dog handler to display proof that the handler is a peace officer, firefighter, or member of a state or nationally-recognized search and rescue agency.

H.B. 1206 (Parker) – Missing Children: would require a local law enforcement agency – upon receiving a report that a child's whereabouts are unknown and indications are that the child was taken or retained without permission of the custodian for a period of not less than 48 hours – to: (1) immediately make a reasonable effort to locate and determine the well-being of the child; (2) notify the Department of Family and Protective Services if the agency has reason to believe the child is a victim of abuse or neglect; and (3) use its discretion in deciding whether to take possession of the child as authorized by law

H.B. 1258 (Zedler) – Evading Arrest: would require a sentence for evading arrest to commence immediately on completion of any sentence imposed for the conduct for which the peace officer was attempting to lawfully arrest or detain the defendant.

H.B. 1275 (Smith) – Bond Conditions: would require a defendant ordered by the court to have an alcohol monitoring device installed as a condition of bond to pay a fee not to exceed \$10.

H.B. 1294 (Price) – Child Safety Seat: would add a requirement to the defense for failure to secure child in safety seat that the defendant was not arrested or issued a citation for violation of any other offense.

H.B. 1298 (Stickland) – Concealed Handguns: would expand the places where a concealed handgun licensee can carry a handgun to include a public or private school, with certain conditions and exceptions.

H.B. 1313 (Creighton) – Concealed Handguns: would, among other things, expand the places where a concealed handgun licensee can carry a handgun to include the campus of an institution of higher education, with certain exceptions.

H.B. 1314 (Creighton) – Firearms: would, with limited exceptions, provide that a person who is an officer or employee of the United States, the state, or a political subdivision commits a class A misdemeanor if the person, while acting under color of the person's office or employment, intentionally or knowingly seizes a firearm as required by a federal statute, order, rule, or

regulation that imposes a prohibition, restriction, or other regulation on firearms that does not exist under the laws of this state.

H.B. 1333 (Perry) – Synthetic Drugs: would add certain synthetic drug compounds to Penalty Group 2 or 2-A of the Texas Controlled Substances Act.

H.B. 1342 (Raymond) – Emergency Medical Services: would require a private emergency medical services provider to receive a certificate of local need and necessity from a city or county based on specified criteria before providing services within that location.

H.B. 1353 (E. Rodriguez) – Emergency Alarms in Schools: would require that each school have three or more electronic alarms designed to be used to alert law enforcement of the need for an emergency response.

H.B. 1392 (S. King) – Cottage Foods: would give the Department of State Health Services the ability to make an official, binding determination regarding the applicability of any food regulation adopted under certain parts of the Health and Safety Code, including cottage food production.

H.B. 1393 (S. King) – Cottage Foods: would prohibit the Department of State Health Services from adopting any rule requiring that food production occurring in a home be separated from living and sleeping areas.

H.B. 1417 (S. Thompson) – Drug Offenses: would reduce the penalty for certain controlled substance offenses.

H.B. 1420 (Fletcher) – Failure to Identify: would provide that a person commits an offense if the person intentionally refuses to give the person's name, residence, address, or date of birth to a peace officer who has lawfully arrested or detained the person.

H.B. 1421 (Perry) – Seized Property: would: (1) authorize a court to order, in certain instances, that a seized weapon be sold at a public sale or auction; (2) allow only a licensed firearms dealer to purchase a weapon at a public sale held under (1), above; and (3) require that the proceeds from the sale of a weapon be transferred, after the deduction of court and auction costs, to the law enforcement agency holding the weapon. (Companion bill is **S.B. 343** by **Estes**.)

H.B. 1439 (Lucio) – Complaints and Affidavits: would: (1) provide that an attorney representing the state in the prosecution of felonies may request a district or appellate judge to seal a complaint and provide that the attorney may request a single 30-day extension of the order to seal a complaint under certain circumstances; and (2) make any complaint presented to a magistrate in support of the issuance of a warrant public information, except a complaint sealed under (1), above.

H.B. 1446 (Button) – Rabies Vaccines: would allow a trained staff member of an animal shelter to administer a rabies vaccine to an impounded animal under the general supervision of a veterinarian.

H.J.R. 81 (Craddick) – Law Enforcement: would amend the Texas Constitution to make a sheriff the “chief law enforcement officer of the county.”

S.B. 509 (Williams) – School Security Districts: would authorize school districts to create school security districts that encompass the entire school district area and, after an election, impose ad valorem taxes and sales taxes for crime prevention measures. (Note: Please see **S.J.R. 33**, below.)

