TXAPA/TML AFFILATE LEGISLATIVE COMMITTEE
Planning/Development Legislation Update as of November 29, 2018

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

- Monday, November 12, 2018 - Pre-filing of legislation for 86th Legislature began, 460 bills filed on the first day. The number of city related bills as a percentage of total bills filed has risen every year. Twenty years ago, around 17 percent of bills filed affected cities in some way. By 2017, that percentage had almost doubled to 30 percent. In other words, almost a third of the legislature’s work is directed at cities, and much of that work aims to limit municipal authority.
- Tuesday, January 8, 2019 (1st day) - 86th Legislature convenes at noon;
- Friday, March 8, 2019 (60th day) - Deadline for filing bills and joint resolutions other than local bills, emergency appropriations, and bills that have been declared an emergency by governor; There will be more: legislators can still file bills if they can persuade colleagues to suspend rules on a bill-by-bill basis. In 2017 a total of 401 planning and development related bills were monitored by TXAPA/TML.
- Monday, May 27, 2019 (140th day) - Last day of 86th Regular Session; corrections only in House and Senate and session Ends. In 2017, of the 401 bills tracked, a total of 43 (9%) were either signed by the Governor or were not vetoed and became law. 14 (3% of total) of those bills were bad for cities, and 12 (3%) were good. An additional 16 bills were “neutral” and not determined to be negative.
- Sunday, June 16, 2019. (20th day following final adjournment) - Last day governor can sign or veto bills passed during regular legislative session. Any bills not signed become law
- Monday, August 26, 2019, (91st day following final adjournment) - Date that bills without specific effective dates (that could not be effective immediately) become law

Note: The following listed bills with strikeouts are from the 2017 legislature. Since the “anti-city/planning” legislation bills that don’t get passed have a habit of being resubmitted by the same sponsors in the next legislature, it is intended to give a prediction of what bills have not yet been introduced in 2019 and who will probably introduce them. Huffines and Burton did not get re-elected but since they were carrying legislation for the same elected officials, it is expected their bills will be introduced by someone else with very few changes. Obviously, bathrooms will probably be back.

Following is status of Planning Related Bills and other issues as listed on TML Legislative Reports and/or sent to TXAPA

This document is status of legislation affecting 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 added since 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.

Table of Contents (click on links below to go to that section)

Contents

TXAPA’S DIRTY DOZEN FROM 2017 - WORST LEGISLATION AFFECTING PLANNING, GROWTH & DEVELOPMENT OF CITIES ... 3

AFFORDABLE HOUSING ........................................................................................................................................ 4

AGENDA 21, RELATED “ANTI-PLANNING LEGISLATION” .................................................................................. 4

ALCOHOLIC BEVERAGES ........................................................................................................................................ 4
ANNEXATION, DEVELOPMENT, STRATEGIC PARTNERSHIP AGREEMENTS ................................................................. 4
BATHROOMS ........................................................................................................................................................................... 4
BUILDING AND FIRE CODES/INSPECTION .......................................................................................................................... 5
CODE ENFORCEMENT ......................................................................................................................................................... 5
COMPREHENSIVE PLANS .................................................................................................................................................. 6
COUNTY/RURAL AUTHORITY/COLONIAS ............................................................................................................................ 6
CREDIT ACCESS BUSINESS/PAYDAY/AUTO TITLE LENDING ......................................................................................... 6
ECONOMIC DEVELOPMENT/REDEVELOPMENT .................................................................................................................. 7
EMERGENCY MANAGEMENT/DISASTER RECOVERY ........................................................................................................... 8
EMINENT DOMAIN ............................................................................................................................................................ 8
ENVIRONMENT .................................................................................................................................................................. 9
EXTRATERRITORIAL JURISDICTION ..................................................................................................................................... 9
GAMBLING ........................................................................................................................................................................... 9
GRANTS, FUNDING AGENCIES ............................................................................................................................................ 10
GROUP HOMES/HALFWAY HOUSES .................................................................................................................................. 10
HEALTH CODES AND INSPECTIONS .................................................................................................................................. 10
HISTORIC ............................................................................................................................................................................... 10
HOME RULE AUTHORITY .................................................................................................................................................... 10
HOMEOWNER ASSOCIATIONS (SEE PROPERTY OWNER ASSOCIATIONS) ................................................................. 11
HOUSING .......................................................................................................................................................................... 11
IMPACT FEES ....................................................................................................................................................................... 11
MANUFACTURED HOUSING/INDUSTRIALIZED BUILDINGS/RV PARKS ........................................................................... 11
MILITARY BASES, CONVERSIONS ....................................................................................................................................... 11
MINERAL RIGHTS .................................................................................................................................................................. 11
MUNICIPAL UTILITY DISTRICTS ........................................................................................................................................ 11
OIL, GAS AND PIPELINES, GAS WELLS .............................................................................................................................. 11
PRIVATE PROPERTY RIGHTS (ALSO REGULATORY TAKINGS) ............................................................................................ 11
OPEN MEETINGS/PUBLIC INFORMATION/NOTICE ........................................................................................................ 11
PAYDAY/AUTO TITLE LENDING (SEE CREDIT ACCESS BUSINESS – NAME THEY PREFER) ........................................... 12
PROFESSIONAL SERVICES .................................................................................................................................................. 12
PROPERTY OWNERS’ ASSOCIATION .................................................................................................................................. 12
PUBLIC IMPROVEMENT DISTRICTS ................................................................................................................................... 12
REDEVELOPMENT .............................................................................................................................................................. 12
RELIGIOUS FREEDOM/LAND USE ........................................................................................................................................ 12
RESIDENTIAL DEVELOPMENT .......................................................................................................................................... 12
ROUGH PROPORTIONALITY ................................................................................................................................................ 12
SEXUALLY ORIENTED BUSINESSES .................................................................................................................................. 13
SHORT TERM RENTALS ...................................................................................................................................................... 13
SIGNS .................................................................................................................................................................................... 13
TXAPA’s Dirty Dozen from 2017 - Worst Legislation affecting planning, growth & development of cities

1. **Annexation** – H.B. 347 (P. King) – Annexation – will make all counties Tier 2 w/no involuntary annexation.
2. **Payday Lending** – HB 3508 (Neave) – will preempt all city payday lending ordinances
3. **ESD’s** – HB 3074 (E. Rodriguez) – requires sales tax to be paid to ESD’s in addition to debt upon annexation or removal from ESD by City
4. **Historic Zoning** – HB 3418 (Elkins) – restricts historic zoning, speeds up demolition, requires ¾ vote of both P&Z and Council
5. **Manufactured Homes**
6. **Property rights/zoning/vesting** – HB 3787 (Bell) – cannot enforce new regulation after 9.1.2017 if it was not in effect when owner bought property
7. **Short Term Rentals** – HB 2551 (Krausea), SB 451 (Hancock) – would preempt city’s authority to regulate short term rentals
8. **Billboards/TXDOT** – HB 405 (Villalba) – if City regulations do not allow relocation of billboard acquired by TXDOT, City has to pay (in ETJ also)
9. **TIRZ’s** – SB 1765 (Garcia) – extremely onerous, only allows for 10 yr term w/no extensions and has retroactive provisions
10. **Commuter Rail** – HB 4160 (Pickett) SB 385 (Burton) – may not accept funding including TXDOT or Fed for construction, operation or maintenance of commuter rail w/o citywide election. Not clear if operation fund reqs. are retroactive
11. **Trees** – HB 1572 (Workman), HB 2052 (Phelan), HB 2535 (Zedler), SB 744 (Kolkhorst) – SB 782 (Campbell), SB 898 (Bettencourt), SB 1082 (Burton) – same theme, trees are private property, cannot be prohibited from being trimmed or removed, limits mitigation fees (amazingly similar wording)
12. **Wireless** free use of ROW –
AFFORDABLE HOUSING

**H.B. 59 (Swanson) – Low Income Housing Tax Credits**: would increase the weight given to a written statement from a state representative who represents the district containing the proposed development site for any low-income housing tax credit application submitted to the Texas Department of Housing and Community Affairs.

