

# Memorandum



CITY OF DALLAS

DATE June 11, 2009

TO Members of the City Council Legislative Ad Hoc Committee: Vonciel Jones Hill, Chair; Dr. Elba Garcia; Linda Koop; Pauline Medrano; Ron Natinsky; Dave Neumann; Mitchell Rasansky; and Steve Salazar

SUBJECT End of Session Wrap-Up of the 81<sup>st</sup> Session of the Texas Legislature

On Monday, June 15, 2009, Assistant City Attorney Larry Casto will provide you with an end of session wrap-up of the 81<sup>st</sup> Session of the Texas Legislature. Attached are the briefing materials for you to review prior to Monday's discussion.

Please contact me if you have any questions.

A handwritten signature in black ink, appearing to read 'Mary K. Suhm'.

Mary K. Suhm  
City Manager

# PRIORITY LEGISLATIVE ACCOMPLISHMENTS

## Key Focus Area: Educational Enhancements

- **SB 956** – *West/ Branch*: Establishes a law school in the city of Dallas by the University of North Texas System. Received \$5M for biennium.
- **SB 629** - *West /Aycock(Killeen)*: Allows University of Texas at Dallas campus to be a stand alone 4-year institution. UNT @ Dallas received funding of \$25M in Tuition Revenue Bonds (TRB) and \$2.8M for architectural and programming costs related to construction of the 2<sup>nd</sup> building.
- **HB 51** – *Branch/Zaffirini(Laredo)*: Financial support for emerging public research universities in developing and maintaining programs of the highest tier.
- **SB 1** General Appropriations:
  - UNT at Dallas College of Law received \$5M for biennium.
  - UNT Dallas received \$25M in TRBs and \$2.8M for costs related to construction of 2<sup>nd</sup> building

## Key Focus Area: Culture, Arts, and Recreation

- **HB 3438** – *Hodge/West*: Authorizes the Texas Board of Criminal Justice to convey certain real property to the City of Dallas in exchange for comparable property. This allows the TDCJ to trade site of Dawson State Jail for another property.
- **SB 1** General Appropriations: State Fair of Texas/Fair Park received \$1M for biennium

## Key Focus Area: Economic Vibrancy

- **HB 2344** – *Giddings/West*: Urban Land Bank Program in Dallas. Amendments to current statute lengthens holding period for property held by the land bank. Expands use of property and authorizes adjoining land owners to acquire land not suitable for development.
- **HB 873** – *Dukes (Austin)/ Deuell (Dallas)*: Increases state incentives for film production in Texas. Changes definition of eligibility for certain areas to receive certain incentives as follows: Underutilized and economically distressed ["Underused"] area" includes any area of this state that: (A) the office determines

receives less than 15 percent of the total film and television production in this state during a fiscal year; or (B) has a median household income that does not exceed 75 percent of the median state household income [other than the metropolitan areas of Austin or Dallas].

- **SB 1929** – *Anchia/ Watson (Austin)*: Provides for the designation of qualified media production locations in media production development zones and for exemptions from the sales and use tax for items used for media production facilities in qualified media production locations.

#### **Water related efforts:**

- **SB 2513** – *Averitt(Waco)/ Dunnam (Waco)*: Amended to include a provision that prohibits TCEQ from establishing a groundwater conservation district until Sept 2011 in the priority groundwater management area that encompasses Dallas.
- **HB 722** – *Howard, Donna(Austin)*: Would have given any municipality effective veto power over any other city attempting to construct a large water infrastructure project such as a reservoir outside of their corporate boundaries.  
Status – did not pass
- **SB 1** General Appropriations: Would have prohibited the state from expending any funding for reservoirs during the biennium.  
Status - amended to apply only to Marvin Nichols until Dec 2010

#### **Key Focus Area: Efficient, Effective, Economical (E<sup>3</sup>) Government**

- **HB 4720** – *Anchia/West*: Creates the Trinity River West Municipal Management District.
- **SB 2466** – *Jackson, (Carrollton), Harris (Arlington)*: Creates the Cypress Waters Municipal Management District.
- **SB 2501** – *Alonzo/West*: Creates the Oak Cliff Municipal Management District.
- **HB 2257** – *Giddings*: Bill included mandatory sales price disclosure in certain property sales; providing a civil penalty. Status: Bill did not pass.

### **Key Focus Area: Clean Healthy Environment**

- **SB 1** General Appropriations:
  - Homeless and supportive housing services in 8 largest cities received \$20M for biennium
  - Rider to Article 6 specifically appropriates over \$600,000 for the establishment of air permits allowable emissions database.
- **HB 216** – *Menendez (San Antonio)/ Shapleigh (El Paso)*: Omnibus legislation providing for limited municipal regulatory authority of certain boarding home facilities and assisted living facilities.
- **HB 300** – *Hegar (Katy)/ Isett (Lubbock)*: Texas Local Option Transportation Authority (TLOTA) was originally in SB 855 and was added as an amendment to HB 300 – The TxDOT Sunset Bill. As originally proposed by Senator Carona, the legislation would have allowed local options regarding transportation and mobility improvement projects in certain counties. *Bill did not pass.*

### **Key Focus Area: Public Safety**

- **SB 1** General Appropriations: City of Dallas' Texas Task Force 2 received \$1.4M for biennium
- **HB 960** – *Anchia/Corona*: Bill gives a municipality or county the right to access national crime information center criminal history record information for the purposes of obtaining information regarding persons applying for a license to operate a sexually oriented business in the municipality or county.
- **Regulation of Sexually Oriented Businesses and Alcoholic Beverage Establishments**: Enhance enforcement for clubs, bars, and sexually oriented businesses in violation of city ordinance or state law including:
  - Redefining the difference between a restaurant and a bar
  - Requiring suspension of licenses and permits instead of levying finesStatus – did not pass

## LEGISLATION OPPOSED/AMENDED

HB1161 – Would have increased the number of liquor stores around public and private schools in Dallas by changing the method of measuring the 1000 feet no-alcohol zone  
Status – did not pass

HB 700, SB 700, etc - Bills that contained or would have contained varying versions of revenue or appraisal caps  
Status – did not pass

HB 2032 – Would have prevented Dallas from using long term bonds to build a convention center hotel  
Status - successfully amended

HB 2639, HB 300 – Would have prohibited use of red light cameras  
Status – did not pass

HB 1254 – Would have required flashing yellow lights at red light camera intersections.  
Fiscal impact to City of \$1.6 million.  
Status – did not pass

HB 1766 – Would have exempted pre-paid wireless phones from the City's 9-1-1 fee.  
Fiscal impact to the City of \$934,000/yr  
Status - did not pass

HB 2571 – Would have prohibited the City from collecting a towing or storage fee for stolen vehicles. This is a cost usually reimbursed to vehicle owner through their insurance. Fiscal impact to the City of Dallas of more than \$1 million/year  
Status - successfully amended

HB 1054, HB 3255 - Would have prohibited City of Dallas from towing uninsured vehicles.  
Status – did not pass

SB 1019, HB 300 - Would have required City to compensate any bill board owner who had to relocate their bill board because of road work. Fiscal impact to City of approx \$200,000/year  
Status – did not pass