S.B. 526 (J. Rodriguez) – Peace Officers: would prohibit peace officers from asking the nationality or immigration status of a witness or victim of a criminal offense except: (1) as necessary to investigate the offense; or (2) to provide information about federal visas for individuals providing assistance to law enforcement.

S.B. 527 (J. Rodriguez) – Peace Officers: would prohibit a police department from holding an individual who has an immigration detainer: (1) unless the hold is for one of several serious offenses listed in the bill, once the individual posts bail or discharges their sentence; and (2) unless the person is in custody as a witness or a victim, who has not been charged with a crime, regardless of whether they have information related to the investigation or prosecution of a crime.

S.B. 532 (Van de Putte) – Human Trafficking: this bill is the same as **H.B. 8**, above.

S.B. 562 (Carona) – Polygraph Examiners: would: (1) prohibit a person from using or offering to use, for compensation or for a law enforcement purpose, an instrument, including a polygraph, to detect deception or verify the truth of a statement unless the person has an applicable state license; (2) provide for certain licensing and continuing education requirements for polygraph examiners; and (3) prohibit a person from using, for compensation or a law enforcement purpose, a voice stress analyzer or similar device to detect deception or verify the truth of a statement.

S.B. 616 (Carona) – Burglary: would provide that a person who enters a building or habitation while evading or attempting to evade arrest or detention commits the crime of burglary. (Companion bill is **H.B. 73** by **Fletcher**.)

S.J.R. 33 (Williams) – School Security Districts: would amend the Texas Constitution to authorize school districts to create school security districts and impose ad valorem taxes for crime prevention measures. (Note: Please see **S.B. 509**, above.)

UTILITIES AND ENVIRONMENT

H.B. 200 (Murphy) – Liability of Electric Utilities: would: (1) for an electric utility located in a county with a population of four million or more: (a) authorize the electric utility to enter into an agreement with a political subdivision to allow public access to and use of the premises of the electric utility for recreation, exercise, relaxation, travel, or pleasure; (b) provide that the utility by entering into an agreement under (a), above, does not: (i) assure that the premises are safe;

(ii) does not owe to a person entering the premises a greater degree of care than is owed to a trespasser, and, (iii) except in certain instances, does not assume responsibility or incur any liability for damages arising from bodily or personal injury or death, property damage, or the act of a third party; (c) provide that the limitation on liability provided to the electric utility applies only to a cause of action brought by a person who enters the premises for recreation, exercise, relaxation, travel, or pleasure; (d) provide that the doctrine of attractive nuisance is not applicable; and (e) provide that a written agreement described in (a), above, may require the political subdivision to provide or pay for insurance coverage for any defense costs or other litigation costs incurred by the electric utility for damage claims; and (2) authorize a person to appeal an interlocutory order of a district court, county court at law, or county court that denies a motion for summary judgment filed by an electric utility in a suit regarding liability described in (2), above. (Companion bill is S.B. 633 by Ellis.)

H.B. 1189 (Larson) – Regional Water: would create the Southwestern States Water Commission as an advisory commission to work with neighboring states and then advise the governor and the legislature on regional water issues.

H.B. 1307 (Geren) – Water Utilities: this omnibus water utility reform bill would transfer functions relating to the economic regulation of water and sewer service – including certificates of convenience and necessity – from the Texas Commission on Environmental Quality to the Public Utility Commission of Texas (PUC). In addition, the bill would provide that:

1. certain duties relating to residential and small commercial water customer representation are assigned to the Office of Public Utility Counsel.
2. a city retains original jurisdiction over water rates and service with its limits.
3. the regulatory authority, including a city, may require, by order or subpoena served on any utility, the production at the time and place it may designate of any books, accounts, papers, or records kept by a water and sewer utility outside the state or verified copies of them if the regulatory authority so orders.
4. for purposes of water rate and service regulation, create utility classifications as follows:
 - (1) a Class A utility means a public utility that provides retail water or sewer utility service through 10,000 or more taps or connections or an affiliate of a such a utility;
 - (b); a Class B utility means a public utility that provides retail water or sewer utility service through 500 or more taps or connections but fewer than 10,000 taps or connections; and
 - (c) a Class C utility means a public utility that provides retail water or sewer utility service through fewer than 500 taps or connections.
5. a Class A utility may not make changes in its rates except by delivering a statement of intent (which must include a description of the process by which a ratepayer may intervene in the ratemaking proceeding) to each ratepayer and with the regulatory authority having original jurisdiction at least 35 days (Note: reduced from 60 days in current law) before the effective date of the proposed change.
6. the regulatory authority shall, not later than the 30th day after the effective date of a rate change, begin a hearing to determine the propriety of a rate change request by a Class A utility.