**HB 616 (Leach) – Low Income Housing Tax Credits**: (Housing & Community Affairs report sent to Calendars 4/28) would eliminate following as a criteria used by Texas Department of Housing and Community Affairs to rank low income housing tax credit applications: “level of community support for application, evaluated on basis of a written statement from state representative who represents district containing proposed development site;” and (2) retain requirement that Department notify and receive comments from elected officials on low income housing tax credit applications in their area.

AGENDA 21, RELATED “ANTI-PLANNING LEGISLATION”

ALCOHOLIC BEVERAGES

ANNEXATION, DEVELOPMENT, STRATEGIC PARTNERSHIP AGREEMENTS

**H.B. 347 (P. King) – Annexation**: would essentially eliminate most unilateral annexations by any city, regardless of population or location. Specifically, the bill would: (1) eliminate the distinction between Tier 1 and Tier 2 cities and counties created by S.B. 6 (2017); (2) eliminate existing annexation authority that applied to Tier 1 cities and make most annexations subject to the three consent annexation procedures created by S.B. 6 (2017), which allow for annexation: (a) on request of the each owner of the land; (b) of an area with a population of less than 200 by petition of voters and, if required, owners in the area; and (c) of an area with a population of at least 200 by election of voters and, if required, petition of landowners; and (3) authorize certain narrowly-defined types of annexation (e.g., city-owned airports, navigable streams, etc.) to continue using a service plan, notice, and hearing annexation procedure.

**HB 3074 (E. Rodriguez) – Emergency Services Districts**: (5/04 H Committee report sent to Calendars): would require a city to factor in sales tax revenue to the amount that must be paid to an emergency services district when the city seeks to remove territory from the district. (Also see ESD’s)

BATHROOMS

**SB 6 (Kolkhorst) – Bathrooms**: (Received from the Senate 3/16): (only relevant provisions are listed below): (Also, look up SB 92 – Civil Rights under home rule authority. Preempts any civil rights bills)

1. a political subdivision may not adopt or enforce an order, ordinance, or other measure that relates to designation or use of a private entity’s bathroom or changing facility or that requires or prohibits entity from adopting a policy on designation or use of entity’s bathroom or changing facility;
2. a political subdivision or state agency with control over multiple-occupancy bathrooms or changing facilities in a building owned or leased by this state or political subdivision, as applicable, shall develop a policy requiring each multiple-occupancy bathroom or changing facility located in building to be designated for and used only by persons of same biological sex;
3. bill does not prohibit a political subdivision or state agency from providing an accommodation, including a single-occupancy bathroom or changing facility, on request due to special circumstances, but accommodation may not allow a person to use a multiple-occupancy bathroom or changing facility designated for biological sex opposite to person’s biological sex;
4. bill provides authorizes exceptions to policy developed under (3), would allow: (a) a person entering a multiple-occupancy bathroom or changing facility designated for biological sex opposite to person’s biological sex: (i) for a custodial purpose; (ii) for a maintenance or inspection purpose; (iii) to render medical or other emergency assistance; (iv) to accompany a person needing assistance in using facility; or (v) to receive assistance in using facility; or (b) a child who is younger than eight years of age entering a multiple-occupancy bathroom or changing facility designated for biological sex opposite to child’s biological sex and accompanying a person caring for child;
5. a private entity that leases or contracts to use a building owned or leased by this state or a political subdivision is not subject to a policy developed under (3), above, and a state agency or political subdivision may not require or
prohibit a private entity that leases or contracts to use a building owned or leased by this state or a political subdivision from adopting a policy on designation or use of bathroom or changing facilities located in building; Also, SB 1113 (Garcia), SB 1276 (Campbell)

BUILDING AND FIRE CODES/INSPECTION

H.B. 291 (Springer) – Architectural Barriers: would provide that: (1) the Texas Commission Licensing and Regulation shall impose an administrative penalty on a political subdivision that issues a building construction permit or a final certificate of occupancy without verifying that the building has been registered with the Texas Department of Licensing and Regulation; (2) the total amount of an administrative penalty under this section is the amount calculated by multiplying the population of the political subdivision by one cent; and (3) a penalty collected under the bill may be appropriated only to the office of the governor for the purpose of informing organizations and the general public of disability issues.

S.B. 208 (Campbell) – Concrete Plants: would extend from 440 yards to 880 yards the distance within which a concrete plant or crushing facility must be from a single- or multi-family residence, school, or place of worship.

HB 153 (Schafer) – Occupational Regulation (Referred to Urban Affairs 2/15): would: (1) unless expressly authorized by state law, prohibit a city from adopting or enforcing any ordinance, rule, or regulation that: (a) establishes additional, more stringent licensing requirements for an occupation that requires a state occupational license; or (b) requires a person to obtain an occupational license issued by city; and (2) provide that any ordinance, rule, or regulation that violates (1), above, is void and unenforceable.

HB 3506 (Cyrier) – Construction Licenses (5/10 H Placed on General State Calendar): would prohibit a local governmental entity from requiring a builder or contractor to obtain a local license through ordinance for the construction or remodel of a commercial or residential structure.