SB 361 – Would have required City of Dallas to purchase backup water generators in the event of power outages. Fiscal impact to the City of Dallas of approx \$50 million  
Status – successfully amended to apply to coast only

HB 1998 – Would not have allowed City of Dallas to seek state reimbursement for lost revenue when sheltering evacuees in the event of disasters  
Status – successfully amended

SB 1203 – House version would have preempted the City of Dallas' metal theft ordinance and prohibited its cash-card program.  
Status - did not pass

SB 18 – omnibus eminent domain legislation  
Status – successfully amended to protect construction of public works projects; did not pass

HB 1433 - Allows TCEQ to impose higher water use fees on public water utilities.  
Amended to lower the fee cap from \$200,000 to \$100,000 with CPI adjustment thereafter not to exceed \$150,000

HB 722 – Would have given any municipality effective veto power over any other city attempting to construct a large water infrastructure project such as a reservoir outside of their corporate boundaries.  
Status – did not pass

SB 1 – Would have prohibited the state from expending any funding for reservoirs during the biennium.  
Status - amended to apply only to Marvin Nichols until Dec 2010

SB 1180 – Would have required City of Dallas to compensate landowners for any lost property value resulting from flood plain or impervious cover regulations.  
Status – did not pass

HB 2230 – Would have exempted property owners of agricultural land from lost ad valorem interest payments to the City if the owner converts the property to another use  
Status - did not pass

SB 1137 – Would have required the City to be “trustee’ of funds paid to subcontractors, thereby opening the City of Dallas to additional litigation  
Status – did not pass

SB 686 – Would have created uncertainty in the law with respect to whether a gas utility had to pay a municipality for the right to use the public right-of-way, with potentially significant revenue implications.  
Status - successfully amended

HB 3827 – In some circumstances, would have granted legal immunity to a supplier of fuels containing MTBE's if those substances were released, for example, into public water supplies.  
Status - did not pass

HB 1819 – Potentially, could have severely restricted the City of Dallas’ ability to adopt ordinances regulating the public, health, and safety of multi-family complexes.

Status – successfully amended

HB 987 – Omnibus purchasing legislation. Allows for recovery of attorney’s fees against cities in contract disputes.

Status – passed

SB 1410 – prohibits a municipality from requiring fire sprinkler systems in one and two family residences.

Status – passed

SB 408 – Requires a city to hold animals subjected to abuse until appeals process is over.

Status - passed

Legislation Affecting Municipalities

The 81<sup>st</sup> Session of the Texas Legislature

2009 Regular Session



## **Table of Contents**

General Municipal Government	Page 2
Economic Development	Page 4
Code Enforcement	Page 8
Purchasing	Page 10
Open Meetings/Open Records	Page 11
Public Safety	Page 13
Municipal Courts	Page 16
Water, Utilities and Environment	Page 17
Property Tax and Appraisals	Page 21

## General Municipal Government

### **HB 1146 - Hours worked during a week by firefighters in Dallas**

Changes definition of overtime

### **HB 1720 - Use of public funds by a political subdivision for political advertising**

Adds 'knowingly' to elements of the offense. Provides process to have political advertising checked beforehand for compliance with law.

### **HB 1736 - Compensation and services to persons wrongfully imprisoned**

Significantly expands state remuneration to those wrongfully convicted and imprisoned, providing for annuity payments and tuition

### **HB 1831 - Disaster preparedness and emergency management**

Omnibus emergency and disaster planning legislation. Adds 'extreme heat' to list of possible causes of disaster. Requires databases to be developed for such things as available public buildings, backup generators, etc.

### **H.B. 1937 – Energy Efficiency**

Authorizes a city to create a voluntary property assessment in order to finance certain energy conservation improvements.

### **H.B. 1998 – Emergency Shelter Reimbursement**

Requires that a city be reimbursed by any resource available to the state for expenses incurred during a mandatory evacuation, including expenses for: (1) the use of a public facility in a city as an emergency shelter or temporary housing space, including lost revenue; and (2) amounts paid for salaries and benefits of permanently employed, straight-time and regular-time city personnel who perform duties associated with the movement or evacuation of persons into, out of, or through a city.

### **HB 2004 - Breach of computer security involving personal information**

A local government that owns, licenses, or maintains computerized data that includes sensitive personal information shall comply, in the event of a breach of system security, with the notification requirements of the Business & Commerce Code,

### **HB 2307 - Meet and confer agreement for Dallas firefighters and police officers**

Makes technical change to definition of 'nonexempt'. Meet and confer now authorized in City of Dallas for police and fire. Note: legislation providing the same for civilian employees did not pass.

### **HB 2333 - Lease of oil, gas or mineral land by a municipality**

Provides that a municipality may lease a street, alley, or public square in the municipality if the lease prohibits the lessee from using the surface of the land for drilling, production, or other operations and clarifies that "public square" does not include a dedicated public park.

**HB 3637 - Fees in civil actions and proceedings**

Section 117.111, Local Government Code, now applies to Dallas County courts.

**HB 2927 - Regulation of cemeteries**

Clarifies which agencies have jurisdiction over cemeteries in the state and establishes a burial reporting process for individuals and local governments.

**HB 3851 - Suspension of deadlines in a disaster**

Prompted by the damage to documents and the interruption of the governmental processes that resulted from Hurricane Ike, this bill allows the governor or political subdivisions to suspend statutory deadlines during a disaster.

**HB 4409 - Emergency preparation and management**

Omnibus Windstorm Insurance Legislation that grants military status to certain local officials when discharging their official duty during disasters.

**SB1 – state Appropriations Bill**

Over the biennium:

Dallas' Texas Task Force 2	\$1,400,000
Homelessness statewide for 8 largest cities	\$20,000,000
Dallas Law School	\$ 5,000,000
Fair Park Agricultural Building	\$ 1,000,000

**SB 894 - Municipal investment of public funds from mineral rights revenue (Barnett Shale bill)**

Under current law, municipalities are not expressly authorized to invest excess funds derived from contracts or leases made on municipally owned mineral rights. This bill allows municipalities to invest such excess funds in any investment authorized to be made by a trustee under the Texas Trust Code.

**SB 926 - Imposition of a civil penalty for a violation recorded by a red light camera**

A local authority may not impose a civil penalty under this chapter on the owner of an authorized emergency vehicle.

**SB 1732 - Safety requirements for public swimming pools**

An owner, manager, operator, or other attendant in charge of a public swimming pool, wading pool, baby pool, hot tub, in-ground spa, water park, spray fountain, or other artificial body of water typically used for recreational swimming, bathing, or play shall comply with pool safety standards adopted by the Health and Human Services Commission

## **Economic Development**

### **HB 51 – Higher Education Institutions**

Establishes measures to enhance and maintain quality of state universities, including funding and incentives to support emerging public research universities, to the abolition of the higher education fund, to the institutional groupings under the Texas Higher Education Coordinating Board's accountability system, to the independent status of Lamar Institute of Technology, to research conducted by public universities and other state entities, and to the authorization of revenue bonds for certain institutions of higher education

### **HB 271 - Designation of enterprise projects during a biennium**

The maximum number of enterprise projects that the bank may designate for each nominating body during any biennium is nine, rather than six, if the nominating body is the governing body of a municipality or county with a population of 250,000 or more.

