TXAPA/TML AFFILIATE LEGISLATIVE COMMITTEE
Planning Legislation Update as of March 13, 2015

Legislative Committee
Texas Chapter/American Planning Association as an affiliate of the Texas Municipal League

- Monday, November 20, 2014 - Pre-filing of legislation for the 84th Legislature begins;
- Tuesday, January 13, 2015 (1st day) - 84th Legislature convenes at noon;
- Friday, March 13, 2015 (60th day) - Deadline for filing bills and joint resolutions other than local bills, emergency appropriations, and bills that have been declared an emergency by the governor;
- Monday, June 1, 2015 (140th day) - Last day of 84th Regular Session; corrections only in house and senate
- Session Ends
- Sunday, June 21, 2015 (20th day following final adjournment) - Last day governor can sign or veto bills passed during the regular legislative session
- Monday, August 31, 2015 (91st day following final adjournment) - Date that bills without specific effective dates (that could not be effective immediately) become law

The following is the status of the Planning Related Bills and other issues as listed on the TML Legislative Report and/or sent to TXAPA

Pre-filing of bills continues on numerous city-related issues. The 2013 regular session, by way of comparison, was characterized by the volume of work. Lawmakers filed over 6,000 bills and proposed Constitutional amendments, many of which would have impacted Texas cities. It is likely that at least that many bills, if not more, will be filed in the upcoming 2015 session. Following is the status of Planning and Development related bills as of this point.

This document is for informational purposes on the status of legislation affecting the planning, development and growth of cities and comes mainly from Texas Municipal League information with periodic checks by TXAPA members on bill status.

Red Highlighted wording are new bills since the last report. **Bold red heading is a bill that has been determined by TXAPA or TML to be detrimental to cities in their regulation of development, has potential to make it out of committee and should be watched closely. Green heading is generally of benefit to cities and should be looked at to support.** Other bills listed are still important to cities and should also be reviewed and monitored.

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AFFORDABLE HOUSING

H.B. 738 (Larson) – Rental Housing: would prohibit a city or county from adopting or enforcing an ordinance or regulation that prohibits an owner, lessee, sublessee, assignee, managing agent, or other person who has the right to lease, sublease, or rent a housing accommodation from refusing to lease or rent the housing accommodation to a person because of the person’s lawful source of income to pay rent, including a federal housing choice voucher. (Companion bill is S.B. 267 by Perry.)

S.B. 267 (Perry) – Rental Housing (Referred to Business & Commerce as of 1.28.15): would provide that neither a city nor a county may not adopt or enforce an ordinance or regulation that prohibits an owner, lessee, sublessee, assignee, managing agent, or other person having the right to lease, sublease, or rent a housing accommodation from refusing to lease or rent the housing accommodation to a person because of the person’s lawful source of income to pay rent, including a federal housing choice voucher. (Companion bill is H.B. 738 by Larson)

AGENDA 21, RELATED “ANTI-PLANNING LEGISLATION”

H.B. 1654 (M. White) – United Nations Agenda 21: would prohibit governmental entities, including cities, from entering into agreements or contracts with, accepting money from, or granting money or financial aid to a nongovernmental or intergovernmental organization accredited by the United Nations to implement a policy that originated in the Agenda 21 plan adopted by members of the United Nations. (Companion bill is S.B. 445 by Hall.) (Editor note - Not sure what the impact of this is)

S.B. 445 (Hall) – United Nations Agenda 21 (Referred to State Affairs as of 2/9/15): would prohibit governmental entities, including cities, from entering into agreements or contracts with, accepting money from, or granting money or financial aid to a nongovernmental or intergovernmental organization accredited by the United Nations to implement a policy that originated in the Agenda 21 plan adopted by members of the United Nations. (Editor note - Not sure what the impact of this is)

S.B. 710 (Burton) – Liberty Cities: would, among other things: (1) create a new type of city called a “Liberty City,” which would be in addition to the current types of A, B, and C general law and home rule cities; (2) allow incorporation as or conversion to a Liberty City; (3) provide that a Liberty City is bound by a “bill of rights” as stated in the bill; (4) provide that a Liberty City may not: (a) annex unless the annexation is voter-approved; (b) impose a property tax; (c) issue debt in most circumstances; (d) enact zoning or prepare a comprehensive plan; and (5) mandate that the budget for a Liberty City be a zero-based budget.

ALCOHOLIC BEVERAGES

H.B. 2035 (Raymond) – Alcohol-Related Businesses: would authorize a city to regulate, in a manner otherwise provided by law, the location of an establishment that derives 50 percent or more of its gross revenue from the on-premise sale of alcohol and is located in a city not more than 50 miles from an international border.

H.B. 1917 (Dutton) – Sale of Alcohol: would: (1) allow the Texas Alcoholic Beverage Commission, on the request of a city mayor, to extend the hours alcohol may be sold and consumed in a licensed hotel in the city during a special event that is being held in or near the city; and (2) limit the extended sale hours to a period not to exceed 72 consecutive hours.

H.B. 2047 (Ashby) – Alcohol-Related Businesses: would authorize a public school district to petition the city council in which the district is located to adopt a 1,000-foot zone around a school in which alcohol may not be sold (current law only authorizes a district in a city with a population of 900,000 or more to petition the city council).
H.B. 2296 (Smith) – Alcohol in Central Business District: would: (1) authorize a city to prohibit, by charter or ordinance, the possession of an open container or the public consumption of alcoholic beverages in the central business district of the city upon a finding that such activity poses a health and safety risk; (2) require a city adopting the prohibition described in (1), above, to adopt a map, plat, or diagram showing the central business district that is covered by the prohibition; and (3) prohibit a city charter or ordinance from forbidding the possession of an open container or the consumption of alcoholic beverages in motor vehicles, a building not owned or controlled by the city, residential structures, or a licensed premises located in the area of prohibition described in (2), above.

H.B. 2533 (Goldman) – Alcohol-Related Businesses: would repeal a state law that prohibits the holder of an alcoholic beverage license or permit to, on premises under his control, maintain or permit a radio, television, amplifier, piano, phonograph, music machine, orchestra, band, singer, speaker, entertainer, or other device or person that produces, amplifies, or projects music or other sound that is loud, vociferous, vulgar, indecent, lewd, or otherwise offensive to persons on or near the licensed premises.

H.B. 2735 (Capriglione) – Wet/Dry Status: would provide that, in a city that has held certain local option elections after January 1, 1985, the governing body of the city may adopt an ordinance authorizing the sale of beer and wine for off-premise consumption in an area annexed by the city in certain circumstances.

S.B. 700 (Eltife) – Alcoholic Beverage Commission: would: (1) require the Texas Alcoholic Beverage Commission (TABC) to expedite the processing of applications for licenses, permits and certificates by using electronic means, and authorize TABC to charge a reasonable fee to applicants choosing to apply for licenses, permits, and certificates electronically; and (2) provide that electronic signatures on TABC records, documents, and applications have the same force and effect as a manual signature.

S.B. 802 (Eltife) – Public Entertainment Facility: would provide that the independent concessionaire for a public entertainment facility, including a stadium, arena, amphitheater, or other venue, may allow a patron who possesses an alcoholic beverage to enter or leave a licensed or permitted premises within the facility under certain circumstances.

ANNEXATION, DEVELOPMENT & STRATEGIC PARTNERSHIP AGREEMENTS

The House Committee on Land and Resource Management issued its interim report in January. Their annexation recommendation isn’t entirely clear, but appears to require a vote prior to annexation, and to erode municipal authority in the extraterritorial jurisdiction (ETJ). Specifically, “a majority vote from the citizens of an ETJ area must take place to decide annexation between the ETJ and city. The area must be as wide as it is away from the current city limits, unless it is an ETJ within city limits. Prior to annexing outside the existing city limits, cities must annex areas within city limits that may not be already a part of the city.” In addition, “ETJ’s need to be reduced to ½ mile for all cities. Currently larger cities have a massive advantage over smaller cities that are having their growth stifled. This measure would only apply if a vote of the citizens of the “to be” annexed area is not required. Obviously this would be detrimental to cities.

H.B. 359 (Springer) – Disannexation (Referred to Land & Resource Management as of 2.2.15): would provide that if a city fails or refuses to disannex an area pursuant to a petition alleging failure to provide services, a district court shall enter an order disannexing the area if the court finds that a valid petition was filed with the city and that the city failed to perform its obligations in accordance with the service plan or the state law governing provision of services. (Note: This bill would overturn a Supreme Court of Texas decision in favor of the City of Bryan.)

H.B. 555 (Springer) – Annexation (Referred to Land & Resource Management as of 2.18.15): would provide that a city may not annex an area if the width of the area at the widest point exceeds the length of the area at the longest point, unless the boundaries of the city are contiguous to the area on at least two sides or the area
abuts or is contiguous to another jurisdictional boundary. (Editor note - have no clue what this means and what the purpose is)

**H.B. 665 (K. King) – Annexation (Referred to Natural Resources as of 2/19/15):** would provide that a general law city may not annex an area in which 50 percent or more of the property in the area to be annexed is primarily used for a commercial or industrial purpose unless the city: (1) is otherwise authorized to annex the area; and (2) obtains the written consent of the owners of a majority of the property in the area to be annexed.

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

**H.B. 1418 (Bell) – Annexation:** would authorize a general law city to annex an area in its extraterritorial jurisdiction if: (1) the owner of a noncontiguous area petitions the city to be annexed; (2) a public highway or road exists that would make the area contiguous to the city; and (3) the city also annexes the highway or road as authorized by the bill to make the area contiguous.

**H.B. 1791 (Lozano) – Annexation:** would provide that a city that proposes to annex any portion of a county road or territory that abuts a county road must also annex the entire width of the county road and the adjacent right-of-way on both sides of the county road.

**H.B. 1949 (Springer) – Annexation:** would provide that a city that proposes to annex any portion of a county road or territory that abuts a county road must also annex the entire width of the county road and the adjacent right-of-way on both sides of the county road.

**H.B. 2221 (Huberty) – Annexation:** would completely rewrite the Municipal Annexation Act to severely curtail the ability of cities to annex property. Specifically, the bill would provide – among many other things – that:

1. A city may annex an area with a population of less than 200 only if the city obtains consent to annex the area through a petition signed by: (a) more than 50 percent of the registered voters of the area; and (b) if the registered voters of the area do not own more than 50 percent of the land in the area, more than 50 percent of the owners of land in the area.
2. In no case may a city annex an area with a population of less than 200 without approval of a majority of the voters voting at an election called and held for that purpose if a petition protesting the annexation is signed by a number of registered voters of the municipality equal to at least 50 percent of the number of voters who voted in the most recent municipal election and is received by the secretary of the city.
3. A city may annex an area with a population of 200 or more only if the following conditions are met, as applicable: (a) the city holds an election in the area proposed to be annexed at which the qualified voters of the area may vote on the question of the annexation, and a majority of the votes received at the election approve the annexation; and (b) if the registered voters of the area do not own more than 50 percent of the land in the area, the city obtains consent to annex the area through a petition signed by more than 50 percent of the owners of land in the area.
4. A city may annex an area if each owner of land in the area requests the annexation if: (a) the governing body of the city first negotiates and enters into a written agreement for the provision of services in the area with the owners of land in the area (the city is not required to provide a service that is not included in the agreement); and (b) the governing body of the city conducts at least two public hearings (the hearings must be conducted not less than 10 business days apart, and during the final public hearing, the governing body may adopt an ordinance annexing the area).
5. Beginning September 1, 2015, a city may not annex an area for the limited purposes of applying its planning, zoning, health, and safety ordinances in the area, regardless of any authority granted by a home rule charter.
6. The procedures for the annexation of a special district are modified, including providing that, beginning September 1, 2015, a strategic partnership agreement may not provide for limited purpose annexation.
H.B. 2669 (Galindo) – Annexation/Incorporation: would provide that a city must allow an area in the city’s extraterritorial jurisdiction and targeted for annexation to instead incorporate as a general law city if certain procedures are met. (Companion bill is S.B. 615 by Burton.)