S.B. 13 (Burton) – Expedited Permitting, Automatic Approvals (7.27 Approved as amended by Senate, sent to House): extremely onerous amendments to LGC CH 214 Municipal Regulation of Housing and Other Structures, Sec. 214.904 Time for Issuance of Municipal Bldg. Permit.(everyone should currently read, specifies time frame to issue permits or face penalties including refunding of permit fees) b) Not later than the 45th 30th day after the date an application for a permit is submitted, the city must: (1) grant or make a preliminary determination to deny the permit; (2) provide written notice to the applicant stating detailed reasons why the city has been unable to act on the permit application, including citations and regulation references specific for each listed reason. If a city fails to act on a permit application within [in] the period [time] required by Subsection (c) (15 days), the permit application is considered approved and the city (1) may not collect any permit fees associated with the application; and (2) shall refund to the applicant any permit fees associated with the application that have been collected. e) If a city makes a preliminary determination to deny a permit application, the city must send written notice of the determination to the applicant not later than the first business day after the date the determination is made stating: (1) each application deficiency that is a reason for the determination, including a citation to the specific ordinance, order, regulation, or policy relevant to the determination; (2) the specific actions required by the applicant to remedy each specified deficiency. With regard to the issuance of any permit required by a city to construct or improve a building or other structure in the city or its extraterritorial jurisdiction, the bill would provide for detailed “shot clock” procedures. With regard to chapter 245 of the Local Government Code (the “permit vesting” statute), the bill would—among many other things—make engaging in an occupation subject to permit vesting:

Companion Bill is HB 164 (Workman) Senate Approved bill at http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=851&Bill=SB13

CODE ENFORCEMENT

H.B. 36 (Ortega) – Substandard Buildings: would: (1) authorize an appeal from an interlocutory order denying a motion filed by a city related to a substandard building determination; and (2) require a court to expedite a proceeding, including an appeal, related to certain substandard building determinations.

H.B. 280 (Ortega) – Substandard Property: would expand those persons a court may appoint as a receiver for a substandard property to include any individual that the city demonstrates is competent and able to fulfill the duties of a receiver.
S.B. 86 (Hall) – Regulation of Raising Six or Fewer Chickens: would provide that (1) a political subdivision may not impose a governmental requirement that prohibits an individual from raising or keeping six or fewer chickens in the boundaries of the political subdivision; and (2) a city may impose reasonable governmental requirements on the raising or keeping of poultry in the boundaries of the city that do not have the effect of prohibiting the raising or keeping of six or fewer chickens, including: (a) a limit on the number of chickens an individual may raise or keep in excess of six; (b) a prohibition on breeding poultry; (c) a prohibition on raising or keeping roosters; or (d) the minimum distance an individual must maintain between a chicken coop and a residential structure. (Ed. Note – Not against chickens, just it should be a local option)

COMPREHENSIVE PLANS

H.B. 219 (Reynolds) – Comprehensive Plan: would require a city’s comprehensive plan to be updated at least every five years and include an environmental evaluation report. See last year’s bill below that did not make it out of committee – testimony was Texas could be like California that also requires environmental evaluations.

COUNTY/RURAL AUTHORITY/ColONIAS

CREDIT ACCESS BUSINESS/PAYDAY/AUTO TITLE LENDING
(Also see “Payday Lending Clearinghouse” webpage, available at www.tml.org/payday-updates)

H.B. 190 (Bernal) – Payday and Auto Title Lending: would provide that a credit services organization may not obtain for a consumer or assist a consumer in obtaining an extension of consumer credit, unless the credit organization uses independently verifiable documentation of income and obligations to find that the consumer can reasonably: (1) repay the extension of consumer credit and all associated fees in cash, in accordance with the time and schedule of payments established by contract and applicable law; and (2) pay due payments on all known obligations of the consumer concurrently.

H.B. 242 (Bernal) – Payday and Auto Title Lending: would, among other things: (1) provide that a municipal ordinance regulating credit access businesses is not preempted by state law; (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 English or 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) prohibit a credit services organization from assisting a consumer in obtaining an extension of consumer credit in any form other than a single-payment payday loan, multiple-payment payday loan, single payment auto title loan, or multiple-payment auto title loan; (5) provide that each day of a continuing violation of a provision related to state notice and disclosure requirements or state licensing and regulation requirements by a credit services organization constitutes a separate offense; (6) provide that the general limitations on payday and auto title loans in the bill apply to any consumer physically located in this state at the time the loan is made, regardless of whether the loan was made in person in this state; (7) require a credit access business to require certain types of documentation to establish a consumer’s income for purposes of extending credit; (8) provide that a single-payment payday loan: (a) may not exceed 20 percent of the consumer’s gross annual income; (b) may not be refinanced more than three times, with the amount of each refinanced payment used to repay at least 25 percent of the principal amount of the original debt; (9) provide that a multiple-payment payday loan: (a) may not exceed 20 percent of the consumer’s gross monthly income; and (b) may not be payable in more than four installments, with the amount of each payment used to repay at least 25 percent of the principal amount of the debt; (10) 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 three percent of the consumer’s gross annual income; and (b) may not be refinanced more than three times, with the amount of each refinanced payment used to repay at least 25 percent of the principal amount of the original debt; (11) provide that a multiple-payment auto title loan: (a) may not exceed the lesser 70 percent of the retail value of the motor vehicle securing the debt, or three percent of the consumer’s gross annual income; and (b) may not be payable in more than four installments, with the amount of each payment used to repay at least 25 percent of the principal amount of the debt; (12) require any refinance of a payday or auto title loan to: (a) be authorized by state law; (b) be in the same form as the original loan; and (c) meet all
requirements applicable to the original loan; and (13) require a credit access business to maintain a complete set of records of all loans and retain the records until the third anniversary of the date of the loan.

S.B. 110 (Menendez) – Payday and Auto Title Lenders: would provide that the amount of a fee paid or to be paid to a credit services organization to assist a consumer in transacting, arranging, guaranteeing, or negotiating an extension of credit or to obtain for a consumer an extension of credit is considered interest for usury purposes under state law if: (1) the extension of credit is secured by a non-purchase money security interest in personal property or is unsecured; and (2) the proceeds of the extension of credit are used for personal, family, or household purposes.

S.B. 182 (Miles) – Payday Lending: would provide that a credit services organization or a representative of a credit services organization may not, unless the credit services organization or representative of the credit services organization has extrinsic evidence sufficient prove that the consumer has committed theft or issued a bad check: (1) file a criminal complaint or threaten to file a criminal complaint related to an extension of consumer credit against the consumer; or (2) refer or threaten to refer a consumer to a prosecutor for the collection and processing of a check or similar sight order that was issued in relation to an extension of consumer credit.

HB 3081 (Capriglione) – Payday Lending (Investments & Financial Services report sent to Calendars 5/1 Died in House): would provide that a person subject to regulation by a finance agency and the person’s business activities subject to that regulation are subject only to applicable federal law and regulations and applicable state law, including rules adopted by the finance commission. (Companion Bill is SB 1530 (Estes)
Note: this bill would preempt all city payday lending ordinances.)

ECONOMIC DEVELOPMENT/REDEVELOPMENT

H.B. 31 (Longoria) – Texas Leverage Fund: would, among other things: (1) establish the Texas leverage fund, which consists of: (a) proceeds from the issuance of revenue-based bonds by the Texas Economic Development Bank; (b) payments of principal and interest on loans made by the Texas Economic Development Bank; (c) loan origination fees imposed on loans made by the Texas Economic Development Bank; (d) investment earnings of the Texas leverage fund; and (e) any other money received by the Texas Economic Development Bank; (2) provide that the Texas leverage fund may only be used to: (a) make loans to economic development corporations (EDCs) for eligible projects; (b) pay the bank’s necessary and reasonable costs of administering the program; (c) pay the principal of and interest on bonds; (d) pay reasonable fees and other costs incurred by the bank in administering the leverage fund; and (e) pay for any other purpose authorized by law; (3) authorize a Type A or Type B EDC to obtain a loan from the Texas leverage fund program for eligible projects; and (4) authorize a Type A or Type B EDC to pledge revenue from the EDC sales and use tax to secure the loan. (Companion bill is S.B. 132 by Hinojosa.)