### **H.B. 621 – Public Improvement Districts**

Makes the following changes to public improvement district law: (1) permit, but not require, level annual installment payment of assessments; (2) permit the city council that created a district to determine which events trigger the running of interest on assessments; (3) provide that assessment liens run with the land; (4) provide that assessment liens are not extinguished by tax foreclosure; (5) permit the use of sale contracts and time warrants for financing of long-term district costs; and (6) permit certain corporations to manage districts.

### **HB 773 - Property Redevelopment and Tax Abatement Act**

Extends expiration date of the Act from 2009 to September 1, 2019

### **HB 873 - Incentives for the film, television, video, and digital interactive media production industries**

Increases state incentives for film production in Texas. Changes definition of eligibility for certain areas to receive certain incentives as follows: Underutilized and economically distressed ["Underused] area" includes any area of this state that: (A) the office determines receives less than 15 percent of the total film and television production in this state during a fiscal year; or (B) has a median household income that does not exceed 75 percent of the median state household income [~~other than the metropolitan areas of Austin or Dallas~~].

### **HB 1029 - Expansion of affordable housing in a public improvement district**

A public improvement project may now include the development, rehabilitation, or expansion of affordable housing

**HB 1505 - Advertising of alcoholic beverages in certain facilities owned by a municipality**

Section 108.75, Texas Alcoholic Beverage Code, does not restrict or govern the promotion, sponsorship, or advertising of an entertainment event, or the promotion or advertising of an alcoholic beverage brand or product, at a facility owned by a municipality or county that is financed with public securities, the interest on which is exempt from federal income taxation under the Internal Revenue Code of 1986.

**HB 1770 - Tax Increment Financing Act**

In addition to several other changes, provides that 'Notwithstanding the designation of a later termination date, a taxing unit that taxes real property located in the reinvestment zone, other than the municipality or county that created the zone, is not required to pay any of its tax increment into the tax increment fund for the zone after the termination date designated in the ordinance or order creating the zone unless the governing body of the taxing unit enters into an agreement to do so with the governing body of the municipality or county that created the zone.

**HB 2032 - Authority of certain municipalities to use tax revenue for certain venue projects**

Adds new language as follows: 'Bonds issued under this subchapter must be secured by a pledge of and be payable from all or a designated part of the revenue from the facility for which the bonds are issued or from additional sources made available by the municipality for that purpose, as provided in the ordinance authorizing or approving the issuance of the bonds.

**HB 2344 - Urban land bank program in Dallas**

Lengthens holding period for property held by the Land Bank. Expands use of property. Authorizes adjoining landowners to acquire land not suitable for development.

**HB 3438 – Dawson State Jail**

Authorizes the Texas Board of Criminal Justice to convey the Dawson State Jail and property to the City of Dallas in exchange for comparable property

**HB 3676 - Texas Economic Development Act**

Omnibus legislation making several changes to Chapter 313, Tax Code

**HB 3896 Ad valorem tax abatement agreements**

Chapter 312 of the Tax Code provides authorization for municipalities, counties, and other local taxing jurisdictions to enter into tax abatement agreements for local economic development purposes. These local taxing jurisdictions are allowed to abate property taxes for a period of up to 10 years. Tax abatement projects must meet locally adopted guidelines. These local economic development tools involve only local money and may not be granted by school districts. Chapter 312 expires on September 1, 2009. HB 3896 extends Chapter 312 to September 1, 2019 and amends the provisions regarding local government authority to enter into and carry out these agreements.

**HB 4360 - Revenue sources in municipality or county venue project fund**

Current law does not allow a municipality or county to use revenue it derives from oil and gas leases on municipal or county owned properties to construct or renovate a venue that is part of an approved venue project. A municipality or county may not enter into an interlocal agreement to use revenue it derives from fees imposed by a joint operating board to which it is a party to construct or renovate a voter approved venue project. This bill amends current law to allow such activities. It also allows certain municipalities and counties to assess taxes on vehicles parked in a voter-approved venue project facility in an amount up to \$5, rather than the \$3 under current law that applies to other municipalities.

**HB 4720 - Creates the Trinity River West Municipal Management District in Dallas**

**HB 4781 - Use of municipal hotel occupancy tax revenue**

Language added as follows to new subsection: A municipality with a population of 173,000 or more that is located within two counties and is not an eligible central municipality may not pledge revenue under Subsection (b) in relation to a particular hotel project after the earlier of:(1) the 20th anniversary of the date the municipality first pledged the revenue to the hotel project; or (2) the date the revenue pledged to the hotel project equals 40 percent of the hotel project's total construction cost.

**HJR 132 - Municipal and county financing of buffer areas or open spaces adjacent to military installations**

Under current law, cities and counties do not have a method to issue bonds or notes to raise revenue to acquire buffer areas or open spaces or to construct roadways or infrastructure around military installations. This resolution proposes a constitutional amendment that would authorize municipalities and counties to issue bonds or notes to finance acquisition of buffer areas and to fund the construction of roadways or infrastructure to protect and promote military installations.

**SB 313 – TIF's**

6/1/09: Point of order raised in Senate; Bill dead

**SB 576 - Reinvestment Zones and Tax Increment Financing**

Expands eligible uses to include roads, sidewalks, and other public infrastructure. Deletes 10 year limitation on using funds to pay a neighborhood enterprise association. A municipality may now offer property tax exemptions.

**SB 978 – Public Improvement Districts**

Omnibus legislation; overhauls entire statute

**SB 1207 – see HB 4781**

**SB 1247 - Convention Center Hotel/eligible central municipalities**

Changes definition of an ECM and makes certain changes to available revenue

**SB 1458 – Tax abatement**

Amends § 312.402, Tax Code, allows the commissioners court of a county to execute a tax abatement agreement on tangible personal property located on real property within a reinvestment zone for all or a portion of the value of the properties.

**SB 1515 - Major events trust fund**

Adds the Breeders' Cup World Championships and a Formula One automobile race to list of eligible events. Lengthens time for recapture of increase in state and local taxes due to the event

**SB 1929 - Designation of media production locations; tax exemptions**

Provides for the designation of qualified media production locations in media production development zones and for exemptions from the sales and use tax for items used for media production facilities in qualified media production locations.

**SB 1952 - Authorization of certain municipalities and counties to issue public securities for the financing of permanent improvements for use by an institution of higher education**

Provides that a municipality may enter into an agreement to: (1) issue public securities, including certificates of obligation, to acquire, construct, or improve land, buildings, or other permanent improvements for use by an institution of higher education; (2) impose ad valorem taxes to pay and secure payment of the principal of and interest on those securities and to provide a sinking fund; and (3) pledge those taxes, any portion of the revenues received in connection with the agreement, or any combination of the taxes and revenue to secure payment of any portion of the public securities issued to acquire, construct, or improve the land, buildings, or other permanent improvements for use by the institution of higher education.