S.B. 615 (Burton) – Annexation/Incorporation (Referred to Intergovernmental Relations as of 2/23/15): would provide that a city must allow an area in the city’s extraterritorial jurisdiction and targeted for annexation to instead incorporate as a general law city if certain procedures are met.

S.B. 616 (Burton) – Annexation (Referred to Intergovernmental Relations as of 2/23/15): would provide that, beginning September 1, 2015, a city may not annex an area (including through the use of a strategic partnership) for the limited purposes of applying its planning, zoning, health, and safety ordinances in the area.

BUILDING INSPECTION AND CODES

The House Committee on Land and Resource Management issued its interim report in January. One of the recommendations was “If a city gives a permit then chooses to revoke it at a later date, the city should be responsible for any costs experienced by the permit holder in undoing past work and complying with the new requirements.” Legislation to limit municipal authority in this area is a certainty and would be detrimental to cities.

H.B. 91 (Flynn) – Raw Milk (Referred to Public Health as of 2.9.15): would: (1) authorize the sale of raw milk by a raw milk permit holder at their business, a consumer's residence, or a farmers’ market under certain circumstances; and (2) prohibit a local health authority from mandating a specific method for complying with temperature requirements for milk.

H.B. 342 (Dutton) – Building Permit Fees (Referred to Urban Affairs as of 2.12.15): would abolish a building permit fee on the tenth anniversary after the date the fee is adopted (or reauthorized) unless the city council holds a public hearing on the reauthorization of the fee and reauthorizes the fee by a majority vote of the city council.

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

H.B. 1488 (Sheets) – Roofing Contractors: would provide: (1) that a person may voluntarily (editor note - ?????) register with the Department of Insurance as a roofing contractor; and (2) a roofing contractor shall comply with local ordinances and regulations relating to roofing services.

H.B. 1736 (Villalba) – Energy Codes: would provide that: (1) the State Energy Conservation Office shall establish the Building Energy Efficiency Advisory Committee composed of 13 members who have an interest in the adoption of energy codes, including two building code officials; (2) the committee may submit to the Texas A&M Energy Systems Laboratory and the office: (a) comments on energy codes under consideration for adoption; and (b) recommended energy rating indexes for each climate zone in this state that may be used to measure compliance in a voluntary compliance path recognized by the International Residential Code energy efficiency provisions or the International Energy Conservation Code; (3) the office may amend or establish an energy rating index that is used to measure compliance in a voluntary compliance path of an energy code edition before adopting the edition; (4) the office may adopt an energy rating index for each climate zone in this state; (5) a local amendment may not conflict with the compliance paths established by the office; (6) the office may adopt and substitute the latest published edition of the International Residential Code energy efficiency provisions or the latest published edition of the International Energy Conservation Code, based on written findings from the Texas A&M Energy Systems Laboratory on the stringency of the editions and comments and recommendations from the Building Energy Efficiency Advisory Committee; and (7) the office may not adopt an edition more often than once every six years and shall establish by rule an effective date for an adopted edition that is not earlier than nine months after the date of adoption.
H.B. 1902 (Howard) – Graywater: would allow the Texas Commission on Environmental Quality to adopt and implement minimum standards for additional domestic uses and reuses of graywater.

H.B. 2465 (Smith) – Plumbers: would, among other things: (1) add harvesting of rainwater or reclaiming of water to supply a plumbing fixture or appliance, and installation of a multipurpose residential fire protection system, to the definition of “plumbing” under state law; (2) provide that a person is not required to be a licensed plumber to perform plumbing work if he is employed by a political subdivision to engage in plumbing only within the geographic boundaries of the political subdivision; (3) mandate that the Texas Board of Plumbing Examiners adopt the NFPA 13D Standard for the Installation of Sprinkler Systems in One- and Two-family Dwellings and Manufactured Homes, as published by the National Fire Protection Association, on January 1, 2015; (4) provide that a licensed engineer may design a multipurpose residential fire protection sprinkler system for installation (as opposed to only certain master plumbers in current law); (5) provide that a certified fire inspector may inspect or review plans only for the sprinkler portion of a multipurpose residential fire sprinkler installation, repair, or replacement if the certified fire inspector: (a) meets or exceeds the NFPA 1031 Standard for Professional Qualifications for Fire Inspector and Plan Examiner; and (b) is employed or appointed by a political subdivision or this state; and (6) mandate that a city with more than 5,000 inhabitants regulate by ordinance or bylaw the material, construction, alteration, and inspection of any pipe, faucet, tank, valve, water heater, or other fixture by or through which a supply of water, gas, medical gas, medical vacuum, or sewage is used or carried.

H.B. 2734 (Capriglione) – Roofing Contractors: would provide for the voluntary certification of roofing contractors by the Texas Department of Licensing and Regulation.

S.B. 929 (Fraser) – Energy Codes: would provide that: (1) the State Energy Conservation Office shall establish the Building Energy Efficiency Advisory Committee composed of 13 members who have an interest in the adoption of energy codes, including two building code officials; (2) the committee may submit to the Texas A&M Energy Systems Laboratory and the office: (a) comments on energy codes under consideration for adoption; and (b) recommended energy rating indexes for each climate zone in this state that may be used to measure compliance in a voluntary compliance path recognized by the International Residential Code energy efficiency provisions or the International Energy Conservation Code; (3) the office may amend or establish an energy rating index that is used to measure compliance in a voluntary compliance path of an energy code edition before adopting the edition; (4) the office may adopt an energy rating index for each climate zone in this state; (5) a local amendment may not conflict with the compliance paths established by the office; (6) the office may adopt and substitute the latest published edition of the International Residential Code energy efficiency provisions or the latest published edition of the International Energy Conservation Code, based on written findings from the Texas A&M Energy Systems Laboratory on the stringency of the editions and comments and recommendations from the Building Energy Efficiency Advisory Committee; and (7) the office may not adopt an edition more often than once every six years and shall establish by rule an effective date for an adopted edition that is not earlier than nine months after the date of adoption. (Companion bill is H.B. 1736 by Villalba.)

CODE ENFORCEMENT

H.B. 273 (Miles) – Illegal Dumping (Referred to Criminal Jurisprudence as of 2.12.15): would provide minimum terms of confinement for the offense of illegal dumping committed inside a city’s boundaries.

H.B. 274 (Miles) – Illegal Dumping (Referred to Urban Affairs as of 2.12.15): would increase the maximum fine for violation of an illegal dumping ordinance from $2,000 to $4,000.

H.B. 1792 (Springer) – Short-Term Rental Units: would: (1) require a residential short-term rental unit to provide a safe and ample water supply; be equipped with an approved system of sewage disposal; be kept sanitary; have any gas stove properly installed, maintained, and vented; maintain sanitary appliances; keep any food served in a sanitary condition; and be thoroughly cleaned between rental to different occupants; (2) declare a residential short-term rental unit that does not comply with certain health and safety standards to be a public health nuisance;
(3) impose certain fire escape requirements on a residential short-term rental unit that has a lot area greater than 5,000 square feet; (4) define a residential short-term rental unit as a “hotel” for the purposes of certain smoke detector requirements; (5) require the owner or keeper of a residential short-term rental unit to post the daily room rate; (6) require cities in certain counties (with some exceptions) to: (a) characterize and treat a residential short-term rental unit in the same manner as a hotel for purposes of consumer protection, public health and human safety, taxation, licensing, and zoning and other land use regulations; or (b) adopt an ordinance to specifically regulate residential short-term rental units; (7) provide that before listing a residential short-term rental on its website or mobile application, a listing service must obtain an affidavit signed by the owner or tenant of the unit: (a) stating compliance with all applicable state and local laws, deed restrictions, land use covenants, or leases; (b) providing the hotel taxpayer identification number applicable to the unit; and (c) including any documents relevant to demonstrating compliance with a local city ordinance; (8) require a residential short-term rental listing service to cooperate with a governmental entity that chooses to audit or attempts to identify the owner of a unit listed on the service’s website or mobile application; and (9) create a criminal offense if a person violates certain requirements regarding a residential-short term rental.

**H.B. 2556 (White) – Outdoor Burning:** would reduce the penalty for outdoor burning of tires, insulation on electrical wire or cable, treated lumber, plastics, non-wood construction or demolition materials, furniture, carpet, or items containing natural or synthetic rubber.

**S.B. 366 (Garcia) – Automotive Wrecking and Salvage Yards (Referred to Transportation as of 2.2.15):** would increase the maximum civil penalty for a person who operates an automotive wrecking and salvage yard in violation of state law from $1,000 to $5,000.

**S.B. 427 (Ellis) – Concrete Crushing Facilities (Referred to Natural Resources & Economic Development as of 2.4.15):** would require the Texas Commission on Environmental Quality by rule to prohibit the operation of a concrete crushing facility within 440 yards of certain buildings or facilities, including a place of business where employees of the business perform outdoor work near the facility or a park or other outdoor recreational facility, including a playing field.

**S.B. 1019 (Creighton) – Public Nuisance:** would provide that a city’s prohibition against keeping property free from a condition constituting a public nuisance would not apply to undeveloped land for which: (1) a condition on that land has not been found to cause a public nuisance for at least one year; and (2) a finding of public nuisance could not have been applied to that condition when the condition first occurred. (Companion bill is H.B. 1643 by Riddle.)

**COMPREHENSIVE PLANS**

**COUNTY/RURAL AUTHORITY/OLONIAS**

**DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**

**ECONOMIC DEVELOPMENT/REDEVELOPMENT**

**H.B. 292 (Stephenson) – Economic Development Corporations (Referred to Economic & Small Business Development as of 2.11.15):** would authorize a Type A or Type B economic development corporation (EDC) to use corporate revenues on primary job training facilities at a public technical college or high school located in the city limits of an EDC’s authorizing city, or at a public junior college with a service area that includes any portion of the city limits of an EDC’s authorizing city: (1) the city council of the EDC’s authorizing city adopts a resolution authorizing the EDC to finance the project; or (2) the city council of the EDC’s authorizing city orders an election on the issue after receiving a petition signed by at least 10 percent of the number of voters that participated in the last general election held in the city.
H.B. 1626 (Johnson) – Banking Development Districts: would: (1) allow a local government, in conjunction with a financial institution, to submit an application to the finance commission for the designation of a banking development district; (2) authorize the finance commission to approve an application establishing a banking development district; (3) authorize the governing body of a local government in which a banking development district has been designated to adopt a resolution designating a financial institution located in the district as a banking district depository, and authorize the local government to deposit funds with a banking district depository; and (4) authorize the governing body of a local government to enter into a tax abatement agreement with a financial institution that owns property within a banking development district.

H.B. 1249 (Schaefer) – Economic Development Corporations: would authorize, and if petitioned by at least 10 percent of the number of voters participating in the last general election in the city, require, a Type A or Type B economic development corporation to hold an election to make expenditures for general infrastructure improvements, including: (1) streets and roads; (2) water supply facilities; and (3) sewage facilities.