7. a Class A utility is not required to provide a formal answer or file any other formal pleading in response to a city's notice that the city will hold a hearing on rate change request, and the absence of an answer does not affect an order for a hearing.
8. a utility may put a changed rate into effect throughout the area in which the utility sought to change its rates, including an area over which the utility commission is exercising appellate jurisdiction, by filing a bond with the utility commission if a city acting as a regulatory authority fails to make a final rate determination before the 91st day after the date the rate change would otherwise be effective.
9. a Class B utility may not make changes in its rates except by delivering a statement of intent to each ratepayer and with the regulatory authority having original jurisdiction at least 35 days before the effective date of the proposed change.
10. when the statement of intent under (9), above, is delivered, the Class B utility shall file with the regulatory authority an application to change rates.
11. if, before the 91st day after the effective date of the rate change under (10), above, the regulatory authority receives a complaint from any affected city, the regulatory authority shall set the matter for hearing.
12. the Class B utility is not required to provide a formal answer or file any other formal pleading in response to the notice, and the absence of an answer does not affect an order for a hearing.
13. the Class B utility shall mail notice, which must include a description of the process by which a ratepayer may intervene in the ratemaking proceeding, of the hearing to each ratepayer before the hearing.
14. a Class B utility or two or more utilities under common control and ownership may not file a statement of intent to increase its rates more than once in a 12-month period, unless the regulatory authority determines that a financial hardship exists.
15. The PUC by rule shall adopt procedures to allow a Class C utility to receive without a hearing an annual rate adjustment based on changes in a price index adopted by the PUC.
16. a Class C utility may adjust its rates using the procedures adopted under (15), above, not more than once each year and not more than four times between formal rate proceedings.

(Companion bill is S.B. 567 by Watson.)

H.B. 1317 (Creighton) – Water Infrastructure Funding: would provide that, if the state water implementation fund for Texas is created by the Eighty-Third Legislature: (1) the comptroller shall transfer to the credit of the state water implementation fund an amount of general revenue equal to that reduced amount (if the comptroller reduces the unencumbered amount of state revenue to be transferred to the state's Rainy Day Fund); (2) the comptroller shall transfer to the credit of the state water implementation fund for Texas a certain amount according to the bill (if the comptroller reduces an amount to be transferred to the economic stabilization fund from excess oil and gas revenue that would otherwise go to the state's general fund); (3) a surplus account in the Texas Water Development Board Fund II account is created; (4) money transferred under (1) and (2), above, goes to the surplus account; and (5) at the direction of the Texas Water Development Board, the comptroller shall transfer money from the surplus account to another account in the fund for use by the board.

H.B. 1324 (J. Davis) – Water Districts: would provide that certain water districts must release certain land if the district fails to provide services to the land. (Companion bill is **S.B. 619** by **Taylor.**)

S.B. 514 (Davis) – Saltwater Pipelines: would provide that: (1) a saltwater pipeline operator is entitled to install, maintain, and operate a saltwater pipeline facility through, under, along, across, or over a public road only if: (a) the pipeline facility complies with applicable federal and state regulations, as well as any municipal regulations regarding the accommodation of utility facilities on a public road or right-of-way, including regulations relating to the horizontal or vertical placement of the pipeline facility; and (b) the saltwater pipeline operator ensures that the public road and associated facilities are promptly restored to their former condition of usefulness after the installation or maintenance of the pipeline facility is complete; (2) the governing body of a city may require a saltwater pipeline operator to relocate a saltwater pipeline facility at the cost of the saltwater pipeline operator to accommodate construction or expansion of a public road or for any other public work unless the saltwater pipeline operator has a property interest in the land occupied by the facility to be relocated; and (3) the bill does not affect the authority of a city to regulate the use of a public right-of-way by a saltwater pipeline operator under any other law or require the payment of a franchise fee for the use of municipal rights-of-way.

S.B. 536 (Hinojosa) – Greenhouse Gas Emissions: would require the Texas Commission on Environmental Quality to adopt a program for issuing permits that include the regulation of greenhouse gas emissions, in accordance with federal law. (Companion bill is **H.B. 788** by **W. Smith.**)

S.B. 567 (Watson) – Water Utilities: this bill is the same as **H.B. 1307**, above.

S.B. 584 (Hegar) – Accidental Discharges: would exempt an individual from notifying the Texas Commission on Environmental Quality of an accidental discharge or spill of 1,500 gallons or less from a wastewater treatment facility or works or collection facility, if the discharge or spill does not reach waters of the state. (This bill is similar to **H.B. 824** by **Callegari.**)

S.B. 619 (Taylor) – Water Districts: this bill is the same as **H.B. 1324**, above.