**SB 2466 - Creates the Cypress Waters Municipal Management District in Dallas**

**SB 2501 - Creates the North Oak Cliff Municipal Management District in Dallas**

## Code Enforcement

### **HB 205 - Leash Laws**

Will relax leash laws for dogs protecting livestock within city jurisdiction

### **HB 216 - regulation of group home and assisted living facilities**

Omnibus legislation providing for limited municipal regulatory authority

### **HB 1819 Minimum habitability standards for multi-family rental buildings in certain municipalities**

Requires a municipality to adopt minimum habitability standards for multi-family unit rental housing, provides for a program to inspect those standards, and provides a criminal penalty for non-compliance. Applies only to a municipality with a population of 1.7 million or more and affects multi-family rental buildings with three or more single-family units. Authorizes certain municipalities to establish maintenance and repair standards that benefit the habitability of multi-family units, for the health and safety of the residents who occupy them. A failure to meet those requirements would make a landlord subject to a Class C misdemeanor. Each day that a violation continues constitutes a separate offense. A municipality can also impose a civil penalty for violation.

### **HB 2571 - Regulation of towing companies and vehicle storage facilities**

Omnibus legislation providing that state will now develop regulations and fee amounts. Provision removed that would have prohibited charging a storage and towing fee for stolen vehicles.

### **HB 2647 - Quasi-judicial enforcement of certain health and safety ordinances**

An order issued under Section 54.036, Local Government Code, including any civil penalties assessed under Section 54.036(5), is enforceable in the same manner as provided in Sections 214.001(k), (m), (n), and (o).

### **HB 3004 - Animal shelter standards**

A municipality in which a violation of standards occurs may institute a civil suit in district court for (1) injunctive relief to restrain the person from continuing the violation or threat of violation, and (2) the assessment and recovery of the civil penalty

### **HB 3065 - Municipal registration of vacant buildings in certain counties**

A municipality located in a county with a population of 1.5 million or more may adopt an ordinance requiring owners of vacant buildings to register their buildings by filing a registration form with a designated municipal official.

### **SB 408 – Animal cruelty; appeals of city action**

Strikes from current law the following language: An owner may not appeal an order: (1) to give the animal to a nonprofit animal shelter, pound, or society for the protection of animals; or (2) to humanely destroy the animal.



**SB 702 - Towing and storage of vehicles**

Omnibus towing and impoundment legislation

**SB 820 - Adoption of model building codes**

Requires the governing body of a municipality with a population of more than 100,000 to publish notice of a proposed action to review and recommend the adoption of or amendment to a national model building code and to encourage public comment from affected persons. Requires a municipality that adopts an ordinance or model code to delay implementing the ordinance or code to allow sufficient time for compliance by affected parties, unless the delay would cause imminent harm to the public's health or safety.

**SB 1410 - Licensing and regulation of plumbers and multipurpose residential fire protection sprinkler specialists**

Prohibits municipal regulations requiring the installation of fire protection sprinkler systems in residences

**SB 1449 - Appointment of a receiver to remedy hazardous properties**

Provides that a home-rule municipality or an eligible nonprofit housing organization may bring an action under Chapter 214 in district court against an owner of property that is not in substantial compliance with one or more municipal ordinances regarding: (1) the prevention of substantial risk of injury to any person; or (2) the prevention of an adverse health impact to any person. A municipality that grants authority to an eligible nonprofit housing organization to initiate an action under this section has standing to intervene in the proceedings at any time as a matter of right.

## **Purchasing**

### **HB 987 - Purchasing and procurement**

Multiple statutes govern the purchasing activities of cities, counties, school districts and other governmental entities. Under current law, cities have a limit of \$50,000 for procurement through the sealed bid method. This bill brings other governmental entities up to the same \$50,000 level and allows governmental entities to designate one person to be in charge of change orders for work within an original contract that costs less than \$50,000. It also repeals the section of the Local Government Code that prohibited attorney's fees against governmental entities in contract disputes.

### **H.B. 2082 – Purchasing/local preference**

Provides that the five-percent local preference provision in current law that applies to real property, personal property, or services, may be used only for a contract of less than \$100,000.

### **HB 2515 - Public contracts**

Increases to \$50,000 the amount of a contract before a performance bond is required

### **HB 3668 - Injunction of municipal purchasing contracts**

If a contract is made without compliance with Chapter 252, Local Government Code, it is void and the performance of the contract, including the payment of any money under the contract, may be enjoined by (1) any property tax paying resident of the municipality; or (2) a person who submitted a bid for a contract for which the competitive sealed bidding requirement applies, regardless of residency, if the contract is for the construction of public works.

### **HB 4127 - Expenditure of public funds for certain playground facilities**

Public funds may not be used: (1) to purchase playground equipment that: (A) does not comply with each applicable provision of ASTM Standard F1487-07ae1, "Consumer Safety Performance Specification for Playground Equipment for Public Use" published by ASTM International; or (B) has a horizontal bare metal platform or a bare metal step or slide, unless the bare metal is shielded from direct sun by a covering provided with the equipment or by a shaded area in the location where the equipment is installed

## Open Meetings/Open Records

### **HB 1360 - Disclosure under the public information law of certain information by a prosecutor to defense counsel**

Provides that a release of information by an attorney representing the state to defense counsel for a purpose relating to the pending or reasonably anticipated prosecution of a criminal case is not considered a voluntary release of information to the public for purposes of Section 552.007, Government Code, and does not waive the right to assert in the future that the information is excepted from required disclosure under Chapter 552, Government Code.

### **HB 2291 – Open meetings/tax rate**

Requires a taxing unit other than a school district to comply with open meetings standards, found in Chapter 551 of the Government Code, when voting on a tax rate that is above the effective tax rate. When adopting a tax rate that is below the effective tax rate, the taxing unit other than a school district must comply with § 26.06 and § 26.065. Amends § 26.05(c) by striking “taxing unit” and replacing that with “school district.”

### **HB 3544 - Electronically stored information provided by a governmental body; confidentiality**

Confidentiality does not apply to an e-mail address provided to a governmental body for the purpose of providing public comment on or receiving notices related to an application for a license, or receiving orders or decisions from a governmental body

### **SB 375 - Release of certain motor vehicle accident report information**

A department shall withhold or redact the following items of information: (A) the first, middle, and last name of any person listed in an accident report, including a vehicle driver, occupant, owner, or lessee, a bicyclist, a pedestrian, or a property owner; (B) the number of any driver's license, commercial driver's license, or personal identification certificate issued to any person listed in an accident report; (C) the date of birth, other than the year, of any person listed in an accident report; (D) the address, other than zip code, and telephone number of any person listed in an accident report; (E) the license plate number of any vehicle listed in an accident report; (F) the date of any accident, other than the year; (G) the name of any insurance company listed as a provider of financial responsibility for a vehicle listed in an accident report; (H) the number of any insurance policy issued by an insurance company listed as a provider of financial responsibility; (I) the date the peace officer who investigated the accident was notified of the accident; (J) the date the investigating peace officer arrived at the accident site; (K) the date the investigating officer's report was prepared; (L) the badge number or identification number of the investigating officer; (M) the date on which any person who died as a result of the accident died; (N) the date of any commercial motor vehicle report; and (O) the place where any person injured or killed in an accident was taken and the person or entity that provided the transportation.

**SB 1068 – Public information and open records**

Allows a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general and allowing information about a public officer or public employee to be withheld if disclosure would pose a substantial risk of physical harm.