H.B. 1675 (Bohac) – Freeport Property Tax Exemption: would extend from 175 to 365 the number of days by which Freeport goods must be transported outside the state in order to be exempt from property taxation. (Note: Cities that have enacted the Freeport incentive should carefully consider if this extension would be beneficial or harmful to their economic development efforts and tax revenues.) (See H.J.R. 20, below.)

H.B. 1754 (Pickett) – Economic Development: would authorize a city that has entered into an economic development agreement with an entity under Local Government Code Chapter 380 to transfer to the entity real property or an interest in real property, if the entity agrees to use the property in a manner that primarily promotes a public purpose of the city relating to economic development. (Companion bill is S.B. 583 by Rodriguez.)

H.B. 1991 (Blanco) – Public Private Partnerships: would amend the current public/private partnership statute to define a “qualifying project” to include any improvements necessary or desirable to real property owned by a governmental entity or to real property owned by another person, including a contracting person, that is made available or is to be made available for public use. (Companion bill is S.B. 598 by Rodriguez.)

H.B. 1995 (Deshotel) – Property Tax Abatement: would authorize the parties to a property tax abatement agreement to modify the agreement to extend the abatement period for a period not to exceed ten years from the date the modified agreement is executed if: (1) the area in which the property is located is declared to be a disaster area by the governor; (2) the property owner sustains a casualty loss to the property as a result of the disaster; and (3) the casualty loss prevents the owner of the property from complying with the original tax abatement agreement.

H.B. 2518 (Coleman) – Closed Meetings: would authorize a closed meeting to discuss or deliberate commercial or financial information that a governmental body has received from another governmental entity relating to a business that seeks to locate, stay, or expand in or near the territory and with which the governmental body providing the financial information is conducting economic development negotiations.

H.B. 2678 (Lozano) – Economic Development: would require the office of the governor to: (1) develop and maintain a website that: (1) provides a single location for a business entity to receive information about state and local economic development incentives; and (2) allows, when feasible, the business entity to fill out and submit one application for all state and local government monetary and tax incentives for which the person may be eligible.

H.J.R. 20 (Bohac) – Freeport Property Tax Exemption: would amend the Texas Constitution to extend from 175 to 365 the number of days by which Freeport goods must be transported outside the state in order to be exempt from property taxation. (See H.B. 1675, above.)

S.B. 100 (Hinojosa) – State Enterprise Zones: would, among other things, provide that a county may create an enterprise zone within a city provided the county first enters into an interlocal agreement with the city specifying which entity has jurisdiction over the zone.
S.B. 434 (Burton) – Closed Meeting (Referred to Business & Commerce as of 2.9.15): would repeal the statutory authorization in the Open Meetings Act for a governing body to conduct a closed meeting for deliberations regarding economic development negotiations.

S.B. 484 (Kolkhorst) – Economic Development (Referred to Business & Commerce as of 2/10/15): would: (1) require a business who is a recipient of economic development funds to repay all of the value of any subsidy or incentive if the business has a federal immigration conviction for unlawful employment of undocumented workers unless the business reasonably relied on an E-Verify program; and (2) prohibit a governmental entity, including a city, from awarding an economic development incentive to a business that has been convicted and had to repay an incentive for two years after any repayment is made.

S.B. 558 (Burton) – Public Information Act (Referred to Business & Commerce as of 2/18/15): would repeal the provision of the Public Information Act that provides that certain information pertaining to economic development negotiations is confidential.

S.B. 583 (Rodriguez) – Economic Development (Referred to Natural Resources & Economic Development as of 2/23/15): would authorize a city that has entered into an economic development agreement with an entity under Local Government Code Chapter 380 to transfer to the entity real property or an interest in real property, if the entity agrees to use the property in a manner that primarily promotes a public purpose of the city relating to economic development.

EMINENT DOMAIN

H.B. 1562 (Schofield) – Eminent Domain: would, in relation tolling a property owner’s right of repurchase: (1) eliminate the following as elements establishing “actual progress” on a project: (a) the acquisition of a tract or parcel of real property adjacent to the property for the same public use project for which the owner’s property was acquired; or (b) for a governmental entity, the adoption by a majority of the entity’s governing body at a public hearing of a development plan for a public use project that indicates that the entity will not complete more than one tolling action before the tenth anniversary of the date of acquisition of the property; and (2) require three of five remaining elements to be met to establish actual progress. (Companion bill is S.B. 479 by Schwertner.)

H.B. 2457 (Schubert) – Eminent Domain: would, in relation tolling a property owner’s right of repurchase, provide that: (1) three of the elements in current law must be met to establish “actual progress” on a project (instead of two under current law); or (2) for a governmental entity, the adoption by a majority of the entity’s governing body at a public hearing of a development plan for a public use project that indicates that the entity will not complete more than two tolling actions before the tenth anniversary of the date of acquisition of the property tolls the right to repurchase.

S.B. 178 (Nichols) – Eminent Domain (Referred to State Affairs as of 1.27.15): would: (1) prohibit a state agency, political subdivision, or a corporation created by a governmental entity from taking private property through the use of eminent domain if the taking is for a recreational purpose, including a parks and recreation system or a specific park, greenbelt, or trail; and (2) provide that the determination by the entity proposing to take the property that the taking does not involve an act or circumstance prohibited by the bill does not create a presumption with respect to whether the taking involves that act or circumstance.

S.B. 474 (Kolkhorst) – Eminent Domain (Referred to State Affairs as of 2/10/15): would provide that, if the amount of damages awarded by the special commissioners is at least 10 percent greater than the amount the condemnor offered to pay before the proceedings began or if the commissioners’ award is appealed and a court awards damages in an amount that is at least 10 percent greater than the amount the condemnor offered to pay before the proceedings began, the condemnor shall pay: (1) all costs; and (2) any reasonable attorney’s fees and other professional fees incurred by the property owner in connection with the eminent domain proceeding.
S.B. 479 (Schwertner) – Eminent Domain (Referred to State Affairs as of 2/10/15): would, in relation tolling a property owner’s right of repurchase: (1) eliminate the following as elements establishing “actual progress” on a project: (a) the acquisition of a tract or parcel of real property adjacent to the property for the same public use project for which the owner’s property was acquired; or (b) for a governmental entity, the adoption by a majority of the entity's governing body at a public hearing of a development plan for a public use project that indicates that the entity will not complete more than one tolling action before the tenth anniversary of the date of acquisition of the property; and (2) require three of five remaining elements to be met to establish actual progress.

ENGINEERING

EXTRATERRITORIAL JURISDICTION

H.B. 2238 (Paddie) – Wind Turbines: would authorize a city to make ordinances regarding the authorization for and development of wind turbines applicable in the extraterritorial jurisdiction. (Companion bill is S.B. 882 by Hinojosa.)

H.B. 2249 (D. Miller) – Emergency Response Districts: would allow for the creation of emergency response districts by a county vote to: (1) provide services related to fire prevention and suppression, emergency medical services, and other emergency services; and (2) impose property taxes to pay for those services. (See H.J.R. 104, below.)

S.B. 456 (Burton) – Extraterritorial Jurisdiction (Referred to Intergovernmental Relations as of 2/9/15): would limit the extraterritorial jurisdiction for all cities to an area that is contiguous to and within one-half mile of the city’s corporate boundaries.

S.B. 882 (Hinojosa) – Wind Turbines: this bill is identical to H.B. 2238, above.

S.B. 1109 (Lucio) – Emergency Response Districts: would: (1) authorize a county to create an emergency response district if it receives a petition and calls for an election to do so; (2) provide that a district can provide fire protection, emergency medical services, and related services; and (3) grant to a district the authority to levy a property tax and issue bonds.

GAMBLING

H.B. 1385 (Raymond) – Eight Liners: would: (1) authorize a commissioners court to order, on proper petition, a local option election to legalize or prohibit the operation of eight-liners in the county, a city, or a justice precinct; and (2) authorize the imposition of a fee on eight-liner owners and provide for the allocation of the fee revenue as follows: (a) 30 percent to the state’s general revenue fund; and (b) 70 percent to a city in which the eight-liner is located. (See H.J.R. 92, below.)

H.B. 1830 (Kuempel) – Eight Liners: would provide: (1) that the current law authorizing one county to regulate “amusement redemption machines” is expanded to authorize any county to do so; and (2) for additional county regulatory authority over such machines. (Note: It is unclear whether the bill applies within a city’s limits and/or would preempt municipal regulations.)

H.B. 2329 (Gutierrez) – Gambling: would authorize certain forms of casino gambling if approved by a local option election in the county. (See H.J.R. 105, below.)

H.B. 2642 (Thompson) – Eight Liners: would expand a current law that is bracketed to one county to apply to any county and provide that the commissioners court of any county may regulate the operation of game rooms and may: (1) restrict the location of game rooms to specified areas of the county, including the unincorporated area of the county; (2) prohibit a game room location within a certain distance, prescribed by the commissioners court, of a
school, regular place of religious worship, or residential neighborhood; or (3) restrict the number of game rooms that may operate in a specified area of the county.

**H.J.R. 40 (Alvarado) – Gambling:** would amend the Texas Constitution to provide that the legislature shall establish a state gaming commission and may authorize and provide for regulation of the conduct of one or more types of gaming, including casino gaming, at – among other locations – cities with a population of at least 675,000.

**H.J.R. 92 (Raymond) – Eight Liners:** would amend the Texas Constitution to give the legislature the authority to: (1) allow a local option election by a city, county, or justice precinct on whether to allow eight liners; (2) impose a fee on eight liners; and (3) allow a city or other political subdivision to impose a fee on eight liners. (See H.B. 1385, above.)

**H.J.R. 105 (Gutierrez) – Gambling:** would amend the Texas Constitution to authorize certain forms of casino gambling if approved by a local option election in the county. (See H.B. 2329, above.)

**S.J.R. 31 (Ellis) – Gambling (Referred to State Affairs as of 2/18/15):** would amend the Texas Constitution to authorize certain forms of gambling and provide that a city would be entitled to a small portion of a gaming tax on casinos located within the city.

**GIS**

**GROUP HOMES/HALFWAY HOUSES**

**H.B. 907 (Phillips) – Halfway Houses (Referred to County Affairs as of 2/25/15):** would, among other things: (1) authorize a city to adopt an ordinance regulating a halfway house independently operated by a private entity, including regulations that: (a) restrict a halfway house to a particular area or prohibit a halfway house from locating within a certain distance of a school, place of worship, residential neighborhood, or other specified land use that is inconsistent with the operation of a halfway house; (b) restrict the density of halfway houses; and (c) require the owner or operator to obtain or renew a license or permit on a periodic basis and pay a related fee; (2) provide that a district court has jurisdiction of a suit that arises from the denial, suspension, or revocation of a license or permit issued by a city under (1)(c), above; (3) require an applicant for a license or permit under (1)(c), above, for a location not previously licensed or permitted to, not later than the 60th day before the date the application is filed: (a) publish in a newspaper of general circulation in the city a notice of the applicant’s intent to establish a halfway house in the city, the name and business address of the applicant, and the proposed location of the halfway house; and (b) prominently post an outdoor sign at the location stating that a halfway house is intended to be located on the premises and providing the name and business address of the applicant; (4) authorize a city to inspect a halfway house for compliance with regulations adopted under (1), above, and sue in the district court for an injunction to prohibit a violation of such regulations; and (5) provide that a person commits a class A misdemeanor for violating regulations adopted under (1), above.