H.B. 360 (Murphy) – Tax Abatements: would extend the expiration date of the Property Redevelopment and Tax Abatement Act from September 1, 2019, to September 1, 2029. (Companion bill is S.B. 118 by West.)

H.B. 390 (Blanco) – Defense Communities: would make various changes relating to defense economic readjustment zones

S.B. 132 (Hinojosa) – Texas Leverage Fund: would, among other things: (1) establish the Texas leverage fund, a trust fund held outside the state treasury by the comptroller as trustee, that consists of: (a) proceeds from the issuance of revenue-based bonds by the Texas Economic Development Bank; (b) payments of principal and interest on loans made by the Texas Economic Development Bank; (c) loan origination fees imposed on loans made by the Texas Economic Development Bank; (d) investment earnings of the Texas leverage fund; and (e) any other money received by the Texas Economic Development Bank; (2) provide that the Texas leverage fund may be used only to: (a) make loans to economic development corporations (EDCs) for eligible projects; (b) pay the bank’s necessary and reasonable costs of administering the program; (c) pay the principal of and interest on bonds; (d) pay reasonable fees and other costs incurred by the bank in administering the leverage fund; and (e) pay for any other purpose authorized by law; (3) authorize a Type A or Type B EDC to obtain a loan from the Texas leverage fund program for eligible projects; and (4) authorize a Type A or Type B EDC to pledge revenue from the EDC sales and use tax to secure the loan. (Companion bill is H.B. 31 by Longoria.)
SB 2043 (Bettencourt)—Freeport Property Tax Exemption (Referred to Finance 3/28): 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.

EMERGENCY MANAGEMENT/DISASTER RECOVERY

H.B. 34 (Raymond) – Disaster Alert System: would require the Texas Division of Emergency Management (Division) to develop and implement a statewide disaster alert system that provides for the following: (1) activation of the system in the event of a disaster affecting any location in the state; (2) operation of the system in conjunction with any other emergency alert system required by federal or state law; (3) notification of persons statewide of a disaster affecting any location in the state; (4) provision of notification through public and commercial television or radio broadcasts, a system of dynamic message signs located across the state, reverse 9-11 calls, texts messages, e-mails, social media, and other instant messaging systems; (5) allowing persons to register for a preferred method of receiving notification; (6) immediate activation of the system upon a determination by the Division that a disaster has occurred or the occurrence or threat of disaster is imminent, or upon being notified of a declaration of disaster; (7) issuance of updated notifications for the duration of the disaster; (8) notification that includes all information necessary to enable a person who may be affected by the disaster to make informed decisions regarding the person’s safety; (9) notification that enables a person in another location in the state to assist an affected person; (10) notification that includes real-time information regarding the availability of gas, food, lodging, 24-hour pharmacy services, medical care, and the disposition of a deceased individual; (11) for a hurricane, notification of the category of classification of the hurricane, including updated information on changes in the category classification, expected time and location of landfall for the hurricane, and other detailed information about the hurricane; (12) termination of the system when the Division determines that the threat or danger has passed or the disaster has been addressed to the extent that emergency conditions no longer apply; and (13) termination of the system when the governor terminates a declared state of disaster.

H.B. 91 (Martinez) – Disaster Identification System: would establish, for use in an area subject to a declaration of a state disaster, a disaster identification system that would allow any person to use an illuminating display to communicate with disaster relief personnel.

H.B. 137 (Hinojosa) – Hazardous Dam Reporting: would require the Texas Commission on Environmental Quality to provide a report of a dam that has a hazard classification of high or significant to the emergency management director for the political subdivision in which the dam is located.

HB 3074 (E. Rodriguez) – Emergency Services Districts (Land & Resource Mgmt. 5/21 H Committee report sent to Calendars): would require a city to factor in sales tax revenue to the amount that must be paid to an emergency services district when the city seeks to remove territory from the district.

EMINENT DOMAIN

HB 528 (Schofield) – Eminent Domain (Business & Industry left pending 4/12): would, in relation tolling a property owner’s right of repurchase: (1) eliminate following as elements establishing “actual progress” on a project: (a) acquisition of a tract or parcel of real property adjacent to property for same public use project for which owner’s property was acquired; or (b) for a governmental entity, adoption by a majority of entity’s governing body at a public hearing of a development plan for a public use project that indicates that entity will not complete more than one tolling action before tenth anniversary of date of acquisition of property; and (2) require three of five remaining elements to be met to establish actual progress.

SB 786 (Nichols) – Eminent Domain (Referred to State Affairs 2/22): 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.
ENVIRONMENT

S.B. 180 (Miles) – Environmental Justice Reports: would: 1. define “affecting facility” as a facility required to obtain a permit from the Texas Commission on Environmental Quality for wastewater discharge, injection wells, and under the Solid Waste Disposal Act and Clean Air Act; 11. define “environmental justice community” as a United States census block group, as determined in accordance with the most recent United States census, for which: (a) 30 percent or more of the noninstitutionalized population consists of persons who have an income below 200 percent of the federal poverty level; or (b) 50 percent or more of the population consists of members of racial minority or ethnic minority groups; 3. require that a person applying for a permit for a new affecting facility or the expansion of an affecting facility submit to TCEQ an environmental justice report stating whether the facility or expansion is to be located in an environmental justice community and include demographic information to support the applicant’s conclusion as to whether the facility or expansion is to be located in an environmental justice community; 4. require that TCEQ review the environmental justice report and determine whether the affecting facility or expansion is to be located in an environmental justice community and publish its determination and findings in writing; 5. provide that if TCEQ determines that the affecting facility or expansion is to be located in an environmental justice community, the applicant must, before the commission may issue a permit: (a) file with TCEQ a public participation plan that meets the requirements of (6) and obtain TCEQ ’s approval of the plan; (b) consult with the chief elected official of the city in which the facility or expansion is to be located (if it will be located in a city) to evaluate the need for a community environmental benefit agreement in accordance with (8); and (c) participate in a public hearing under (7); 6. provide that a public participation plan must: (a) contain measures to facilitate effective public participation in the regulatory process, including measures that allow residents of the environmental justice community to have an appropriate opportunity to participate in decisions about a proposed affecting facility or expansion that may adversely affect residents’ environment or health, and seek out and facilitate the participation of those who potentially would be affected by the facility or expansion; and (b) include a certification that the applicant will undertake the measures contained in the plan; 7. provide that, if TCEQ determines that an affecting facility or expansion is to be located in an environmental justice community, TCEQ shall provide notice and conduct a hearing to address issues of environmental justice posed by the construction or expansion of the facility; 8. provide that a city or county and the owner or developer of an affecting facility may enter into a community environmental benefit agreement under which the owner or developer agrees to mitigate adverse impacts reasonably related to the facility, including impacts on the environment, traffic, parking, and noise; and 9. provide that, before negotiating the terms of a community environmental benefit agreement, the city or county shall provide a reasonable and public opportunity for residents of the potentially affected environmental justice community to be heard concerning the need for, and terms of, an agreement.

