

# 84<sup>th</sup> Texas Legislature

## May 11 Weekly Report

### Week of May 4 Highlights

The Senate refused to concur in the House amendments to SJR 5 and decided to go to conference, presumably because of the Martinez-Fischer floor amendment and possibly because of Pickett's ten-year sunset provision. Senate conferees: Nichols (Chair) | Eltife | Hall | Nelson | Whitmire. House conferees: Pickett (Chair) | Davis, Yvonne | Harless | Otto | Simmons. More than likely the conferees will agree on dedicating to the state highway fund \$3 billion in general sales tax revenue annually beginning in FY 2018 plus two percent of the net sales tax revenue beginning in FY 2017, with the Legislature having the ability to forego the latter when the Comptroller's sales tax revenue projection declines from the previous biennium. Whether the ten-year sunset provision survives is an open question. The constitutional amendment election will most likely be November 8, 2016. Senator Kolkhorst was able to get her SB 1601 placed on the intent calendar, so TCR's ability to use state eminent domain law to acquire right-of-way for the Dallas-Houston HSR line is in jeopardy. Rider 48, Page VII-30, Senate Committee Substitute for House Bill 1, which says no state funds may be used for the purposes of subsidizing or assisting in the construction of high-speed passenger rail, if it survives in conference, also jeopardizes not only the Dallas-House HSR line but also environmental assessment and preliminary feasibility work for the Fort Worth-Dallas and the Oklahoma City-San Antonio lines.

Session deadlines are kicking in May 11. Any house bill or joint resolution that has not been reported from house committee before Tuesday is dead, unless amended into a bill that has been reported; thus we'll soon delete many bills from our weekly report. (Upcoming deadlines outlined below.)

### Committee Hearings Week of May 11, 2015

#### Monday, May 11

*House Land & Resource Management* will convene in public hearing at 2:00pm or upon adjournment/recess in E2.016 to hear two bills including:

SB 1812 (Kolkhorst) that amends the government code to create a database of entities in Texas that have the power of eminent domain and requires those with such power to report certain information to the comptroller and the comptroller to assemble, post on the Internet and maintain the database.

#### Tuesday, May 12

*House Ways & Means* will convene in public hearing at 8:30am in E2.010 to hear seventeen bills including:

SB 1 & SJR 1 (Nelson, et al.) that amends the tax code applicable to school property taxes to change the homestead exemption to 25 percent of the statewide median home value.

SB 7 (Nelson, et al.) that amends the tax code to reduce the franchise tax rate 25 percent.

#### Wednesday, May 13

*Senate Transportation* will convene in public hearing at 8:00am in E1.016 to consider nine bills including:

HB 13 (Pickett) that requires a review and update of funding categories and formulas, in collaboration with MPOs and transportation providers, requires advance notice and public discussion of any funding decisions deviating from the funding formulas, requires MPOs and transportation providers to have a ten year plan for use of the funding allocated to the region, requires TxDOT to have a ten year cash flow forecast updated each September, and requires MPOs and providers to prioritize and select projects based upon specific criteria.

HB 20 (Simmons) that provides for a performance-based planning and programming process dedicated to providing the executive and legislative branches of government with indicators that quantify and qualify progress toward attaining all department goals and objectives established by the Legislature and the commission; requires TxDOT to develop and implement performance metrics and performance measures; requires local transportation entities to develop, adopt, and submit to the department guidelines governing the funding prioritization of the entities' transportation projects; limits commission discretionary funding to no more than ten percent of the department's biennial funding allocation; requires the Lt. Governor and the Speaker each to appoint a five-member select committee to provide oversight of implementation of the reform measures in the two reform bills.