**H.B. 2283 (Guillen) – Boarding Homes:** would: (1) except an alcohol- and drug-free recovery home from certain board home facility regulations; and (2) authorize the executive commissioner of the Health and Human Services Commission to adopt rules establishing what constitutes an alcohol- and drug-free recovery home
HISTORIC

HOMEOWNER ASSOCIATIONS (See Property Owner Associations)

HOUSING

IMPACT FEES

MANUFACTURED HOUSING/INDUSTRIALIZED BUILDINGS

H.B. 1990 (Kuempel) – Industrialized Housing/Buildings: would provide that: (1) industrialized housing does not include a residential structure that exceeds four stories or 60 feet in height; and (2) an industrialized building includes a permanent commercial structure and a commercial structure designed to be transported from one commercial site to another commercial site but does not include a commercial structure that exceeds four stories or 60 feet in height

MINERAL RIGHTS

MUNICIPAL UTILITY DISTRICTS

OIL, GAS AND PIPELINES, GAS WELLS

TML Summary - H.B. 40 and H.B. 2855, both by Rep. Drew Darby (R – San Angelo), and S.B. 1165 by Troy Fraser (R – Horseshoe Bay), would expressly preempt most regulation of oil and gas operations by cities and all other political subdivisions. If these bills pass, a city could have drilling operations right next to homes, day care centers, churches, or hospitals. Industry groups have claimed that these bills don’t restrict city authority over siting; they are wrong.

Many Texas cities have adopted setback requirements to create a buffer zone between drilling rigs and homes, schools, parks, and hospitals. The League surveyed city ordinances in the Barnett Shale area in North Texas last year and found that 67 cities required buffer zones ranging from 300 feet to 1,500 feet between a well and residences. If city setback ordinances are nullified, homeowners can be robbed of their property values overnight without any compensation or recourse, amounting to a state government sanctioned taking of their property rights.

The proposed bills would not only reverse the results of a city election and interfere with pending litigation in the City of Denton, they would also preempt local ordinances in numerous cities across the state. They would make it more difficult for homeowners and local citizens to voice their concerns by requiring that local land use decisions be handled in Austin.

H.B. 497 (Wu) – Saltwater Pipelines (Referred to Energy Resources as of 2.16.15): would add to the definition of a “saltwater pipeline facility” in current law a pipeline that contains salt and other substances and is intended to be used in drilling or operating a well used in the exploration for or production of oil or gas, including an injection well used for enhanced recovery operations. The result of the expanded definition would be to grant such pipeline operators the right to run their pipelines on or across city rights-of-way, subject to certain city restrictions and payment of right-of-way rental fees.

H.B. 539 (P. King) – Regulation of Oil or Natural Gas (Referred to Energy Resources as of 2.18.15): would provide that a city with authority to adopt an oil or gas measure may not adopt one unless the city complies with the numerous and complex requirements of the bill, including submitting various information to the state related to the alleged costs of the measure to the state and remitting payment to the state for its alleged losses as determined by a state agency.
H.B. 2132 (Craddick) – Water Wells: would exempt a well used to supply water for operations related to oil and gas exploration from a groundwater conservation district’s permit requirements.

H.B. 1972 (Keffer) – Water Wells: would require a groundwater conservation district to provide an exemption from the requirement to obtain a permit for a water well used to supply water for drilling operations to establish the production of a well after the production-casing string has been set, cemented, and pressure-tested.

H.B. 2581 (Springer) – Regulatory Takings/Oil and Gas: would make a city regulation that imposes or enforces a limitation that has the effect of preventing or prohibiting the development of an oil or gas well that has been permitted by the Texas Railroad Commission subject to the Private Real Property Rights Preservation Act, which would: (1) waive sovereign immunity to suit and liability for a regulatory taking; (2) authorize a private real property owner to bring suit to determine whether the governmental action of a city results in a taking; (3) require a city to prepare a “takings impact assessment” prior to imposing certain regulations; and (4) require a city to post 30-day’s notice of the adoption of most regulation prior to adoption. The bill would exempt a city regulation that imposes or enforces a reasonable standard established by the political subdivision for oil or gas wells relating to: (1) visual aesthetics; (2) noise abatement; or (3) hours of operation. (Companion bill is S.B. 809 by Taylor.)

S.B. 440 (Burton) – Hydraulic Fracturing (Referred to Natural Resources & Economic Development as of 2.9.15): would prohibit a city from banning hydraulic fracturing treatment of oil or gas wells.

S.B. 720 (Burton) – Hydraulic Fracturing: would prohibit a political subdivision from adopting or enforcing an order, ordinance, or similar measure that prohibits or has the effect of prohibiting hydraulic fracturing.

S.B. 809 (Taylor) – Regulatory Takings/Oil and Gas: would make a city regulation that imposes or enforces a limitation that has the effect of preventing or prohibiting the development of an oil or gas well that has been permitted by the Texas Railroad Commission subject to the Private Real Property Rights Preservation Act, which would: (1) waive sovereign immunity to suit and liability for a regulatory taking; (2) authorize a private real property owner to bring suit to determine whether the governmental action of a city results in a taking; (3) require a city to prepare a “takings impact assessment” prior to imposing certain regulations; and (4) require a city to post 30-day’s notice of the adoption of most regulation prior to adoption. The bill would exempt a city regulation that imposes or enforces a reasonable standard established by the political subdivision for oil or gas wells relating to: (1) visual aesthetics; (2) noise abatement; or (3) hours of operation.

OPEN MEETINGS/PUBLIC INFORMATION/NOTICE

House Committee on Government Efficiency and Reform

Charge: Review the application of the Public Information Act regarding requests for large amounts of electronic data. Examine whether the procedures and deadlines imposed by the Act give governmental bodies enough time to identify and protect confidential information in such requests.

Recommendations:
•Consider allowing public entities to satisfy the requirements of the Act by directing appropriate requests to the entities website where the information could be regularly posted, and easily accessible.
•Consider adding “utility billing” information (i.e. new water customer lists) to the current list of exceptions identified in ORD No. 684. If the customer has marked their application as confidential, it would eliminate the need to request an Attorney General’s opinion.
•Add copyrighted material to the current list of exceptions identified in ORD No. 684, which would eliminate the need to request an Attorney General’s opinion. The Attorney General’s office currently denies the release of copyrighted materials, however, the Act allows for viewing and review of this material by requester.

H.B. 139 (Stickland) – Notice by Internet Posting (Referred to Government Transparency & Operation as of 2.9.15): would, except in regard to a notice of election, do the following: (1) require a city to provide the comptroller with an electronic copy of a notice required by law to be published in a newspaper not later than the
third day before the date the city is required to first publish the notice in the newspaper; (2) require a city to
determine by official action whether it will exclusively provide notice in the manner described in (1), above, or
provide notice by both newspaper publication and in the manner described in (1), above; (3) provide that if a city
decides to exclusively provide notice in the manner described in (1), above, the city: (a) is exempt from providing
notice in a newspaper; but (b) must publish in a newspaper of general circulation in the city once a week for four
consecutive weeks the Internet website at which the city’s notice may be located; (4) require the comptroller to
establish and maintain a web page on the comptroller’s website to post the notices described in (1), above, not later
than the third day after the date the city provides the notice to the comptroller; (5) require the comptroller to
establish a system to allow a person, on request, to receive an e-mail alert for an update to a category of notices on
the web page established under (4), above, and to maintain an archive on the website of notices posted on the web
page; and (6) authorize the comptroller to adopt rules to implement and administer the notice by internet posting
program.

H.B. 283 (Fallon) – Open Meetings (Referred to Government Transparency & Operation as of 2.11.15):
would: (1) require a home-rule city with a population of 50,000 or more: (a) to make a video and audio recording
of reasonable quality of each regularly scheduled open meeting that is not a work session or a special called meeting,
and make available an archived copy of such recording on the Internet; (b) to make the archived recording
described in (a), above, available on an existing Internet site, which could be a publicly accessible video-sharing or
social networking site; (c) to make available, in a conspicuous manner, on an Internet site that the city maintains the
archived recording described in (a), above, or a link to the archived recording; (d) to make the archived recording
described in (a), above, available on the Internet not later than seven days after the recording was made and
maintain the archived recording for the Internet for not less than two years after the date the recording was first
made available; and (e) to comply with the requirements in (b)–(d), above, unless the required recording cannot be
made as the result of a catastrophe or technical breakdown, after which the city must make all reasonable efforts to
make the required recording available in a timely manner; and (2) authorize a home-rule city with a population of
50,000 or more to broadcast a regularly scheduled open meeting on television.

H.B. 685 (Sheets) – Public Information (Referred to Government Transparency & Operation as of 2/19/15):
would provide that a public information officer complies with the requirement to promptly produce public
information by referring a requestor to a publically accessible website maintained by the city if the requested
information is identifiable and readily available on that website.

H.B. 814 (Larson) – Meeting Notice (Referred to Government Transparency & Operation as of 2/23/15):
would provide that: (1) a governmental body that is required by law to post notice of a meeting in a newspaper
may instead post notice of the meeting on the Internet; and (2) a governmental body that is required by law to post
notice of a meeting on the Internet is not required to post notice in a newspaper.

H.B. 856 (Sanford) – Metropolitan Planning Organization Meetings: would require a metropolitan
planning organization to broadcast over the Internet live video and audio of each open meeting held by the policy
board, and to subsequently make available through the organization’s website archived video and audio for each
meeting for which live video and audio was provided.

H.B. 1019 (Flynn) – Internet Notice: would provide that: (1) notwithstanding any other law, a governmental
entity (including a city) may satisfy a requirement in another law for the governmental entity to provide publication
of notice in a newspaper by publishing the notice on a newspaper’s Internet website; (2) publication of notice on a
newspaper’s Internet website must be in substantially the same form as required under the general or special law
requiring or authorizing the publication of notice in a newspaper by a governmental entity; (3) to meet “official
newspaper” eligibility requirements, a newspaper must: (a) establish an Internet-only option for publication of
notice by a governmental entity; (b) charge a reasonable fee not to exceed $25 for the Internet publication of notice;
and (c) establish an archive of the publications of notice posted on the newspaper’s Internet website that allows free
public access to the current and archived publications of notice and that is searchable by keyword and county; and
(4) a newspaper that publishes a notice on the newspaper’s Internet website may electronically provide to the
governmental entity the bill, clipping, and verified statement containing the information required under current law.
H.B. 2134 (Burkett) – Public Information Request: would provide that if a request for public information is sent by electronic mail, the request may be considered to have been withdrawn if a request from the city for clarification, discussion, or additional information is sent by electronic mail to the address from which the request was sent (or another electronic mail address provided by the requestor) and a response is not received within the period established by state law.

S.B. 392 (Burton) – Meeting Notice (Referred to Transportation as of 2.16.15): would provide that: (1) a governmental body that is required by law to post notice of a meeting in a newspaper may instead post notice of the meeting on the Internet; and (2) a governmental body that is required by law to post notice of a meeting on the Internet is not required to post notice in a newspaper. (Companion bill is H.B. 814 by Larson.)

S.B. 434 (Burton) – Closed Meeting (Referred to Business & Commerce as of 2.9.15): would repeal the statutory authorization in the Open Meetings Act for a governing body to conduct a closed meeting for deliberations regarding economic development negotiations.