**SB 1182 - Public information, open records, and open meetings**

The legislation makes several changes to the open meetings and public information acts, including clarifying that no posting is necessary for a governmental body only for informational gathering or social functions. Makes changes to appeal process to the Attorney General

**SB 1629 – Open record expenses and exemptions**

Adds to the list of persons exempted from the required prepayment of the personnel costs incurred by a governmental body in responding to requests from a requestor under the public information law that require large amounts of personnel time. New exemptions are an individual who, for a substantial portion of the individual's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes news or information for and is seeking the information for: (1) a radio or television broadcast station that holds a broadcast license for an assigned frequency issued by the Federal Communications Commission; (2) a newspaper that is qualified under Section 2051.044 to publish legal notices or is a free newspaper of general circulation and that is published at least once a week and available and of interest to the general public in connection with the dissemination of news; (3) a newspaper of general circulation that is published on the Internet by a news medium engaged in the business of disseminating news or information to the general public; or (4) a magazine that is published at least once a week or on the Internet by a news medium engaged in the business of disseminating news or information to the general public.

## **Public Safety**

### **HB 55 - Prohibition of cell phones in school zones**

This bill creates state law that closely mirrors the City of Dallas ordinance that prohibits cell phone use in active school zones. The law allows hands free devices to be used and it excludes an operator of an emergency vehicle while conducting official business. The bill requires that signs be in place at the entry points of the school zone.

### **HB 348 - Metal theft**

This bill amends the Penal Code to provide that a theft offense, except as provided by is a state jail felony if the value of the property stolen is less than \$20,000 and the property stolen is insulated or non-insulated tubing, rods, water gate stems, wire, or cable that consists of at least 50 percent aluminum, bronze, or copper. These items are commonly found in air condition coils and telephone pole hardware and are often the target of theft.

### **HB 533 - Human trafficking**

This bill allows a victim of human trafficking to hold a trafficker liable in a civil court for damages arising from the trafficking of that person by the defendant or venture. The bill provides that it is not a defense to liability that a defendant has been acquitted or has not been prosecuted or convicted, or has been convicted of a different offense or of a different type or class of offense, for the conduct that is alleged to give rise to liability. The bill allows a plaintiff who prevails in a civil suit to recover actual damages, including damages for mental anguish even if an injury other than mental anguish is not shown.

### **HB 548 - Impoundment of motor vehicles involved in the commission of the offense of racing on a highway**

Applies to a motor vehicle used in the commission of an offense of racing on a highway that results in an accident with property damage or personal injury. A peace officer shall require the vehicle to be taken to the nearest licensed vehicle storage facility unless the vehicle is seized as evidence, in which case the vehicle may be taken to a storage facility as designated by the peace officer involved.

### **HB 960 - Criminal history check of SOB licensee**

This bill gives a municipality or county the right to access National Crime Information Center criminal history record information for the purposes of obtaining information regarding persons applying for a license to operate a sexually oriented business in the municipality or county.

### **HB 1614 - Criminal mischief**

This bill increases the penalty for criminal mischief to a state jail felony if the damage is less than \$20,000 and the act interrupts public communications, public transportation, a public gas or power supply, or any other public service. This bill is aimed at causing a stiffer penalty for those who steal metals and in the course of doing so, cause an outage or interruption in a public service.

### **HB 1633 - Graffiti**

This bill addresses graffiti and requires a judge to order restitution instead of what is currently the law which simply allows a judge to order restitution. The bill also requires 15 hours of community service if damage is less than \$500 and requires 30 hours of community service if damage is more than \$500.

### **HB 2012 - Proof of motor vehicle insurance**

This bill creates two new punishment enhancements: a Class B misdemeanor if a person drives with a suspended license and without insurance; and a Class A misdemeanor if the person driving without insurance and a valid driver's license has an accident and someone is seriously injured or dies as a result of that accident. This law will be known as Eric's Law after Eric Nelson of Dallas who was seriously injured while walking to his car after completing the half marathon at White Rock last fall.

### **HB 2086 - Gang related crimes**

This bill was amended by Carona to include parts of Carona's SB11 which is a gang omnibus bill. This bill does establish the Gang Free zones around areas that children and families gather such as shopping malls, theaters, etc. The penalty is enhanced to the next level if a gang related crime occurs within a 1,000 feet of designated gang free locations.

This bill also increases from the time that law enforcement can keep information in our gang database from three to five years. This will now mirror federal statute.

### **HB 2153 - Sex offenders/homelessness**

The current law does not adequately address sex offenders who are homeless. This bill strengthens the law to insure that individuals are complying with state law.

This bill requires that a person who is homeless must report in person to the local law enforcement agency not less than once in each succeeding 30-day period. If the person's residence does not have a physical address, a detailed description of the geographical location of the person's residence is required.

### **HB 2187 – Punishment of offenses involving coercing, inducing, or soliciting membership in a criminal street gang**

Provides that a person commits an offense if, with intent to coerce, induce, or solicit a child to actively participate in the activities of a criminal street gang, the person:

- (1) threatens the child or a member of the child's family with imminent bodily injury; or
- (2) causes bodily injury to the child or a member of the child's family.

### **HB 2932 - DNA database**

This bill requires the bureau of identification and records, in the law enforcement information system maintained by the Department of Public Safety of the State of Texas (DPS), to establish and maintain a central index to collect and disseminate information regarding additional offenses that forensic deoxyribonucleic acid (DNA) test results indicate may have been committed by a defendant who has already had their DNA profile entered into the database due to an arrest or conviction of certain crimes. The information is basically a notation on one's criminal history.

The bill authorizes information relating to a defendant to be entered in the central index only if the information is based on forensic DNA test results indicating that the DNA profile of the defendant cannot be excluded as a donor to the DNA profile of a person suspected to have committed an offense, regardless of whether the defendant has been or will be arrested for or charged with that offense. The bill requires that the information be submitted in the form of an affidavit signed by a representative of an investigating criminal justice agency and approved by a district judge, and accompanied by a set of the defendant's fingerprints.

This change in the law was brought about by the Dallas Police Department's Sexual Assault Unit after DNA was used to clear cold cases in which the statute of limitations have expired. Dallas has about 10-15 sexual assault cases that fit this category.

### **SB 328 - DWI blood tests**

This bill allows any magistrate who is a state licensed attorney to issue a search warrant for blood as it relates to DWI related offenses and the refusal to submit to a breath or blood test. This bill will allow DPD to conduct "no refusal" operations by utilizing the on duty county magistrates.

### **SB 537 - Emergency installation and use of a device to intercept wire, oral, or electronic communications**

Provides that a police officer may obtain oral or written consent to the interception before beginning the interception from a judge of competent jurisdiction as well as from a district judge

### **SB 727 - Collection of DNA data**

Under current law, defendants sentenced to the Texas Department of Criminal Justice (TDCJ) or the Texas Youth Commission (TYC) are mandated to provide a DNA sample. In addition, those convicted of sex crimes must provide a DNA sample. However, individuals currently not required to provide a DNA sample are those sentenced to probation and those on deferred adjudication. This bill will allow for the collection of DNA from those convicted of any felony, regardless of their sentence. This will broaden the DNA database.

## **Municipal Courts**

### **HB 1360 - Disclosure under the public information law of certain information by a prosecutor to defense counsel**

Provides that a release of information by an attorney representing the state to defense counsel for a purpose relating to the pending or reasonably anticipated prosecution of a criminal case is not considered a voluntary release of information to the public for purposes of Section 552.007, Government Code, and does not waive the right to assert in the future that the information is excepted from required disclosure under Chapter 552, Government Code.