EXTRATERRITORIAL JURISDICTION

S.B. 655 (Bettencourt) – Annexation/Extraterritorial Jurisdiction (Left pending in committee 5/17): (See annexation)

From 2016 Legislature but based on hearings, a similar version is expected. S.B. 456 (Burton) – Extraterritorial Jurisdiction (Referred to Intergovernmental Relations as of 2/09/15): 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.

GAMBLING

H.B. 78 (Raymond) – Eight-Liners: would authorize a local option election to legalize or prohibit the operation of eight-liners. (See H.J.R. 18, below.)

H.J.R. 18 (Raymond) – Eight-Liners: would amend the Texas Constitution to: (1) authorize the legislature to regulate the operation of eight-liners and similar gaming devices; (2) require that eight-liner regulations provide for a local option election to legalize or prohibit the operation of the devices; and (3) authorize the legislature to impose a fee on gaming devices or allow political subdivisions to impose a fee on gaming devices. (See H.B. 78, above.)

H.B. 4136 (Gutierrez) – Casino Gambling (Referred to Licensing & Administrative Procedures 3/31): would allow up to 12 casinos in this state pursuant to a county approval election. (See HJR 119, below.)
HJR 55 (Alvarado) — Gambling (Referred to Licensing & Administrative Procedures 3/22): would amend Texas Constitution to provide that legislature shall establish a state gaming commission to administer laws regulating gaming activities and may authorize and provide for regulation of conduct of one or more types of gaming, including casino gaming, at locations on coastal barrier islands at least 25 miles in length that are accessible by a public road on one or more bridges, on dredge spoil islands at least 18 miles in length that are located in coastal counties, for which a license to conduct pari-mutuel wagering on horse or greyhound races is in effect, and in cities with a population of at least 675,000. (Can’t imagine where they are talking about)

GRANTS, FUNDING AGENCIES

GROUP HOMES/HALFWAY HOUSES

HB 640 (Phillips) — Halfway Houses (House considered in Calendars 5/5): (1) a city may regulate location of a halfway house by ordinance or order necessary to promote public health, safety, or welfare; (2) require owner or operator of a halfway house to provide written notice to mayor and chief law enforcement officer of city, if proposed location of halfway house is within city limits, not later than 60th day before date a facility begins operations; (3) authorize a city to sue in district court for injunction to prohibit a violation of a regulation adopted under (1); and (4) provide that a person who violates regulation adopted under (1) commits a Class A misdemeanor.

HEALTH CODES AND INSPECTIONS

H.B. 234 (Krause) — Sale of Lemonade: would provide that a city, county, or other local public health authority may not adopt or enforce an ordinance, order, or rule that prohibits an individual younger than 18 years of age from temporarily selling lemonade or other nonalcoholic beverage from a stand on private property.

S.B. 80 (Hall) — Milk Regulation: (1) authorize a person who holds a permit to sell raw milk or raw milk products at retail to sell it directly to a consumer at the person’s place of business, the consumer’s residence, or a farmer’s market; (2) establish labeling, storing, handling, and transportation regulations on raw milk and raw milk products available for retail sale; and (3) repeal the authority of a city to adopt an ordinance that allows only pasteurized milk and pasteurized milk products to be sold at retail in that city.

HB 1926 (E. Rodriguez) — Cottage Foods (Referred to Public Health 3/13): would: (1) define a “home food processor” as someone who makes certain food at home for sale, including cottage food production; (2) provide that home food processors are subject to county or state health laws and rules and inspections, but otherwise exempt from certain provisions applicable to food service establishments; (3) require that home food processors: (a) obtain a state permit; (b) meet packaging and labeling requirements; (c) meet production requirements; and (d) meet recordkeeping requirements; and (4) prohibit a city zoning ordinance from prohibiting use of a home for home food processor operations, but provide that a person is not limited in ability to bring a nuisance or tort action against a home food processor.

HISTORIC

HB 3418 (Elkins) — Historic Zoning (Public hearing on 4/11, left pending in Urban Affairs): (1) a city designating places or areas as historically important and significant by adoption of zoning regulations/boundaries must include certain detailed adoption criteria including prohibiting the “landmarking of a historic place if the person associated with the building didn’t live there or if the event associated with the site isn’t “widely recognized”; (2) expediting demolition of historic structures, (3) a recommendation by a zoning commission and approval by the city council requires the vote of three-fourths of all members of each body. (Ed. Note—not opposed to concept but it should be a local determination now strongly opposed)

HOME RULE AUTHORITY

S.B. 82 (Hall) — Lobbying Restrictions: would provide that a political subdivision that receives state funds may not pay: (1) lobbying expenses incurred by the political subdivision; (2) a person or entity that is required to register as a lobbyist with the Texas Ethics Commission; or (3) a person or entity that has been hired to represent associations or other entities for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other government policies.
HB 3947 (Laubenberg) – **Preemption**: would provide that a suit to enjoin enforcement of a local regulation may be brought by a state licensee that is subject to the local regulation if the local regulation: (1) establishes requirements for, imposes restrictions on, or otherwise regulates the business activity of the state licensee in a manner that is more stringent than the requirements, restrictions, and regulations imposed on the state licensee under state law; also [SB 2178](Huffines).

HOMEOWNER ASSOCIATIONS (See Property Owner Associations)

HOUSING

IMPACT FEES

H.B. 44 (Romero) – **Impact Fees**: would require the Texas Department of Transportation to conduct a study on the use of city impact fees for roadway facilities.

MANUFACTURED HOUSING/INDUSTRIALIZED BUILDINGS/RV PARKS

MILITARY BASES, CONVERSIONS

MINERAL RIGHTS

MUNICIPAL UTILITY DISTRICTS

OIL, GAS AND PIPELINES, GAS WELLS

HB 1519 (M. Gonzalez) – **Natural Gas Pipelines** (Referred to Energy Resources 3/20): would provide that a person seeking to construct a natural gas pipeline may not begin construction of pipeline unless person first performs an analysis to identify and assess potential impacts on natural and human environment that could result from construction and operation of pipeline and submits analysis to Texas Railroad Commission in writing.

HB 3403 (Canales) – **Oil and Gas Regulation** (Referred to Energy Resources 4/3): would authorize a city to regulate or prohibit the drilling of a new oil or gas well located within 1,500 feet of the property line of a childcare facility, private school, or primary or secondary public school.

SB 2099 (Hall) – **Preemption** (Referred to Natural Resources & Economic Development 3/28): would preempt any city regulations relating to oil and gas intra/interstate pipelines and other hazardous liquid pipelines.