PAYDAY LENDING

H.B. 371 (McClendon) – Payday and Auto Title Lending (Referred to Investments & Financial Services as of 2.12.15): would provide that the term of a payday or auto title loan made by a credit access business to certain military personnel or their dependents may not exceed 90 days or 180 days, respectively.

H.B. 411 (C. Turner) – Payday and Auto Title Lending (Referred to Business & Industry as of 2.16.15): would prohibit a credit access business from making a telemarketing call to a consumer, regardless of whether the consumer’s name and telephone number are on the Texas no-call list.

H.B. 2166 (Flynn) – Payday Lenders: would impose additional requirements on payday and auto title loans. More specifically, the bill would provide that:
1. The proceeds given to a consumer in connection with a deferred presentment transaction extended to the consumer may not exceed: (a) 35 percent of the consumer’s gross monthly income for a single payment transaction; and (b) 25 percent of the consumer’s gross monthly income for a scheduled payment on a multiple payment transaction.
2. In determining a consumer’s gross monthly income under (1), above, a credit access business may utilize payroll documents, checks, bank statements and reports from nationally or regionally recognized credit and data reporting companies, and may rely on the representations of a consumer to form a reasonable belief about the consumer’s gross monthly income.
3. The term of a single payment transaction may not exceed 30 days.
4. A consumer who is unable to fully repay the fourth refinance of an initial single payment deferred presentment transaction may elect to repay the loan by means of an extended payment plan provided the consumer is not otherwise in default of such loan.
5. For the purposes of (4), above, a “refinance” means any transaction a credit access business assists a consumer in obtaining that extends the repayment period of a then-outstanding deferred presentment transaction beyond its original term. (A refinance under the bill includes both a traditional refinance that is evidenced by new written loan documents with new disclosures that satisfy and replace the prior loan documents, as well as a renewal of a single-payment transaction in which the term of the transaction is extended for an additional identical period, and includes the terms “renewal” and “rollover.”)
6. At every licensed location, a credit access business must notify a consumer of the consumer’s right to an extended payment plan by posting the following notice in at least 12-point bold type in a conspicuous location visible to the general public, and on the first page of a contract: “If you are unable to repay your transaction when due, you may be eligible for an extended payment plan. You are eligible for an extended payment plan if you have refinanced your initial transaction four times. You are eligible for an extended payment plan at least once in any 12 month period. If you meet the requirements for an extended payment plan, we will offer you a plan before the due date of your existing transaction. To accept our offer of an extended payment plan, you must sign a written agreement that describes the terms of the plan before the due date of your exiting transaction.”
7. The proceeds given to a consumer in connection with a motor vehicle title loan given to the consumer may not exceed the lesser of: (a) seven percent of the consumer’s gross monthly income for a single payment loan; (b) 30 percent of the consumer’s gross monthly income for a scheduled payment on a multiple payment loan; or (c) 70 percent of the retail value of the motor vehicle.

8. The term of a single payment loan may not exceed 30 days and the term of a multiple-payment loan shall not exceed 365 days.

9. A consumer who is unable to fully repay the eighth refinance of an initial single payment motor vehicle title loan may elect to repay the loan by means of an extended payment plan provided the consumer is not otherwise in default of such loan. 10. An extended payment for a payment loan or an auto title loan shall comply with the following: (a) a credit access business must offer to assist an eligible consumer in obtaining an extended payment plan at least once every 12 months; (b) a credit access business must offer a consumer an extended payment plan before the due date of the fourth refinance of the outstanding transaction; (c) a credit access business may not charge the consumer additional fees during an extended payment plan; (d) a consumer must sign a written agreement that describes terms of the extended payment plan; (e) an extended payment plan must allow consumer to repay all outstanding amounts owing at the time such extended payment plan is offered in at least four substantially equal payments; and (f) a consumer may pay an extended payment plan in full at any time without penalty.

11. If a consumer continues to make timely payments pursuant to an extended payment plan, a credit access business is prohibited from engaging in collection activities with respect to such deferred presentment transaction and obtaining, or assisting the consumer in obtaining, additional deferred presentment transactions.

S.B. 91 (Ellis) – Payday and Auto Title Lending (Referred to Business & Commerce as of 1.26.15): would limit the annual percentage rate of a payday or auto title loan to 36 percent.

S.B. 92 (Ellis) – Payday and Auto Title Lending (Referred to Business & Commerce as of 1.26.15): would:
(1) provide that a municipal ordinance regulating credit access businesses is not preempted by the following state law provisions; (2) provide that, if a municipal ordinance conflicts with a provision of state law, the more stringent regulation controls; (3) require the contract and other documents provided by a credit access business to be written wholly in the language in which the contract is negotiated and read in their entirety in the language in which the contract is negotiated to any consumer who cannot read; (4) require the mandatory disclosure under state law that is issued by a credit access business to a borrower to reference nonprofit agencies that provide financial education and training or cash assistance to borrowers; (5) require the mandatory disclosure and notice to be available in English and Spanish and read in their entirety in the language in which the contract is negotiated if the consumer cannot read; (6) prohibit a payday loan if the amount of cash advanced exceeds 20 percent of the borrower’s gross monthly income; (7) prohibit an auto title loan if the amount of cash advanced exceeds the lesser of: (a) three percent of the borrower’s gross annual income; or (b) 70 percent of the retail value of the motor vehicle; (8) require a payday or auto title loan to be payable in four or fewer installments and proceeds from each installment must be used to repay at least 25 percent of the principal amount of the debt; (9) provide that a payday or auto title loan to be paid by a single lump-sum payment may not be refinanced or renewed more than three times and proceeds from each refinancing or renewal must be used to repay at least 25 percent of the principal amount of the original debt; (10) provide that a payday or auto title loan made to a consumer on or before the seventh day after the date the consumer has paid a previous extension of consumer credit is considered a refinance or renewal of the previous debt; and (11) require a credit access business to maintain a complete set of records of all extensions of consumer credit for three years after the loan was made.

S.B. 121 (West) – Payday and Auto Title Lending (Referred to Business & Commerce as of 1.27.15): this bill makes extensive modifications to the payday and auto title lender laws. It would, among other things:
1. require the consumer credit commissioner to establish and implement a database for the compilation of information relating to payday loans;
2. provide that payday and auto title lenders are subject to the same level of state regulation and oversight as other credit services organizations (i.e., currently-regulated consumer lenders that don’t provide payday or auto title loans);
3. prohibit a credit services organization from assisting a consumer in obtaining an extension of consumer credit in any form other than in the form of a single-payment payday loan, multiple-payment payday loan, single payment auto title loan, or multiple-payment auto title loan;
4. provide that a credit services organization may obtain or assist a consumer in obtaining a payday or auto title loan only if the loan is made by a third-party lender that is unaffiliated with the credit services organization and does not have any ownership, directors, officers, members, or employees in common with the credit services organization;
5. prohibit total charges imposed under a payday or auto title loan from exceeding the permissible interest, fee, and other charges for a certain consumer loans under current law;
6. prohibit a credit access business that is subject to a city ordinance regulating payday and auto title loans from evading the city ordinance by: (a) requiring that any part of the transaction occur in a location outside the city limits; or (b) transferring the business’s obligations and rights under a payday or auto title loan contract to a branch of the business or another business located outside the city limits;
7. provide that if a credit access business evades a municipal ordinance as provided by (7), above, that the contract between the business and the consumer is void and unenforceable, including any requirement that the consumer pay fees or other consideration;
8. provide that the term of an extension of consumer credit, including all renewals and refinances, obtained for a military borrower may not exceed 90 days for a payday or single-payment auto title loan or 180 days for a multiple-payment auto title loan;
9. provide that the term of an extension of consumer credit by a credit access business may not exceed 180 days;
10. provide that, at any given time, a consumer may have only one outstanding debt from a payday loan and one outstanding debt from an auto title loan;
11. provide that the proceeds of a repossessed motor vehicle that secured an auto title loan shall satisfy all outstanding and unpaid indebtedness under that extension of consumer credit;
12. provide that a local ordinance regulating a credit access business is not preempted if the ordinance is compatible with and equal to or more stringent than a requirement in the bill;
13. provide that a single-payment payday loan: (a) may not exceed 20 or 25 percent of the consumer’s gross annual income depending on the income level; (b) may not have a term of less than 10 days or longer than 35 days; and (c) may not be refinanced more than three times;
14. provide that a multiple-payment payday loan: (a) may not exceed 10 or 15 percent of the consumer’s gross monthly income, depending on the income level; (b) may not have an original term of more than 180 days if it is payable in more than 12 installments; and (c) with regard to the first installment, may not be due before the 10th day after the loan is agreed upon, and any other installment may not be due before the 14th day or after the 31st day after the date a previous installment is due;
15. provide that a single-payment auto title loan: (a) may not exceed the lesser of 70 percent of the retail value of the motor vehicle securing the debt, or the lesser of six or eight percent of the consumer’s gross annual income, depending on the income level; (b) may not have a term of less than 30 days or longer than 35 days; and (c) may not be refinanced more than three times;
16. provide that a multiple-payment auto title loan: (a) may not exceed 70 percent of the retail value of the motor vehicle securing the debt; (b) may not impose a sum of all fees, principal, interest, and other amounts that exceeds 20 or 30 percent of the consumer’s gross monthly income, depending on the income level; (c) may not be payable in more than six installments; (d) may not require the first installment to be paid before the 10th day after the date the consumer enters into the loan agreement; (e) may not require subsequent installments to be due before the 28th day after date the previous installment of the loan was due; and (f) may not have a total term of more than 180 days;
17. require an extended payment plan that: (a) provides for payment in four substantially equal installments with respect to a single-payment payday or auto title loan; (b) provides for payment in two substantially equal installments with respect to multiple-payment payday and auto title loans; (c) has a period between installment payments that are not shorter than 10 days for a single-payment payday loan or 30 days for a multi-payment payday loan or any auto title loan; and (d) provides for the first payment to be due not before the 10th day after the date the consumer requests an extended payment plan; and
18. require any refinance of a payday or auto title loan to meet all requirements applicable to the original loan.