### **SB 413 - Prosecution of a Class C misdemeanor for which the defendant does not appear**

If the defendant pleads "not guilty" to the offense or fails to appear based on the written notice, a complaint shall be filed that conforms to the requirements of Chapter 45, Code of Criminal Procedure, and that complaint serves as an original complaint.

### **SB 420 - Performance evaluation criteria for municipal judges**

The Transportation Code prohibits a political subdivision or agency of the state from evaluating or disciplining certain judges based on the amount of money they collect from traffic offenses. There is no similar prohibition for municipalities relative to the amount of money collected by municipal court judges. This bill repeals the authorization of a municipality to consider the source and amount of money collected when evaluating the performance of a judge employed by the municipality.

### **SB 935 - Authorizes a judge of a municipal court to conduct a marriage ceremony**



## Water, Utilities, and Environment

### **HB 432 – Acquisition by state agencies of low-emissions vehicles and vehicles using alternative fuels**

Green fleets legislation to promote low emissions and plug-in hybrid vehicles for fleets of major State Agencies

### **HB 469 – Establishment of incentives by the state for the implementation of certain projects to capture and sequester carbon dioxide that would otherwise be emitted into the atmosphere.**

The bill relates to incentives for certain clean energy projects, and revises last year's HB 3732 by Hardcastle and Averitt. Changes include making the standards eligibility for grants more stringent (requires actual capture of at least 50% of carbon dioxide; limits PM to .015 lbs/mmBtu) and providing TCEQ to recommend further increases of the stringency of the standards. The bill would also provide a franchise tax credit of up to the lesser of \$1 million or 10 percent of the project cost for an entity constructing an advanced clean energy project sequestering at least 70% of the carbon dioxide associated with electrical generation by the facility. Also provides a property tax exemption for components installed to capture transport or inject anthropogenic carbon dioxide from a clean energy project or advanced clean energy project, provided that the CO<sub>2</sub> is sequestered as part of an EOR project or injected such that 99% of the CO<sub>2</sub> is expected to remain sequestered for at least 1,000 years.

### **HB 1174 – Municipal liability for sewage backups**

Provides that a municipality may pay actual property damages caused by the backup of the municipality's sewer system regardless of liability under Chapter 101, Civil Practice and Remedies code. Further states that the new law does not waive governmental immunity.

### **HB 1433 - Annual water quality fee imposed on holders of wastewater discharge permits and on users of water**

Provides funding for the Texas Commission on Environmental Quality's water programs and reduces reliance on general revenue in the legislative appropriations process. Raises the statutory cap for the annual water quality fee for wastewater discharge permit holders and water right users through permit or contract from \$75,000 to \$150,000. The maximum annual fee that can be imposed against a wastewater discharge or treatment facility that holds a water right for the use of water is also increased to \$150,000. Amends current law relating to the amount of the annual water quality fee imposed on holders of wastewater discharge permits and on users of water.

### **HB 1883 - RRC authority to determine pipeline eligibility for utilities exemption**

Current law allows pipelines to self-certify to the RRC that they are eligible for exemption from regulation as gas utilities. There has been speculation that many entities who claim the exemption are not entitled to it or don't fit the definition of utility. This bill allows RRC to review certifications, attempt to resolve disagreements informally and then proceed to notice, hearing and potentially revocation of certification.

**HB 2513 - McLennan County groundwater district**

Establishes a new groundwater district and includes a provision that prohibits TCEQ from establishing a groundwater conservation district until Sept 2011 in the priority groundwater management area that encompasses Dallas.

**HB 2572 - Gas corporation authority to use a public right-of-way**

Clarifies that gas corporations have the right to lay and maintain lines along and under, rather than only over and across, public rights-of-way. Clarifies who pays relocation costs in some circumstances. Requires that the pipeline:

- \* comply with all federal and state safety regulations and all TXDOT rules
- \* restore the right-of-way to its former condition promptly following installation
- \* consider using existing ROW and easements
- \* pay applicable municipal charges for the use of municipal streets or alleys

**HB 3346 - Definition of gas utility**

Definition of "gas utility" includes a provision that the entity own, operate or manage a pipeline for transporting or carrying natural gas and for which right-of-way was acquired by eminent domain. Some companies will use the threat of eminent domain to negotiate an easement and then rescind their gas utility status if they do not actually exercise eminent domain in the acquisition of ROW. This bill clarifies that once an entity represents to a person that it has the right to acquire ROW through eminent domain, it remains a gas utility whether or not it actually exercises that authority

**HB 4043 - Notifications regarding real property purchases in an area subject to a CCN**

Current law requires that a seller of real property located within the CCN of a retail public utility provide a purchaser with written notice regarding the property's location. Certain types of real estate transactions, including the transfer of title to property located within the corporate limits of a municipality, are exempt from this notification requirement. This bill provides that the notice requirement does not apply to the transfer of title to property located within the corporate limits of a municipality only if the municipality is served by a municipally owned utility.

**HB 4231 - Conveyancing or transfer in this state of water imported into this state from a source located outside this state**

Authorizes use of the bed and banks of any flowing natural stream in the state to convey water, including water imported from a source located wholly outside the boundaries of this state, but excluding water imported from a source located in the United Mexican States, from the place of storage to the place of use or to the diversion point of the appropriator. Clarifies that this must be done with prior authorization granted under rules prescribed by the Texas Commission on Environmental Quality ("TCEQ") and must allow for the diversion of only the amount of water put into a watercourse or stream (less carriage losses) and include special conditions adequate to prevent a significant impact to the quality of water in this state. Provides that the regulation of interbasin transfers does not apply to a proposed transfer of water that

meets the above description.

### **HJR 14 - Proposed constitutional amendment regarding the taking of private property**

HJR 14 would amend the Constitution in three significant respects:

- Private property may only be taken for *ownership, use, and enjoyment* by the State, a political subdivision of the State, the public at large, an entity with the power of eminent domain, or for the elimination of urban blight on a particular parcel of property (though undefined “incidental use” of the property by others is permitted).
- Property may not be taken except for “public use,” which is defined to exclude any taking “for transfer to a private entity for the primary purpose of economic development or enhancement of tax revenues.”

As to water projects, the amendment could be judicially construed to prohibit acquisition of property unless there is a specific and *imminent* public use intended, though this is not entirely clear, and may require judicial interpretation.

Some obvious questions which will require such interpretation are the following:

- What is an “incidental use” which is permitted? For example, is use of a marina on government-owned land adjoining a reservoir “incidental” or prohibited? What about the use of entire terminals and hangars by private parties at municipal airports?
- How does one define the “public at large”? Would this include large entertainment venues, such as stadiums, to which the “public at large” is invited, provided they purchase a ticket from the private entity sponsoring an event?
- Does a prohibited “transfer” to a private entity for the “primary” purpose of economic development or enhancement of tax revenues mean a transfer of legal title, or would leases, licenses and other permissive tenancies be allowed?

### **SB 1 - General Appropriations Bill**

Contains a provision prohibiting the state from expending funds to acquire property for the Marvin Nichols reservoir until the date on which the state’s reservoir study is due in December, 2010.