PRIVATE PROPERTY RIGHTS (Also Regulatory Takings)

HB 3624 (Workman) – **Property Rights** (Referred to Urban Affairs 3/30): would provide that a city may not adopt an ordinance that affects private property rights and applies only to a defined area unless the ordinance is approved at an election. (Also listed under zoning)

HB 3787 (Bell) – **Property Rights** (4/28 H Land & Resource Mgmt. Committee report sent to Calendars): would provide that a city or county may not enforce an ordinance, order, or other regulation related to land use or business regulation on or after September 1, 2017, that prohibits or restricts the use or development of a property owner’s property if the ordinance, order, or other regulation was not in effect on the date the property owner acquired title to the property. (Also listed under zoning)

OPEN MEETINGS/PUBLIC INFORMATION/NOTICE

S.B. 84 (Hall) – **Right to Information**: would: (1) give an elected or appointed member of the city council (public officer) a right of access to information of the city; (2) provide that a public officer is not required to: (a) obtain approval from the city council to request or obtain information; or (b) specify the
purpose for which the information is requested; (3) require the city to provide information to a public officer, including confidential information or information otherwise excepted from disclosure, at no charge and not later than the 10th business day after receiving the request, or as soon as practicable as agreed by the city and the requestor; (4) require a city to provide information requested by a public officer in the manner and format requested, including by allowing: (a) unrestricted access to physical information; and (b) the requestor to make copies or other reproductions of the information; (5) prohibit a city from requiring a public officer to sign a confidentiality agreement in order to receive information; (6) require a public officer to use information only in a manner that maintains the confidential nature of the information and prohibit the disclosure or release to the public; and (7) provide that a city’s public information officer (PIO), or the officer’s agent, commits a Class A misdemeanor offense if, with criminal negligence, the PIO or the PIO’s agent fails or refuses to provide information to a public officer.

**HB 1530 (Workman) — Newspaper Notice** (Committee report sent to Local and Consent Calendars 5/5 — Died in House): (1) a political subdivision satisfies a requirement in any other law to provide notice by publication in a newspaper by publishing notice in any other form of media political subdivision determines will provide sufficient public notice, including on political subdivision’s website or an Internet newspaper, and (2) require that any notice provided in (1) be published for same period required by law for publication of notice in a newspaper.

Also, **HB 1541 (Shaheen)**

**HB 2742 (G. Bonnen) — Governmental Information Access** (Referred to General Investigating & Ethics 3/28): would provide that:

1. the legislature, lieutenant governor, committees of legislature, and legislative agencies would have a right of access to governmental information, including information that is confidential or excepted from disclosure, from governmental bodies (GB) as defined by Public Information Act (PIA);
2. a request for access to governmental information must state that request is made for a legislative purpose, but requestor does not have to specify legislative purpose;
   - (Companion bill is SB 456 by V. Taylor.)

**SB 388 (Burton) — Open Meetings Act** (Referred to Business & Commerce 2/1): would repeal authority for a governing body to conduct economic development negotiations in an executive session pursuant to Open Meetings Act.

PAYDAY/AUTO TITLE LENDING (see Credit Access Business – name they prefer)

PROFESSIONAL SERVICES

PROPERTY OWNERS’ ASSOCIATION

PUBLIC IMPROVEMENT DISTRICTS

REDEVELOPMENT

RELIGIOUS FREEDOM/LAND USE

RESIDENTIAL DEVELOPMENT

ROUGH PROPORTIONALITY

**HB 3834 (Workman) — Rough Proportionality** (Referred to Land & Resource Management 3/30): would provide that: (1) the determination of the proportionate share of municipal infrastructure improvements costs under the provision in current law shall be determined by the engineer retained by the city based on the actual, documented and verifiable impact of the development on the existing infrastructure in the immediate area of the development; (2) any fees or costs paid for infrastructure improvements by the developer shall be used only for the purpose
collected and the work shall commence and shall be substantially underway not later than the 23rd month following the payment of such fees; (3) fees collected shall be for new capital improvements only and shall not be used for recurring expenses or maintenance; (4) fees collected shall not be to supplement or supplant funding of existing capital infrastructure improvement projects which have funding identified through municipal budgets, bond measures, or any other source; (5) nothing prohibits the developer from making the improvements on behalf of the city if the developer and the city agree; and (6) assessed the proportionate amount calculated shall be offset by the increase in the taxes the city will receive as a result of the increased valuation on the property after development and the estimated amount of the increase in the city’s sales taxes attributed to the development.

SEXUALLY ORIENTED BUSINESSES

SHORT TERM RENTALS

HB 2551 (Krause) – SB 451 (Hancock) – Short-Term Rentals (Senate approved, House referred to Urban Affairs 5/9, died in committee): would preempt a city’s authority to regulate short-term rentals. Specifically, bill would provide that:

1. “short-term rental” is defined as a residential property, including a single-family dwelling or a unit in a condominium, cooperative, or time-share, that is rented wholly or partially for a fee for a period not longer than 30 consecutive days;
2. a city is prohibited from adopting or enforcing a local law that expressly or effectively prohibits use of a property as a short-term rental;
3. a city is prohibited from adopting or enforcing a local law that restricts use of or otherwise regulates a short-term rental based on short-term rental’s classification, use, or occupancy;
4. a city may adopt or enforce a regulation on a property used as a short-term rental only if city demonstrates regulation’s primary purpose is to protect public’s health and safety;
5. regulations are permitted that would address: (a) fire and building codes; (b) health and sanitation; (c) traffic control, and (d) solid or hazardous waste control;
6. a city may adopt or enforce a local regulation that limits or prohibits use of short-term rental only if law prohibits use of a rental for purpose of: (a) housing sex offenders; (b) operating a structured sober living home; (c) selling illegal drugs, (d) selling alcohol or another activity that requires a permit or license under Alcoholic Beverage Code, or (d) operating as a sexually oriented business;
7. a city must apply a local law regulating land use to a short-term rental in same manner as another similar property, which includes regulations on: (a) residential use and other zoning matters; (b) noise; (c) property maintenance; and (d) nuisance.

Ed. Note - LEGISLATURE MAY PREEMPT. LITIGATION NOW WITH CITY OF AUSTIN, CITY OF GRAPEVINE with STATE TAKING SIDE OF PROPERTY OWNER IN AUSTIN CASE. LOOK AT YOUR CURRENT DEFINITIONS- SEE IF THEY STILL MAKE SENSE IN LIGHT OF AIRBNB ETC.

SIGNS

HB 361 (Huberty) – Election Signs (Referred to Transportation 2/16): would: (1) provide an exemption from laws prohibiting signs from being placed in rights-of-way of public roads and state highways, including prohibition on placing a sign in right-of-way of a road or highway maintained by a city without city authorization, for a political sign that: (a) is on private property; (b) is erected not earlier than 90th day before date of election and is removed not later than 10th day after date of election; (c) is constructed of lightweight material; and (d) has a surface area not larger than 50 square feet; and (2) repeal law requiring notice on any political advertising sign that sign cannot be placed in right of way of a highway. (Ed. Note – Sorry, bill is just messed up from beginning. Those chapters prohibit signs in ROW of a public road, but for some reasons he is adding an exemption for signs placed on private property. It makes no sense to add that exemption to those chapters. Bill summary is correct, it’s bill that is fouled up.)
HB 405 (Villalba)—Billboards: (No action taken in committee 5/2): would provide that, if a sign located in a city or its extraterritorial jurisdiction is required to be removed because of widening, construction, or reconstruction of a road by Texas Department of Transportation (TxDOT), and if relocation of sign would be allowed under TxDOT rules but is restricted or prohibited by charter, ordinance, or a decision of city, city shall reimburse TxDOT for any just compensation paid to owner or lessee of sign in a condemnation proceeding.