H.B. 1020 (Giddings) – Payday and Auto Title Lending: this bill makes extensive modifications to the payday and auto title lender laws. It would, among other things:
1. require the consumer credit commissioner to establish and implement a database for the compilation of information relating to payday loans;
2. provide that payday/auto title lenders are subject to same level of state regulation and oversight as other credit services organizations (i.e., currently-regulated consumer lenders that don’t provide payday or auto title loans);
3. prohibit a credit services organization from assisting a consumer in obtaining an extension of consumer credit in any form other than in the form of a single-payment payday loan, multiple-payment payday loan, single payment auto title loan, or multiple-payment auto title loan;

4. provide that a credit services organization may obtain or assist a consumer in obtaining a payday or auto title loan only if the loan is made by a third-party lender that is unaffiliated with the credit services organization and does not have any ownership, directors, officers, members, or employees in common with the credit services organization;

5. prohibit total charges imposed under a payday or auto title loan from exceeding the permissible interest, fee, and other charges for certain consumer loans under current law;

6. prohibit a credit access business that is subject to a city ordinance regulating payday and auto title loans from evading the city ordinance by: (a) requiring that any part of the transaction occur in a location outside the city limits; or (b) transferring the business’s obligations and rights under a payday or auto title loan contract to a branch of the business or another business located outside the city limits;

7. provide that if a credit access business evades a municipal ordinance as provided by (6), above, that the contract between the business and the consumer is void and unenforceable, including any requirement that the consumer pay fees or other consideration;

8. provide that the term of an extension of consumer credit, including all renewals and refinances, obtained for a military borrower may not exceed 90 days for a payday or single-payment auto title loan or 180 days for a multiple-payment auto title loan;

9. provide that the term of an extension of consumer credit by a credit access business may not exceed 180 days;

10. provide that, at any given time, a consumer may have only one outstanding debt from a payday loan and one outstanding debt from an auto title loan;

11. provide that the proceeds of a repossessed motor vehicle that secured an auto title loan shall satisfy all outstanding and unpaid indebtedness under that extension of consumer credit;

12. provide that a local ordinance regulating a credit access business is not preempted if the ordinance is compatible with and equal to or more stringent than a requirement in the bill;

13. provide that a single-payment payday loan: (a) may not exceed 20 or 25 percent of the consumer’s gross annual income depending on the income level; (b) may not have a term of less than 10 days or longer than 35 days; and (c) may not be refinanced more than three times;

14. provide that a multiple-payment payday loan: (a) may not exceed 10 or 15 percent of the consumer’s gross monthly income, depending on the income level; (b) may not have an original term of more than 180 days if it is payable in more than 12 installments; and (c) with regard to the first installment, may not be due before the 10th day after the loan is agreed upon, and any other installment may not be due before the 14th day or after the 31st day after the date a previous installment is due;

15. provide that a single-payment auto title loan: (a) may not exceed the lesser of 70 percent of the retail value of the motor vehicle securing the debt, or the lesser of six or eight percent of the consumer’s gross annual income, depending on the income level; (b) may not have a term of less than 30 days or longer than 35 days; and (c) may not be refinanced more than three times;

16. provide that a multiple-payment auto title loan: (a) may not exceed 70 percent of the retail value of the motor vehicle securing the debt; (b) may not impose a sum of all fees, principal, interest, and other amounts that exceeds 20 or 30 percent of the consumer’s gross monthly income, depending on the income level; (c) may not be payable in more than six installments; (d) may not require the first installment to be paid before the 10th day after the date the consumer enters into the loan agreement; (e) may not require subsequent installments to be due before the 28th day after the date the previous installment of the loan was due; and (f) may not have a total term of more than 180 days;

17. require an extended payment plan that: (a) provides for payment in four substantially equal installments with respect to a single-payment payday or auto title loan; (b) provides for payment in two substantially equal installments with respect to multiple-payment payday and auto title loans; (c) has a period between installment payments that are not shorter than 10 days for a single-payment payday loan or 30 days for a multi-payment payday loan or any auto title loan; and (d) provides for the first payment to be due not before the 10th day after the date the consumer requests an extended payment plan; and

18. require any refinance of a payday or auto title loan to meet all requirements applicable to the original loan.

(Companion bill is S.B. 121 by West.)
PRIVATE PROPERTY RIGHTS (Also Regulatory Takings)

H.B. 540 (P. King) – Initiative and Referendum (Referred to State Affairs s of 2/19/15): this bill would apply only to a home rule city that has initiative and referendum provisions in the city charter. The bill would provide that: (1) before ordering an election as required by charter, the city shall submit a measure proposed by petition to enact a new ordinance or repeal an existing ordinance to the attorney general; (2) the attorney general shall, not later than the 90th day after submission: (a) determine whether any portion of the proposed measure would violate the Texas or federal constitution, a state statute, or a rule adopted as authorized by state statute; (b) determine whether passage of the measure would cause a governmental taking of private property for which the Texas or federal constitution would require compensation to be paid to the property owner; and (c) advise the city of its determinations; (3) the city may not hold an election on the proposed measure if the attorney general has determined that any portion of the proposed measure would violate the Texas or federal constitution or a state statute or rule or would cause a governmental taking of private property; and (4) to the extent that the requirements of the bill conflict with a charter provision requiring the city to order an election within a period following receipt of a petition, the bill controls and the period during which the city must order the election is extended to the extent necessary to comply with the bill.

S.B. 360 (Estes) – Regulatory Takings (Referred to State Affairs as of 2.2.15): would make most city regulations subject to the Private Real Property Rights Preservation Act, which would: (1) waive sovereign immunity to suit and liability for a regulatory taking; (2) authorize a private real property owner to bring suit to determine whether the governmental action of a city results in a taking; (3) require a city to prepare a “takings impact assessment” prior to imposing certain regulations; and (4) require a city to post 30-days’ notice of the adoption of most regulations prior to adoption.

The bill would also define a “taking” as: (1) a governmental action or series of actions within a 10-year period that: (a) affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the federal or state constitutions, (b) affects an owner's private real property that is the subject of the governmental action, in whole or in part or temporarily or permanently, in a manner that restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action, and is the cause of a reduction of at least 20 percent in the market value of the affected private real property; or (b) is the producing cause of at least a 20 percent reduction of revenue or income from the use or sale of the affected real private property, determined by comparing the revenue or income from the use or sale of the property as if the governmental action is not in effect and the revenue or income from the use or sale of the property determined as if the governmental action is in effect;

The bill would also: (1) remove numerous exceptions to the law that would otherwise exempt a city from the Act; (2) extend the statute of limitations for a claim under the Act from 180 days to two years; (3) change the current remedies in the Act to allow for a property owner to seek invalidation of the governmental regulation and money damages from the governmental entity that imposes the regulation; (4) a judgment or final decision or order under the Act shall include a fact finding that determines the monetary damages suffered by the private real property owner as a result of the taking, including, if the governmental action has ceased or has been rescinded, amended, invalidated, or repealed, the temporary or permanent economic loss sustained by the private real property owner while the governmental action was in effect; (5) require a city to give 30 days’ notice of any proposed ordinance or rule that could result in a taking of private real property; (6) provide that a court shall award a governmental entity that prevails in a suit or contested case filed under the Act reasonable and necessary attorneys’ fees and court costs, but only if the court determines that the private real property owner knew that the suit or contested case had no merit at the time the owner filed the suit; and (7) provide that a proposed governmental action that requires a takings impact assessment may be stayed by a court if an assessment is not prepared or if the assessment is not in compliance with guidelines developed by the attorney general under the Act.
PROFESSIONAL SERVICES

PROPERTY OWNERS’ ASSOCIATION

H.B. 745 (Bohac) – Property Owners’ Association (Referred to Transportation as of 2/23/15): would:
(1) authorize a property owners’ association (POA) to install a solar-powered light-emitting diode stop sign (See TRANSPORTATION BELOW)

PUBLIC IMPROVEMENT DISTRICTS

REDEVELOPMENT

RELIGIOUS FREEDOM

H.B. 1558 (Parker) – Overnight Shelters: would: (1) prohibit a city from adopting an ordinance, or enforcing an existing ordinance, that prohibits a church from providing overnight shelter for children 17 years of age and younger; (2) provide that a city ordinance or regulation that relates to the safe and sanitary operation of a homeless shelter for children applies to a church that provides overnight shelter for children; and (3) authorize a city to adopt or enforce an ordinance establishing limits on the number of nights a child may use an overnight shelter provided by a church or on the number of children that can be housed in the shelter per night.

H.J.R. 55 (Villalba) – Freedom of Religion: would amend the Texas constitution to provide that government may not “burden in any way” a person’s free exercise of religion, unless the burden is: (1) necessary to further a compelling governmental interest; and (2) the least restrictive means of furthering that interest.

S.J.R. 10 (Campbell) – Freedom of Religion (Referred to State Affairs as of 2.2.15): would amend the Texas constitution to provide that: (1) government may not “burden” an individual’s or religious organization’s freedom of religion; (2) the right to act or refuse to act in a manner motivated by a sincerely held religious belief may not be burdened unless the government proves it has a compelling governmental interest and has used the least restrictive means to further that interest; and (3) a burden for purposes of (1) and (2), above, includes indirect burdens such as withholding benefits, assessing penalties, or denying access to facilities or programs.

RESIDENTIAL DEVELOPMENT

SEXUALLY ORIENTED BUSINESSES

H.B. 148 (Menendez) – Alcoholic Beverages/Sexually Oriented Businesses (Referred to Licensing & Administrative Procedures as of 2.9.15): would create a new “public consumption” alcoholic beverage permit to be administered by the Texas Alcoholic Beverage Commission and authorize various regulations for an establishment holding such a permit.

SIGNS

SPECIAL DISTRICTS

STORMWATER AND DRAINAGE

SUBDIVISION PLATTING

H.B. 2215 (Guillen) – Subdivision Regulations: would: (1) with some exceptions, require that before a civil enforcement action is filed against a subdivider under certain regulations related to subdivision platting requirements in counties near the international border that the subdivider be notified in writing about the alleged
violation and given 90 days to cure the violation; (2) with some exceptions, require that before a civil enforcement action is filed against a subdivider under certain regulations related to subdivision platting requirements in certain economically distressed counties that the subdivider be notified in writing about the alleged violation and given 90 days to cure the violation; and (3) with some exceptions, require that before a civil enforcement action is filed against a subdivider under certain regulations related to economically distressed areas that the subdivider be notified in writing about the alleged violation and given 90 days to cure the violation.

TAX ABATEMENT

TAX INCREMENT FINANCING

TRANSPORTATION

H.B. 20 (Simmons) – Transportation Planning: would, among other things: (1) create the Texas Department of Transportation’s state infrastructure advisory committee; (2) require the committee to prepare a report detailing the department's collaboration with state elected officials, local governments, government trade associations, metropolitan planning organizations, regional mobility authorities, and other entities when adopting rules or formulating policies; (3) provide that the Texas Transportation Commission shall establish one or more stakeholder advisory committees to make recommendations to the commission or department before the adoption of a rule, policy, or procedure affecting the stakeholders; (4) mandate that the department work with all local transportation entities in the state to develop and adopt uniform guidelines governing the funding prioritization of the entities' transportation projects; and (5) direct the commission to establish a project selection stakeholders advisory, which would include municipal officials. (Companion bill is H.B. 2685 by Simmons.) (This bill is identical to H.B. 2685.)

H.B. 745 (Bohac) – Property Owners’ Association (Referred to Transportation as of 2/23/15): would: (1) authorize a property owners’ association (POA) to install a solar-powered light-emitting diode stop sign on a road, highway, or street in the POA’s jurisdiction if the POA receives the consent of the governing body of the political subdivision that maintains the road, highway, or street and the POA pays for the installation of the sign; and (2) require a property owners’ association that installs a sign described in (1), above, to maintain the sign.

H.B. 1738 (Isaac) – Highway Right-of-Way: would authorize a city that has received a grant of highway right-of-way from the Texas Department of Transportation (TxDOT) that is subject to a reservation to enter into an agreement with TxDOT under which: (1) TxDOT agrees to recommend to the governor that an instrument releasing the reservation be executed and, if executed, record the instrument in the county deed records; and (2) the city, if the instrument releasing the reservation is executed, agrees to transfer the right-of-way to one or more landowners in exchange for real property that is of equal or greater value to use for public road purposes, and to execute and record in the county deed records a restrictive covenant that grants the real property to the state if the real property ceases to be used for public road purposes.

H.B. 2685 (Simmons) – Transportation Planning: this bill is identical to H.B. 20, above.

TRANSPORTATION FUNDING

House Committee on Transportation

Charge: Monitor the usage of state funds by the Texas Department of Transportation for improving road quality in areas impacted by Energy Sector activities.