S.B. 633 (Ellis) – Electric Utilities: this bill is the same as **H.B. 200**, above.

TRANSPORTATION

H.B. 479 (Harper-Brown) – Transportation Funding: would provide that the comptroller shall deposit 25 percent of the motor vehicle sales tax paid on motor fuel used in motorboats to the credit of the state's available school fund, and shall deposit the remaining amount to the credit of the state highway fund.

H.B. 1097 (Sheets) – Construction or Maintenance Work Zone: would amend the definition of a "construction or maintenance work zone" to mean a portion of a highway or street: (1) where highway construction or maintenance is undertaken, other than mobile operations; (2) that

is marked by at least one sign: (a) indicating that it is a construction or maintenance work zone; (b) indicating the maximum lawful speed; and (c) stating fines double when workers are present; and (3) that is marked by signs indicating where the zone begins and ends.

H.B. 1102 (Harper-Brown) – Complete Streets: would, among other things: (1) require the Texas Transportation Commission (Commission) to adopt a complete streets policy that provides guidelines for addressing the safety, accessibility, and mobility of users of streets and highways, including pedestrians, bicyclists, persons with disabilities, children, seniors, public transportation users, commercial goods movers, and motorists in the planning, design, construction, and maintenance of streets and highways; (2) require local authorities (counties, cities, and certain other local entities) to ensure that all transportation planning, design, construction, and reconstruction, street or highway improvements, and access roads, bicycle paths, and sidewalks to public transportation comply with the complete streets policy if federal or state funds are used; (3) require, to the extent consistent with federal law, a metropolitan planning organization to ensure that any transportation improvement plan complies with the complete streets policy; (4) exempt transportation projects from complying with the complete streets policy if: (a) use of the street or highway by bicyclists or pedestrians is prohibited by law; (b) the cost to comply would be excessively disproportionate to the present or future need or use of the street or highway; or (c) the sparseness of population indicates an absence of future need; (5) require that an exemption described in (4), above, be approved by the Texas Department of Transportation (TxDOT) or local authority and supported by publicly available documentation; and (6) require TxDOT or the local authority to certify that each transportation project complies with the complete streets policy in all aspects of project development. (Companion bill is **S.B. 565** by **Ellis.**)

H.B. 1290 (Phillips) – Transportation Reinvestment Zones: would provide that the governing bodies of two or more local governments that have designated a transportation reinvestment zone may enter into an agreement to provide for the joint administration of two or more adjacent transportation reinvestment zones.

H.B. 1309 (Guillen) – Transportation Funding: would, among other things: (1) impose a tax on the number of miles traveled during a defined tax period (related to the vehicle registration period) by a motor vehicle subject to inspection under state law; (2) provide that the tax is one cent per mile driven on a vehicle that weighs less than 10,000 pounds and more for vehicles that weigh more than 10,000 pounds minus the motor fuels taxes paid by the registrant (determined by a credit formula under the bill that includes the year, make, and model of the vehicle); (3) provide that the comptroller shall adopt detailed rules relating to the implementation of the bill; and (4) mandate that the revenue under the bill be deposited to a new road construction account in the state highway fund to be used to maintaining roads in the state.

H.B. 1336 (Keffer) – Transportation Funding: would: (1) create the Transportation Infrastructure Fund to be supported by a transfer of \$1.4 billion from the state's "Rainy Day Fund;" (2) provide that the Texas Department of Transportation shall provide grants from the funds to for state or county roads for transportation infrastructure projects; and (3) provide that at least fifty-percent of the funds must go to county road projects related to oil and gas development.

S.B. 565 (Ellis) – Complete Streets: this bill is the same as **H.B. 1102**, above.

S.J.R. 31 (Davis) – Transportation Funding: would amend the Texas Constitution to provide that: (1) subject to legislative appropriation, allocation, and direction, three-fourths of the net revenue that is remaining after payment of all refunds allowed by law and expenses of collection that is derived from taxes on motor fuels and lubricants used to propel motor vehicles over public highways shall be used for the sole purpose of constructing and maintaining public highways; and (2) for a biennium, the legislature may not appropriate those funds for a purpose other than acquiring rights-of-way or constructing or maintaining public roadways in an amount that exceeds the lesser of the total amount of those funds appropriated for a purpose other than acquiring rights-of-way, constructing, or maintaining public roadways in the preceding biennium or a slightly less amount in certain circumstances.

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