SPECIAL DISTRICTS, TRUSTS

H.B. 304 (Paul) – Municipal Management Districts: would make various changes to the governance and operation of municipal management districts.

STORMWATER AND DRAINAGE

SUBDIVISION PLATTING

TAX ABATEMENT

TAX INCREMENT FINANCING

S.B. 118 (West) – Tax Abatements: would extend the expiration date of the Property Redevelopment and Tax Abatement Act from September 1, 2019, to September 1, 2029.

H.B. 2480 (E. Johnson)—Tax Increment Financing (5/12 Committee report sent to local & consent calendar): would, among other things: (1) provide that, before adopting an ordinance designating a tax increment reinvestment zone, prepare or have prepared an affordable housing impact statement; (2) require that the statement under (1) be made available to the public and posted on the city’s website at least 60 days before the city holds the hearing required prior to creation of the zone; and (3) require the statement under (1) include estimates of the impact on the availability of affordable housing in the area of the proposed zone for the 30-year period following designation of the proposed zone.

S.B. 1765 (Garcia)—Tax Increment Financing (Left pending in committee 4/4): would: (1) provide that an ordinance or order designating a Tax Increment Reinvestment Zone (TIRZ) that is adopted on or after September 1, 2017, must provide that the TIRZ terminates not later than the 10th anniversary of the date on which the ordinance or order designating the TIRZ is adopted; (2) provide that the term of all or any portion of a TIRZ may not be extended beyond the 10th anniversary of the date on which the ordinance or order designating the zone is adopted, unless the extension is approved by the voters of the zone voting at an election held for that purpose; (3) provide that a TIRZ designated before September 1, 2017, with a term extending beyond ten years must terminate on the earlier of: (a) the termination date expressed in the ordinance or order designating the TIRZ; or (b) the date on which all project costs, tax increment bonds and interest on those bonds, and other obligations of the zone have been paid in full; (4) provide that if the owners of property constituting at least 50 percent of the appraised value of the property in an area petition the governing body of a city or county requesting the area to be designated as a TIRZ, the area must be unproductive, underdeveloped, or blighted; (5) provide that a member of a TIRZ board designated by a city with city council term limits is subject to the same term limits regarding the member’s service on the TIRZ board; (6) require a city that has designated a TIRZ to maintain an Internet website, including a web page with specific information on it that provides transparency to the residents of the city regarding each TIRZ designated by the city; and (7) prohibit a city from removing a document or item of information required to be posted under (6) from the transparency web page until 10th anniversary of date the applicable TIRZ is terminated.

TRANSPORTATION

H.B. 262 (E. Thompson) – Red Light Cameras: would: (1) prohibit a local authority, including a city, from implementing or operating an automated traffic control system used to enforce speed limits or red lights; and (2) provide that a local authority that violates (1) is liable for certain civil penalties.
S.B. 77 (Hall) – Red Light Cameras: would: (1) prohibit a governmental entity from using information from traffic surveillance technology (technology that records or reads license plates) for any purpose; and (2) except from the prohibition in (1) toll enforcement, school bus cameras, and certain technology that is physically held by a law enforcement officer.

S.B. 78 (Hall) – License Plate Readers: would provide that: (1) a law enforcement agency may use an automatic license plate reader; (2) images and any related data produced from an automatic license plate reader may be used only for a law enforcement purpose; (3) images and any related data produced from an automatic license plate reader used by a municipal parking enforcement authority may be used only by the authority to issue a citation at the time of an alleged violation of a vehicle parking ordinance; (4) images and any related data produced from an automatic license plate reader must be destroyed promptly after collection, unless the image or data is from a motor vehicle that: (a) is involved in a criminal offense or an ongoing criminal investigation; or (b) is registered to a person who is involved in a criminal offense or an ongoing criminal investigation; and (5) a law enforcement agency or municipal parking enforcement authority may not enter into an agreement with a private person to provide images or any related data produced from an automatic license plate reader to the person for a commercial purpose.

HB 479 (Metcalf), HB 113 (Keough) – Automated Traffic Control Systems (Referred to Transportation 2/14): would (1) prohibit a city from implementing or operating an automated traffic control system; (2) provide civil penalties for a city that implements or operates an automated traffic control system; and (3) repeal Transportation Code chapter providing authority for red light camera systems.

SB 1282 (Huffines) – Automated Traffic Control Systems (Referred to Transportation 3/13): would prohibit cities and school districts from operating an automated traffic control system to enforce compliance with posted speed limits.

SB 2102 (Garcia) – Speed Limits (Referred to Transportation 3/28): would allow a city with a population of 130,000 or more to lower speed limits to not less than 25 miles per hour on a highway or street, other than an alley, that is not an officially designated or marked highway or road of the state highway system. (Companion bill is HB 1745 by Israel.)

TRANSPORTATION FUNDING

H.B. 293 (Pickett) – Transportation Funding: would provide that: (1) in each state fiscal year beginning on or after September 1, 2011, the comptroller shall deposit an additional 40 percent of the motor vehicle sales tax revenue in excess of the first $5 billion to the credit of the state highway fund; and (2) money deposited to the credit of the state highway fund under the bill may be appropriated only to: (a) construct, maintain, or acquire rights-of-way for public roadways other than toll roads; or (b) repay the principal of and interest on general obligation bonds issued for transportation projects.

HB 432 (Metcalf) – Transportation Funding (Referred to Appropriations 2/21): (1) in each state fiscal year beginning on or after September 1, 2019, comptroller shall deposit to credit of state highway fund a graduated percentage of money that is received from motor vehicle sales tax until that percentage equals 100 percent in 2028; and (2) money deposited to credit of state highway fund under this section may not be used for toll roads.

HB 1518 (Leach) – Transportation Funding (Referred to Transportation 3/13): would provide that legislature may not appropriate money deposited to credit of state highway fund to construct, maintain, or acquire rights-of-way for a toll project or system. (See HJR 65, below.) (Companion bill is SB 639 by Huffines)

HB 4160 (Pickett) – Commuter Rail (Referred to Transportation 3/31): would provide that a political subdivision may not accept, including through the Texas Department of Transportation, or use federal funds for the construction, maintenance, or operation of a commuter rail or other commuter rail project, including for the repayment of debt issued for a project, unless approved at an election in the city.