Recommendations:
• Explore options to continue to provide funding for energy sector roads.
• Encourage TxDOT to continue working with local governments and citizens to meet transportation needs.
• Reexamine formulas used by TxDOT for the distribution of funds through TIF grants to ensure that funds appropriately target areas most impacted by energy sector activity.
• Ensure TxDOT has the resources needed to identify future areas of energy sector growth in order to take preventative maintenance measures resulting in overall cost savings.
Charge: Evaluate the status of passenger and freight rail in Texas, including a review of the structure and operations of the Rail Division of the Texas Department of Transportation. Encourage and monitor the continued efforts of TxDOT’s Rail Division.

Recommendations:
• Identify any necessary legislative authority to allow the Rail Division to effectively promote the needs of Texas’ rail system.
• Identify resources to fund the Rail Relocation Fund.

Charge: Monitor the implementation of the “Turn-Back Program” by the Texas Department of Transportation, specifically its fiscal impact to municipalities and taxpayers.

[Note: According to the report, “In January and February 2014, TxDOT met with members of the Texas Municipal League (TML) and the Texas Association of Metropolitan Planning Organizations (TEMPO); the result of these meetings was a memorandum of understanding (MOU) agreeing to a framework for accomplishing the goals of the Turn-Back Program. The MOU was executed by TxDOT, TML, and TEMPO in March 2014 and accepted by the Texas Transportation Commission at its March 2014 meeting. The major point of the MOU is that the Turn-Back Program is voluntary, and that no local government will be forced to assume responsibility for a state-owned roadway or be penalized for choosing not to participate.”]

Recommendations:
• The Committee would like to thank the local communities and entities that worked with TxDOT to resolve the confusion surrounding the Turn-Back Program and would encourage TxDOT and its local partners to continue to work together to find mutually beneficial ways to increase local mobility and efficiency.
• Any turn-back program should continue to be voluntary.
• Explore alternatives for enabling legislation to allow local governments to utilize funding mechanisms which would provide the means of increasing local mobility and efficiency.

House Select Committee on Transportation Funding, Expenditures & Finance

Charge: Review bonds issued for transportation, the Texas Emissions Reduction Plan Account, the comptroller’s allowance for motor fuels tax administration and enforcement, overweight/oversize vehicle permits, and state highway fund appropriations to agencies other than TxDOT.

Recommendations:
• Discontinue the issuance of bonds secured by the Texas Mobility Fund.
• Discontinue transfer from the State Highway Fund to the Texas Emission Reduction Plan Account.
• Eliminate the comptroller’s one percent allowance for motor fuels tax administration and enforcement.
• Redirect receipts from oversize/overweight permits to highway funding.
• Redirect receipts from commercial carrier registration to highway funding.
• Discontinue transfers from the State Highway Fund that are not rights-of-way acquisition, construction, or maintenance.

In November, Texas voters overwhelmingly approved Proposition 1, the ballot proposition related to additional state transportation funding. The legislation calling for the election was actually passed in 2013. In the third special session that year, two bills – S.J.R. 2 and H.B. 1 – passed. The general idea of those two bills is to amend the Texas Constitution to divert some of the state’s oil and gas tax revenues from the “rainy day fund” for transportation purposes. The Texas Department of Transportation (TxDOT) prepared a detailed FAQ on the legislation, available at http://ftp.dot.state.tx.us/pub/txdot-info /sla/transportation-funding/proposition-faq.pdf. The amendment that ultimately passed provides for additional TxDOT funding annually. Essentially, the amendment takes a portion of the state’s oil and gas severance tax revenue that would have gone into the rainy day fund, and instead allocates some of that money to the State Highway Fund. That amount had been estimated at around $1.7 billion annually, but falling oil and gas prices may reduce that amount. While the additional funding is welcome, TxDOT has reported that it needs an additional $4 billion annually to keep up with the state’s transportation needs. The legislature in 2015 will likely consider a number of additional related proposals.

Senate Transportation Committee
Charge: Evaluate Texas Department of Transportation and metropolitan planning organization progress in reducing congestion on the 100 most congested roadway segments and make recommendations to advance the development of the remaining congestion relief projects.

Conclusion: With the expected growth in Texas’ population and funding challenges for many of the traditional solutions in Texas’ large metropolitan regions, congestion will worsen. There is a generally accepted path toward improvement. State and local transportation agencies must do a good job with the funding, policies, and priorities.

The Texas Department of Transportation, metropolitan planning organizations, metropolitan transit authorities, and private entities all pursue alternative congestion relief strategies; however, some challenges still remain. The legislature should continue to monitor the implementation of alternative congestion relief strategies, and further explore means to mitigate congestion on Texas’ 100 most congested roadways.

Senate Select Transportation Funding Committee

Charge: Review the current state of transportation funding expenditures and new methods to finance our future transportation needs.

Conclusion: The committee did not make any formal recommendations on new transportation funding measures, but rather it encourages the legislature to make a commitment to providing adequate funding for our aging and congested transportation system. There are numerous options available to the Legislature, including the following:

- Options Utilizing Existing Revenues: (1) the Texas Emissions Reduction Plan account is currently at $950 million and this money could be used for transportation projects; (2) end the “diversion” of gasoline tax to purposes other than transportation; and (3) use the revenue from the motor vehicle sales tax to fund transportation projects.
- Options Utilizing New Revenue: (1) index the gasoline tax to inflation; (2) increase the vehicle registration fee; and (3) add a drivers’ license surcharge fee to be used for transportation projects.

TML

H.B. 122 (Pickett) – Transportation Funding (Referred to Transportation as of 2.18.15): would provide that: (1) debt obligations for state transportation needs may not be issued after January 1, 2015; and (2) the Texas Mobility Fund may be used to repay the principal and interest on bonds that have already been issued for state transportation needs.

H.B. 129 (Goldman) – Transportation Funding (Referred to Appropriations as of 2.18.15): would allocate all motor vehicle sales tax proceeds to the state highway fund.

H.B. 151 (Guillen) – Transportation Funding (Referred to Ways & Means as of 2.9.15): would, among other things: (1) create a tax to be imposed on the number of vehicle miles traveled during a tax period by a motor vehicle subject to inspection; (2) define the tax period to be the 12 months between a vehicle’s inspection period; (3) provide a total exemption for vehicles that travel less than 5,000 miles in the tax period; (4) provide that the tax is equal to the difference between the following, rounded to the nearest whole dollar: (a) the number of miles traveled during the tax period multiplied by one cent; and (b) a credit as defined by the bill and representing motor fuels taxes paid by the owner of the vehicle; (5) direct the comptroller to establish a road construction account in the state highway fund and to deposit the revenue from the tax imposed by the bill to the credit of that account to be used only for the purpose of maintaining public roadways in this state.

H.B. 202 (Leach) – Transportation Funding (Referred to Appropriations as of 2.18.15): would provide that: (1) in each state fiscal year beginning on or after September 1, 2018, the comptroller shall deposit to the credit of the state highway fund an amount of money that is equal to 50 percent of the money that is received from the motor vehicle sales tax and is remaining after the comptroller makes the required allocation to the property tax relief fund; and (2) the money allocated to the state highway fund may not be used for toll roads.

H.B. 373 (Simmons) – Transportation Funding (Referred to Appropriations as of 2.18.15): would provide that, beginning in increments in 2015 and completed in 2020, the net revenue derived from the state sales tax imposed on the sale of a motor vehicle sold in this state shall be deposited to the credit of the state highway fund.
H.B. 392 (McCLendon) – Transportation Funding (Referred to Transportation as of 2.16.15): would (1) authorize the commissioners court of a county to impose an additional fee, not to exceed $10, for registering a vehicle in the county; and (2) provide that the county may use the fee revenue only to fund a non-tolled transportation project that relieves congestion, improves safety, or addresses air quality.

H.B. 393 (McCLendon) – Transportation Funding (Referred to Transportation as of 2.16.15): would increase by $10 the motor vehicle registration fee for vehicles under 6,000 pounds.

H.B. 395 (McCLendon) – Transportation Funding (Referred to Ways & Means as of 2/19/15): would, among other things, raise the state’s gas tax from 20 to 30 cents per gallon and direct that the increase be deposited in the state highway fund.

H.B. 399 (Harless) – Transportation Funding (Referred to Appropriations as of 2.18.15): would incrementally increase the state’s gas tax from 20 to 30 cents by 2018, and would thereafter index annual increases or decreases to the highway cost index. (See H.J.R. 48, below)

H.B. 401 (Harless) – Transportation Funding (Referred to Transportation as of 2.16.15): would in 2016 increase by $24.25 the motor vehicle registration fee for vehicles under 6,000 pounds and in 2017 increase the fee by an additional $25. (See H.J.R. 48, below)

H.B. 457 (McClendon) – Transportation Funding, Utilities and Environment (Referred to Transportation 2.11.15): would allocate a certain amount of state revenue from the titling of motor vehicles to the Texas emissions reduction plan and the Texas rail relocation and improvement fund.

H.B. 457 (McClendon) – Transportation Funding, Utilities and Environment (Referred to Appropriations as of 2.18.15): would provide that, beginning in increments in 2017 and completed in 2026, the revenue derived from the state sales tax imposed on the sale of a motor vehicle sold in this state shall be deposited to the credit of the state highway fund. (See H.J.R. 53, below.)

H.B. 1031 (Leach) – Roadway Funding: would: (1) create the clean air roadway project account in the state’s general revenue fund; (2) provide that the comptroller shall transfer certain funds collected for the Texas emissions reduction plan fund to the account; (3) provide that money in the account may be appropriated only to fund roadway projects designed to improve or prevent the deterioration of ambient air quality, but may not be appropriated to fund a toll road; and (4) the Texas Department of Transportation, in consultation with the Texas Commission on Environmental Quality, shall determine which roadway projects are eligible to be funded by money appropriated from the account.

H.B. 1081 (Paul) – Transportation Funding: would provide that, in each state fiscal year beginning on or after September 1, 2017, the comptroller shall deposit to the credit of the state highway fund all money received from the state’s motor vehicle sales tax.

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

H.B. 1370 (Phillips) – Transportation Funding: would provide that all net revenue derived from the tax on the sale of a motor vehicle sold in this state that exceeds the first $2.5 billion of that revenue coming into the treasury for a state fiscal year (excluding amounts previously dedicated to school property tax relief) shall be deposited to the credit of the state highway fund and may be appropriated only to: (1) construct, maintain, or acquire rights-of-way for public roadways other than toll roads; or (2) repay the principal and interest on general obligation bonds. (Companion bill is S.B. 5 by Nichols. See H.J.R. 91, below.)
H.B. 1432 (Howard) – Transportation Funding: would authorize Travis County to impose by commissioners court order an additional vehicle registration fee to fund certain transportation projects in the county.

H.B. 1652 (S. Turner) – Transportation Funding: would provide that money in the state highway fund may be used only to improve the state highway system.

H.B. 1836 (Sanford) – Transportation Funding: would provide: (1) that 10 percent of the state’s sales and use tax revenue be deposited in state highway fund; and (2) none of that revenue can be used for a toll road or a mass transit rail system.

H.B. 2686 (Shaheen) – Transportation Funding: would: (1) allocate a portion of the state’s motor vehicle sales tax to the state highway fund; and (2) prohibit spending on toll roads, mass transit, or highway beautification projects.