Rider to Article 12 creates a coordinated green jobs strategy including funds allocated for child care programs, vocational training initiatives, energy efficiency measures, the Weatherization Assistance Program (WAP), and/or any other recovery funds.

Rider to Article 6 specifically appropriates over \$600,000 for the establishment of air permits allowable emissions database.

### **SB 16 TERP and Air Quality**

Comprehensive air quality bill was derailed by the procedural maneuvering in the last

days of session, but two other bills included significant TERP provisions:

HB 4586, State Fiscal Matters, restores \$27 million of the \$100 million that had been stripped from TERP during the Appropriations process and HB 1796, Carbon Capture, extends continuation of TERP to 2019.

**SB 184 – Relating to “no regrets” greenhouse gas emissions reduction strategies**

Legislation setting a ‘no regrets’ strategy for greenhouse gas reduction in the State; a study of the state’s energy use to find ways to reduce our emissions and save money at the same time.

**SB 686 - Installation of natural gas pipelines in controlled access right-of-way**

Applies only to a natural gas pipeline located or proposed to be located in:

a county in which a part of the Barnett Shale natural gas field is known to be located; a county that is located in the boundaries of a metropolitan planning organization; or the corporate limits of a municipality. Defines "gas utility" and provides that a gas utility is entitled to lay, maintain, and operate a natural gas pipeline through, under, along, or across a controlled access highway, only if:

the pipeline is subject to the jurisdiction, control, and regulation of the Railroad Commission of Texas and subject to safety standard requirements pertaining to gas pipeline facilities and transmission lines for the transportation of gas; the pipeline complies with all applicable state rules and federal regulations on the accommodation of utility facilities on highway right-of-way, including rules and regulations relating to the horizontal and vertical location of the pipeline; and the highway and associated facilities are promptly restored to their former condition of usefulness after the installation or maintenance of the pipeline, as applicable, is complete.

Authorizes the Texas Department of Transportation to require a gas utility to relocate a facility at the cost of the gas utility to accommodate construction or expansion of the highway or for any other public work unless the gas utility has a property interest in the land occupied by the facility to be relocated.

**SB 1472 – Public meetings for permit applications under the Texas Clean Air Act**

Requires an applicant for an air permit to attend a public meeting, if one is held, and make a good faith effort to answer questions.

**SB 2019 – Use of certain refrigerants in motor vehicle air conditioning units**

The bill would ban the use of motor vehicle refrigerants not on the EPA list of safe alternatives for CFC 12.

**SB 2126 – Submetering of water and wastewater**

Allows apartment houses to assess a charge for submetering with the exceptions of: a resident who lives in a unit that has received low income housing tax credits or a resident to receives tenant-based voucher assistance

## **Property Tax and Appraisals**

### **HB 8 – Property value study**

Directs the Comptroller to conduct a Property Value Study annually if a school district's local value is determined to be invalid, and at least once every two years if a school district's local value is determined to be valid. The school district's local value shall be considered valid for years a study is not conducted. Amends § 5.102, Tax Code, directing the Comptroller to review governance, taxpayer assistance, standards, procedures and methodology of an appraisal district once every two years.

### **HB 406 – Proceeds of a tax sale**

Limits the claim for excess proceeds of a tax sale of real property to a qualified owner of the property, or a qualified person that is assigned or transferred the property owner's claim. Bill provides a minimum the assignee must pay the property owner to receive the claim. Bill also limits when charging a fee for the collection of excess proceeds.

### **HB 770 – Property tax exemption/ Chamber of Commerce tax exemption**

Allows for the continuance of a residence homestead exemption while a replacement structure is being constructed as a result of the original property being deemed uninhabitable or unusable due to casualty, wind or water damage. It also limits the time the exemption can be extended to 2 years rather than 3 and adds a provision limiting the value of the replacement's exterior to that of the previous structure's value, otherwise the exceeded value is to be considered as a new improvement. Creates an exemption from ad valorem taxation on real and personal property for qualified nonprofit community business organizations that provide economic development services. Last Action:

### **HB 986 – Property tax refund**

Amends Tax Code to establish a procedure and form to be used when a tax refund is designated to be paid to a person other than the property owner. Amends Tax Code, by extending the time to file a petition for review from 45 days to 60 days after the party received notice that a final order has been entered from which an appeal may be had.

### **HB 1038 – Property appraisal**

States that a chief appraiser may not exclude comparable property based solely on foreclosure within the preceding three years or a decline in the value of that property.

### **HB 1134 – Dallas County Flood Control District No. 1**

Allows the District to grant abatements on residential property as well as commercial

### **HB 1203 – Property tax collection**

Provides that the designation of an agent, to represent a property owner, does not take effect with an appraisal district or a taxing unit until a copy of the form prescribed by the Comptroller under Subsection (h) is filed with the appraisal district

**HB 1205 – Property tax collection**

Raises the agreement threshold for a refund from a tax collector who collects for one taxing unit to \$5,000 from \$2,500 if that county has a population of two million or more rather than 1.5 million. If a collector collects for more than one taxing unit, the agreement threshold is set at \$5,000 for counties with a population of two million or more

**HB 1257 – Property tax payments**

Allows installment payment of taxes on real or personal property owned or leased by a business entity with \$5 million or less in gross receipts from the 2009 tax year. Allows for the continuation of a homestead exemption while a replacement structure is being constructed.

**HB 1309 – Property tax, assessor certification**

Requires the Comptroller to certify to the county assessor/collector for each county in which a railroad operates before July 26, rather than August 1.

**HB 1407 – Foreclosure/ redemption**

Requires an owner of real property sold at a tax sale, who is seeking to redeem that property, to include in an affidavit a statement that their right of redemption has not expired. Provides that an assessor-collector is not liable for performing its duties in reliance on the assertions in the affidavit. Requires that a taxing unit join a tax lien transferee in a suit to foreclose a tax lien. Allows a transferee to pay all taxes, penalties, interest, court costs, and attorney's fees owing to the taxing units in the suit.

**HB 1804 – Delinquent taxes/non-resident**

Clarifies the procedures when serving a suit to collect delinquent taxes when the property owner is a nonresident

**HB 2071 – Property tax/inventories**

Amends Chapter 23, Tax Code regarding the reporting of inventories for dealer's of: motor vehicles; vessel and outboard motors; heavy equipment; and manufactured housing. Provides that a dealer must file a tax statement on time each month regardless of whether an item in inventory is sold or face penalty. Further provides that on or before the 10th day of a month following a month in which a dealer does not sell an item in inventory, a dealer must file a statement with the tax assessor collector indicating that no sales were made in the prior month.

**HB 2238 – Manufactured housing**

Manufactured Housing omnibus bill. Makes several amendments to the Occupations Code and evaluation for property tax purposes.

**HB 2317 – Appraisal review boards**

Directs the Comptroller to establish material for the training of appraisal review board members and making their accompanying courses mandatory for ARB members.

Encourages the appraisal review board to elect as chairman a member who has a background in law and property appraisal.