HJR 65 (Leach) – Transportation Funding (Referred to Transportation 3/20): would amend Texas Constitution to provide that state may not issue bonds or use vehicle registration or gas tax revenue to pay for construction of toll roads. (See HB 1518, above.) (Companion bill is SJR 35 by Huffines)
SB 385 (Burton)—Passenger Rail Projects (5/23 Not again placed on intent calendar): (1) a political subdivision may not accept or use federal funds for construction, maintenance, or operation of a commuter rail or other passenger rail project, including for repayment of debt issued for a project, unless acceptance or use of funds is approved by a majority of voters at an election called for purpose of authorizing acceptance or use of funds; (2) a political subdivision authorized to use federal funds under (1) that has not begun to construct project before fifth anniversary of date of election may not use funds unless approved by voters at another election called for purpose of authorizing use of funds; and (3) political subdivision, metropolitan planning organization, or Texas Department of Transportation may not include in a transportation plan adopted by entity a commuter rail or other passenger rail project financed wholly or partly with federal funds unless acceptance or use of funds has been approved by election under (1) or (2). (Ed. Note – Could be a disaster)

SB 639 (Huffines)—Transportation Funding (Referred to Transportation 2/13): would provide that legislature may not appropriate money deposited to credit of state highway fund to construct, maintain, or acquire rights of way for a toll project or system. (See SJR 35, below.)

TRANSPORTATION REINVESTMENT ZONES

TREES

SB 782 (Campbell)—Tree Ownership, Removal and Mitigation (Co-author authorized 2/28): A landowner owns all trees and timber located on landowner's land as real property until cut or otherwise removed from land, unless otherwise provided by a contract, bill of sale, deed, mortgage, deed of trust, or other legally binding document. A governmental entity may not prohibit a landowner from trimming or removing trees or timber located on landowner's land either in City or ETJ. Sets a mitigation fee limit and landowner is entitled to plant replacement tree at landowner's expense instead of paying mitigation fee. Landowner who chooses to plant a replacement tree is not required to plant a number of replacement trees whose total girth is greater than total girth of all mature trees to which mitigation fee would have applied. Also, SB 898 (Bettencourt), SB 1082 (Burton), HB 1572 (Workman), HB 2535 (Zedler),

UNFUNDED MANDATES

H.J.R. 30 (Burns) – Unfunded Mandates: would amend the Texas Constitution to provide that a law enacted by the legislature on or after January 1, 2020, that requires a city or county to establish, expand, or modify a duty or activity that requires the expenditure of revenue is not effective unless the legislature appropriates or otherwise provides, from a source other than the city or county revenue, for the payment or reimbursement of the costs incurred for the biennium in complying with the requirement. (Companion bill is S.J.R. 10 by Buckingham.)

S.B. 62 (Zaffirini) – Unfunded Mandates: would create and spell out the duties of an unfunded mandate interagency work group.

S.J.R. 10 (Buckingham) – Unfunded Mandates: would amend the Texas Constitution to provide that a law enacted by the legislature on or after January 1, 2020, that requires a city or county to establish, expand, or modify a duty or activity that requires the expenditure of revenue is not effective unless the legislature appropriates or otherwise provides, from a source other than the city or county revenue, for the payment or reimbursement of the costs incurred for the biennium in complying with the requirement.

UTILITIES

HB 31 (Larson) – Regulation of Groundwater (5/24 S placed on intent calendar): would provide: (1) that a groundwater conservation district may not require that information in addition to the statutory requirements be included in an application for a permit; and (2) the conditions under which a groundwater conservation district may adopt a moratorium on the issuance of permits.

SJR 36 (Perry) – Wholesale Water (5/9 Referred to Ways & Means): would amend Texas Constitution to prohibit a tax on sale or purchase of water at wholesale.
VESTING

**HB 898 (Workman)—Permit Vesting** (Land & Resource Management 4/28 Committee report sent to Calendars died in House): would, in relation to permit vesting statute, provide that: (1) a regulatory agency may not impose a fee for agency to review an application for determination of applicability of statute to applicant’s project; (2) a permit applicant may request mandatory mediation regarding any regulatory agency determination that statute does not apply to applicant’s project; and (3) a political subdivision that has been found by a court to have violated statute is liable for actual damages, reasonable attorney’s fees, administrative and court costs, and applicant’s portion of cost of any mediation that did not result in an agreement.

WATER DISTRICTS

WIRELESS including CELLULAR FACILITIES

**FCC Threatens to Limit Right-of-Way Authority:** Late last month (December) Federal Communications Commission (FCC) issued a public notice seeking comment on two topics that could shape future of cities’ control over their rights-of-way. FCC’s Wireless Bureau requested public comment on how to “streamline” deployment of small wireless facilities, primarily through potential changes to local land-use ordinances, and it also seeks comment on a petition filed by infrastructure company Mobilitie regarding local government rules and procedures.

Ed. Note - NEW FCC ORDERS – Check with your cellular expert.

- SMALL CELL – 5G
- STATE LAW IS PREEMPTED- SO ALL THE WORK FROM SB1004 in 2017 NEEDS TO BE REVISTED
- CHANGE SHOT CLOCK FROM STATE LAW
- NO MORATORIA ON SMALL CELL ALLOWED
- LIKELY NEED TO CONSIDER FRANCHISE UTILITIES AS WELL AS SMALL CELL FOR DETERMINING APPROPRIATE REGULATION OF POLE SPACING, ETC.
- ALSO COVERS SMALL CELL ON PRIVATE PROPERTY AND CITY PROPERTY OTHER THAN ROW

ZONING

**HB 780 (Shaheen) — Zoning of Cannabis** (Referred to Urban Affairs 2/23): would: (1) authorize a city to enact: (a) reasonable zoning rules that limit use of land for dispensing organizations or cultivation or production of low-THC cannabis to specified areas; and (b) ordinances, orders, or other rules that regulate time, place, and manner of dispensing organization operations; and (2) provide that a rule, ordinance, order, resolution or other city regulation that prohibits or has effect of prohibiting cultivation, production, dispensing, or possession of low-THC cannabis, as authorized by Health and Safety Code, is void and unenforceable.

**HB 1562 (Minjarez) — County Zoning Authority** (International Trade & Intergovernmental Affairs Meeting canceled 4/3): would apply to a county with a population of 100,000 or more or a county that contains part of a metropolitan statistical area with a total population greater than 100,000 and, among other things: (1) provide that commissioners court of such a county may adopt a zoning ordinance, not inconsistent with state law, that applies only to unincorporated area of county; and (2) an ordinance in (1) may be adopted only after a local option election in favor of ordinance has been conducted.

**HB 3624 (Workman) — Property Rights** (Referred to Urban Affairs 3/30): would provide that a city may not adopt an ordinance that affects private property rights and applies only to a defined area unless the ordinance is approved at an election. (Also listed in Private Property Rights)
HB-3787 (Bell) — Property Rights (Was voted out of Land & Resource Management with no amendments on 4/28, committee report sent to Calendars 4/28, died in House): would provide that a city or county may not enforce
an ordinance, order, or other regulation related to land use or business regulation on or after September 1, 2017, that
prohibits or restricts the use or development of a property owner’s property if the ordinance, order, or other
regulation was not in effect on the date the property owner acquired title to the property. (Also listed in Private
Property Rights)

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