H.B. 2737 (Capriglione) – Transportation Funding: would reallocate three-fourths of the state’s gas tax, and essentially all of the state’s liquid propane tax, to the state highway fund.

H.J.R. 24 (Harless) – Transportation Funding: would allocate most motor vehicle sales tax proceeds to the state highway fund.

H.J.R. 27 (Pickett) – Transportation Funding: would amend the Texas Constitution to provide that: (1) subject to legislative allocation, appropriation, and direction, three-fourths of the net revenue from the motor fuel tax shall be used for the sole purpose of constructing and maintaining public highways, and one-fourth of the net revenue shall be allocated to school funding; and (2) for a biennium, the legislature may not appropriate funds derived from the revenue described (1), above, for a purpose other than acquiring rights-of-way or constructing or maintaining public roadways in an amount that exceeds the lesser of: (a) the total amount of those funds appropriated for a purpose other than acquiring rights-of-way or constructing or maintaining public roadways in the preceding biennium; or (b) the maximum amount that may be appropriated under (a), above, reduced by 20 percent from the preceding biennium if the estimate of anticipated revenue from all sources made in advance of the regular session for the biennium exceeds the total amount of revenue from all sources for the preceding biennium by more than three times the amount of the reduction.

H.J.R. 28 (Pickett) – Transportation Funding: would amend the Texas Constitution to provide that the net revenue from motor vehicle registration fees and motor fuels tax shall be used for the sole purpose of constructing and maintaining public highways, provided that one-fourth of that revenue remains allocated to public school funding. (Companion bill is S.J.R. 12 by Perry.)

H.J.R. 29 (Pickett) – Transportation Funding: this bill is identical to H.J.R. 28, above.

H.J.R. 36 (Larson) – Transportation Funding: would amend the Texas Constitution to provide: (1) that, subject to legislative appropriation, allocation, and direction: (a) 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 – and on new and used motor vehicle tires and new and used motor vehicle part – shall be used for the sole purpose of constructing and maintaining public highways; and (b) one-fourth of the net revenue shall be allocated to the available school fund; and (2) certain limits on the amounts that may appropriated for those purposes each biennium.

H.J.R. 48 (Harless) – Transportation Funding: would amend the Texas Constitution to provide that revenue from increases in the state sales tax on motor vehicles, state gas tax, and state registration fees must be credited to the state highway fund, which can be used only to plan, design, construct, and maintain nontolled highways. (See H.B. 399 and H.B. 401, above.)
H.J.R. 53 (Metcalf) – Transportation Funding: would amend the Texas Constitution to authorize revenue from the state sales tax imposed on the sale of a motor vehicle to be deposited to the credit of the state highway fund. (See H.B. 469, above.)

H.J.R. 91 (Phillips) – Transportation Funding: would amend the Texas Constitution to provide that all net revenue derived from the tax on the sale of a motor vehicle sold in this state that exceeds the first $2.5 billion of that revenue coming into the treasury for a state fiscal year (excluding amounts previously dedicated to school property tax relief) shall be deposited to the credit of the state highway fund and may be appropriated only to: (1) construct, maintain, or acquire rights-of-way for public roadways other than toll roads; or (2) repay the principal and interest on general obligation bonds. (Companion bill is S.J.R. 5 by Nichols. See H.B. 1370, above.)

H.J.R. 94 (Burkett) – Transportation Funding: would amend the Texas Constitution to provide that the legislature may, by a two-thirds vote of the members present in each house, appropriate amounts from the economic stabilization fund to: (1) retire state debt; (2) pay costs associated with a state of disaster declared by the governor; or (3) pay nonrecurring costs of infrastructure projects.

H.J.R. 114 (Shaheen) – Transportation Funding: would amend the Texas Constitution to provide that the net revenue from motor vehicle registration fees and motor fuels tax shall be used for the sole purpose of constructing and maintaining public highways, provided that one-fourth of that revenue remains allocated to public school funding.

S.B. 5 (Nichols) – Transportation Funding (Referred to Transportation as of 2/9/15): would provide that all net revenue derived from the tax on the sale of a motor vehicle sold in this state that exceeds the first $2.5 billion of that revenue coming into the treasury for a state fiscal year (excluding amounts previously dedicated to school property tax relief) shall be deposited to the credit of the state highway fund and may be appropriated only to: (1) construct, maintain, or acquire rights-of-way for public roadways other than toll roads; or (2) repay the principal and interest on general obligation bonds. (See S.J.R. 5, below.)

S.B. 61 (Huffines) – Transportation Funding (Referred to Finance as of 1.26.15): would provide that: (1) all of the revenue from the state gasoline and special fuels taxes be credited to the state highway fund; and (2) money deposited to the state highway fund may be used only for acquiring rights-of-way and constructing public roadways.

S.B. 139 (Perry) – Transportation Funding (Referred to Finance as of 1.27.15): would provide that: (1) money that is required to be used for public roadways by the Texas Constitution or federal law and that is deposited in the state treasury to the credit of the state highway fund be used only: (a) to improve the state highway system; or (b) to mitigate adverse environmental effects that result directly from construction or maintenance of a state highway. (This bill would end “diversion” of state transportation money that is currently funding the Texas Department of Transportation.) (See S.J.R. 12, below.)

S.B. 184 (Schwertner) – Transportation Funding (Referred to Finance as of 1.27.15): would end the diversion of state highway fund money that currently supports the Department of Public Safety. (See S.J.R. 15, below)

S.B. 321 (Hinojosa) – Transportation Funding (Referred to Transportation as of 2.2.15): would modify the formula governing the transfer of money from the State Highway Fund to the Texas Emissions Reduction Plan Fund.

S.B. 341 (Huffines) – Transportation Funding (Referred to Transportation as of 2.2.15): would provide that: (1) in each state fiscal year beginning on or after September 1, 2017, the comptroller shall deposit to the credit of the state highway fund all money that is received from the motor vehicle sales tax; and (2) money deposited to the credit of the state highway fund under this section may not be used for toll roads.
S.B. 579 (Watson) – Transportation Funding (Referred to Transportation as of 2/23/15): would authorize Travis County to impose by commissioner’s court order an additional vehicle registration fee to fund certain transportation projects in the county.

S.B. 704 (Creighton) – Transportation Funding: would generally provide for a formula by which certain state revenue would be used to reduce the amount of state transportation debt.

S.B. 731 (Rodriguez) – Transportation Funding: would provide that the Texas Department of Transportation shall develop a transportation project grant program to make grants to a governmental entity located in a department district that is adjacent to the border between Texas and Mexico or a private entity that owns or operates an international port of entry between this state and the United Mexican States.

S.B. 906 (Hinojosa) – Transportation Funding: would increase from $10 to $20 the amount of the optional county vehicle registration fee used to fund a county’s road and bridge fund.

S.B. 1048 (Hall) – Transportation Funding: would prohibit the Texas Department of Transportation, a local governmental entity, or another political subdivision of this state from using money provided by the Federal Transit Administration for a mass transit passenger rail project.

S.J.R. 5 (Nichols) – Transportation Funding (Referred to Transportation as of 2/9/15): would amend the Texas Constitution to provide that all net revenue derived from the tax on the sale of a motor vehicle sold in this state that exceeds the first $2.5 billion of that revenue coming into the treasury for a state fiscal year (excluding amounts previously dedicated to school property tax relief) shall be deposited to the credit of the state highway fund and may be appropriated only to: (1) construct, maintain, or acquire rights-of-way for public roadways other than toll roads; or (2) repay the principal and interest on general obligation bonds. (See S.B. 5, above.)

S.J.R. 12 (Perry) – Transportation Funding (Referred to Finance as of 2.2.15): this bill is identical to H.J.R. 28, above.

S.J.R. 15 (Schwertner) – Transportation Funding (Referred to Finance as of 2.2.15): would provide that three-quarters of the state’s motor vehicle registration fees and the state’s gas tax shall be credited to the state highway fund to be used only for the purpose of constructing and maintaining public highways. (See S.B. 184, above.)

S.J.R. 42 (Huffines) – Transportation Funding: would amend the Texas Constitution to provide that the net revenue from motor vehicle registration fees and motor fuels tax shall be used for the sole purpose of constructing and maintaining public highways, provided that one-fourth of that revenue remains allocated to public school funding.

TRANSPORTATION REINVESTMENT ZONES

TREES

H.B. 1422 (Workman) – Tree or Vegetation Removal: would provide that a city, county, or other political subdivision may not enact or enforce any ordinance, rule, or other regulation that restricts the ability of a property owner to remove a tree or vegetation on the owner’s property that the owner believes poses a risk of fire to a structure on the property or adjacent property, with certain exceptions.
UTILITIES

S.B. 253 (Ellis) – Environmental Justice Communities (Referred to Natural Resources & Economic Development as of 1.28.15): would: (1) require a person applying for a permit for a new facility that requires approval from Texas Commission on Environmental Quality (TCEQ) or the expansion of such a facility to submit to the TCEQ a report stating whether the facility is to be located in an environmental justice community; (2) require a facility in an environmental justice community to consult with the mayor in the city in which the facility is to be located; (3) require a permit applicant to publish notice of and hold a public hearing to provide information on the potential environmental impacts of the facility; and (4) allow a city and an owner or developer of an affecting facility to enter into a community environmental benefit agreement.

S.B. 505 (Perry) – Utility Towers (Referred to Agriculture, Water, & Rural Affairs as of 2/11/15): would: (1) provide that a tower that is at least 50 feet but not more than 200 feet in height above ground level: (a) must be painted in equal alternating bands of aviation orange and white; (b) must have aviation orange marker balls; and (c) may not be supported by guy wires unless the wires have a seven foot safety sleeve; (2) make it a misdemeanor offense to own, operate, or erect a tower in violation of (1), above; (3) except from the requirements in (1), above: (a) a tower that supports an electric utility transmission or distribution line; (b) a facility licensed by the Federal Communication Commission or any structure with the primary purpose of supporting telecommunications equipment; (c) a wind-powered electrical generator with a rotor blade radius greater than six feet; or (d) a traffic-control signal erected or maintained by the Texas Department of Transportation; and (4) authorize the Texas Department of Transportation to adopt certain rules, including rules requiring a person who owns, operates, or erects a tower to provide notice to the department of the existence of or intent to erect a tower and to register the tower with the department. (Companion bill is H.B. 946 by Workman.)

VESTING

H.B. 1472 (Workman) – Permit Vesting: would provide that: (1) the attorney general may bring an action to enforce Chapter 245 of the Local Government Code (the “Permit Vesting” Statute); and (2) a city that violates that chapter is liable for actual damages and attorney’s fees. (Note: Current law authorizes enforcement only through mandamus, declaratory relief, or injunction.)

WATER DISTRICTS

ZONING

The House Committee on Land and Resource Management issued its interim report in January. One of the recommendations was to “Reintroduce legislation from the last session that would allow a county commissioners court to overturn a city’s zoning decisions.” Obviously this would be detrimental to cities.

H.B. 132 (Flynn) – Agriculture (Referred to Urban Affairs as of 2.12.15): would provide that: (1) a city may not adopt regulations that interfere with a person’s right to engage in agriculture; and (2) the attorney general may bring an action in a district court in the name of the state to obtain a temporary or permanent injunction against a city adopting a regulation in violation of the bill.

The Texas Legislative Service was founded in 1924 under the motto "Nulla Lex Sine Luce" which translated means "No law without light"……From their website.