**HB 2555 – Non-profit/low income housing, property tax exemption**

Extends the date a charitable organization who provides low-income housing may be exempted from ad valorem taxation from three to five years after the organization acquires the property. Amends § 11.184(c), Tax Code, by removing the necessary approval from Subsection (b), and adding a Subsection (l) entitling corporations to an exemption from taxation of property provided they are exempt under the Internal Revenue Code, they donate their rental income from said property to a qualified charitable organization, or if the qualified charitable organization would qualify for an exemption if they themselves owned the property. Adds Subsections (m) and (n) determining procedure for Subsection (l). Repeals § 11.184(b), Tax Code, which removes the authority of the governing body of the taxing unit or a majority of qualified voters from granting charitable tax exemptions.

**HB 2628 – Non-profit/low income housing/property tax exemption**

Amends § 11.18, Tax Code, by adding Subsection (d)(23) relating to charitable organizations that provide housing to include housing for homeless and disabled individuals. Stipulates that exemptions authorized under this Subsection apply only to improvements that are owned by a charitable organization, used to provide housing and located on a single campus owned by a municipal corporation.

**HB 2941 – Property tax appraisal**

Amends § 552.148(c), Government Code, to allow for the request and obtainment from an appraisal district any information, including confidential information, used by an appraisal district for the appraisal of property involved in the Comptroller's finding. Amends § 22.27(b), Tax Code, allowing for confidential information to be disclosed to an employee or agent of a school district responsible for auditing, monitoring, or reviewing the operations of an appraisal district or that is engaged in the preparation of a protest of the Comptroller's property value

**HB 3206 – Property tax exemption/pollution control**

Amends § 11.31, Tax Code, outlining the procedure for the Texas Commission on Environmental Quality to grant an exemption on a portion of property used for pollution control. Establishes an advisory committee consisting of representatives of industry, appraisal districts, taxing units and environmental groups to assist the commission with the implementation of this section. Amends § 11.43 requiring a new application in 2010 for the above exemption to conform to the rules to be adopted by the commission

**HB 3454 – Property tax appraisal**

Amends § 23.013, Tax Code, restricting the use of comparable sales data. Amendment adds Subsection (b) to § 23.24 to prohibit a chief appraiser from separately appraising or taking into account any personal property valued as a portion of the income of real property in determining the market value of the real property for property tax purposes, and to require the market value of the real property to include the combined value of the

real property and the personal property. Repeals Section 23.014, Tax Code, requiring the chief appraiser to analyze the effect on the market value of real property of, and to exclude from that value the value of, certain personal property and other property that is not subject to appraisal as real property. Amends § 23.46, Tax Code, by eliminating the addition of interest on the total amount of additional taxes due for the three years preceding a change from agricultural use. Creates an Oil and Gas Valuation Advisory Committee to assist the Comptroller in determining procedures to appraise mineral interest.

### **HB 3613 – Property tax appraisal**

Amends § 23.01, Tax Code, stating that the market value of a residence homestead shall be determined solely on the basis of the property's value as a residence homestead. Adds § 11.131, to the Tax Code, by exempting from ad valorem taxation the residence homestead of a disabled veteran who receives a 100% disability rating from the United States Department of Veterans Affairs. Amends § 11.22(a), Tax Code, by reducing the thresholds on the disability schedule. Amends § 403.302, Government Code, by exempting property that receives an exemption under § 11.131 from being considered taxable property for the Property Value Study. [See HJR 36](#)

### **HB 3646 – Omnibus school finance bill**

Amends § 26.01(e), requiring the chief appraiser to prepare and certify an estimate of taxable value and market value of all property for each school district within its boundaries no later than April 30. Amends § 26.05, by adding Subsection (g) allowing for the governing body of a school district to adopt a tax rate before the adoption of a budget based on the chief appraiser's April 30th certified estimate submitted to the school's assessor. Amends § 4.008, Election Code, requiring the governing body of a school district ordering an election under § 26.08 Tax Code to ratify a rate adopted under § 26.05(g) to deliver notice to the county clerk not later than the 30th day before the election. Adds § 26.083, to the Tax Code, authorizing a school district to adopt a maintenance and operations tax rate that exceeds the rollback tax rate if they call an election on a general election date. The ratified rate will be in effect for 5 consecutive tax years. Allows for a school district to be exempt from a rollback election if their adopted tax rate does not exceed the sum of the previously approved rollback election maintenance and operations tax rate and the district's current debt rate. States that if a school district adopts a tax rate below the effective tax rate the determination for their rollback tax rate in the following year will use the effective tax rate rather than the adopted tax rate. Requires a collector to accept cash, credit card or electronic funds transfer in addition to check and money order for the payment of taxes. Amends § 26.08, Tax Code, by stating that if a school district adopts a tax rate below the effective tax rate the determination for their rollback tax rate in the following year will use the effective tax rate rather than the adopted tax rate.

### **HJR 36 – Constitutional amendment**

Proposing a constitutional amendment authorizing the legislature to provide for the ad valorem taxation of a residence homestead solely on the basis of the property's value as a residence homestead; and authorizing the legislature to authorize a single board of



equalization for two or more adjoining appraisal entities that elect to provide for consolidated equalizations. See HB 3611 and HB 3613.

### **SB 771 – Appraisals**

Amends § 23.01, Tax Code, by adding Subsection (c) to state that if an appraised value is determined by the remedies outlined in Subtitle F of the Tax Code, the chief appraiser may not raise the following year's appraised value by more than the average percentage increase of the property over the preceding five years unless the chief appraiser shows substantial evidence that an increase is warranted. Amends § 23.013, Tax Code, to prohibit sales data outside of six months of appraisal and sales that fail to meet a list of similarities. House amended § 6.411, Tax Code, by raising the offense of ex parte communications to a Class A misdemeanor from a Class B.

### **SB 798 – Property taxes, over payment**

Amends § 31.11, Tax Code by requiring a tax collector to determine if a taxpayer has made an overpayment or erroneous payment of taxes and that the auditor agrees with the tax collectors determination before providing a refund. Provides that an overpayment or erroneous payment submitted to a collector who collects taxes for one or more taxing units, one of which is a county with a population of two million or more, a taxpayer is not required to apply to the collector for a refund if the amount is at least \$5 but not more than \$5000 and that the tax collector is not required to comply with § 31.11(g) unless the amount of the payment exceeds by more than \$5000 the amount of taxes owed for a tax year to a taxing unit for which the collector collects taxes

### **SB 1359 – Property taxes, prepayment**

Amends § 42.08, Tax Code, to provide that a taxing unit is entitled to notice of a hearing to determine whether a property owner has complied with the prepayment of taxes. Additionally, the bill allows a taxing unit, at its discretion, to intervene in an appeal for the limited purpose of determining whether a property owner has complied with the prepayment requirement

### **SB 1813 - Property appraisal information**

Amends § 552.148, Government Code, allowing for a real estate appraiser to obtain confidential information from a chief appraiser regarding any parcel of real property.

### **SB 2148 – Property appraisals/emergency management authorities**

Adds § 6.053, to the Tax Code, allows for the chief appraiser to give estimations of damage from an actual or potential disaster to any emergency management authorities.

### **SB 2442 – Property tax exemption/charitable organizations**

Extends an exemption from ad valorem for a charitable organization that is engaged in providing support to handicapped persons for job training and employment. Exempts from ad valorem taxation of property used by a charitable organization operating certain radio stations that broadcast educational, cultural or other public interest programming.