### **Approaching Legislative Deadlines**

#### **Monday, May 11, 2015 (119th day)**

Last day for house committees to report house bills and house joint resolutions

#### **Tuesday, May 12, 2015 (120th day)**

Deadline for house to distribute last House Daily Calendar with house bills and joint resolutions

#### **Wednesday, May 13, 2015 (121st day)**

Deadline for house to distribute last House Local and Consent Calendar with consent house bills

#### **Thursday, May 14, 2015 (122nd day)**

Last day for house to consider house bills and joint resolutions on second reading on House Daily or Supplemental Calendar

#### **Friday, May 15, 2015 (123rd day)**

Last day for house to consider consent house bills on second and third reading and all third reading house bills or joint resolutions on House Supplemental Calendar

#### **Wednesday, May 20, 2015 (128th day)**

Deadline for house to distribute last House Local and Consent Calendar with local house bills

#### **Friday, May 22, 2015 (130th day)**

Last day for house to consider *local* house bills on second and third reading

First day senate can consider bills and resolutions the first day they are posted on the Senate Intent Calendar

#### **Saturday, May 23, 2015 (131st day)**

Last day for house committees to report senate bills and joint resolutions

#### **Sunday, May 24, 2015 (132nd day)**

Deadline for house to distribute last House Daily Calendar with senate bills and joint resolutions

**Monday, May 25, 2015 (133rd day)**

Deadline for house to distribute last House Local and Consent Calendar with senate bills

**Tuesday, May 26, 2015 (134th day)**

Last day for house to consider senate bills and joint resolutions, other than local and consent, on second reading on House Daily or Supplemental Calendar

**Wednesday, May 27, 2015 (135th day)**

Last day for house to consider local and consent senate bills on second and third reading and all senate bills or joint resolutions on third reading on House Supplemental Calendar. Last day for senate to consider all bills and joint resolutions on second or third reading

**Thursday, May 28, 2015 (136th day)**

Midnight deadline for house to distribute senate amendments

**Friday, May 29, 2015 (137th day)**

Last day for house to act on senate amendments.

Midnight deadline for senate to print and distribute senate copies of conference committee reports on tax, general appropriations, and reapportionment bills.

Last day for senate committees to report all bills and joint resolutions

**Saturday, May 30, 2015 (138th day)**

Midnight deadline for house to distribute house copies of all conference committee reports

Midnight deadline for senate to print and distribute senate copies of all conference committee reports on bills other than those on tax, general appropriations, and reapportionment and all house amendments to senate bills and joint resolutions that did not go to a conference committee

**Sunday, May 31, 2015 (139th day)**

Last day for house to adopt conference committee reports or discharge house conferees and concur in Senate Amendments

Last day for senate to adopt conference committee reports or concur in house amendments

**Monday, June 1, 2015 (140th day)**

Last day of 84<sup>th</sup> Regular Session; corrections only in house and senate  
Regular Session Ends

**Transportation Funding / Revenue Bills**

HJR 13 (Pickett) proposes a constitutional amendment to be voted on November 8, 2016 dedicating until September 1, 2026 a specified amount of state sales tax revenue to the state highway fund to fund maintenance, construction and right-of-way for public roadways other than toll roads and to pay transportation debt service, the specified amount being \$3 billion of the total net revenue in each state fiscal year (beginning September 1, 2017) plus two percent of the net revenue minus \$3 billion (beginning September 1, 2016). Laid on the table April 30 by the author . . . chose to move, CSSJR 5 the identical senate joint resolution. [The House passed CSSJR 5 with three floor amendments April 30.]

HB 122 (Pickett) prohibits new debt issuance from the Texas Mobility Fund and directs that TMF revenues be used to retire debt. Heard March 5 in Transportation, committee substitute adopted and voted out favorably March 19, passed the House April 9 with two

amendments, one of which prohibits use of the TMF for toll roads. Heard April 29 in Senate Transportation, left pending.

HB 129 (Goldman) amends the tax code to direct that all revenues received from the taxes imposed on the sale, rental, or use of motor vehicles be deposited in the state highway fund. Filed 11/10.

HB 151 (Guillen) imposes a tax of one cent per mile driven per year on all miles driven over 5,000 and provides a credit of \$0.15/gallon for fuel purchased, with annual mileage determined with the required annual vehicle inspection and tax collected at the time of annual vehicle registration. Filed 11/10.

HB 202 (Leach) amends the tax code to direct that 50 percent of the revenues received from the taxes imposed on the sale, rental, or use of motor vehicles be deposited in the state highway fund; prohibits use of such revenue to fund toll roads. Filed 11/10.

HB 203 (Leach) amends the tax code to direct that the revenue derived from the taxes imposed on the sale, storage, or use of new and used motor vehicle tires and motor vehicle parts be allocated to the state highway fund; prohibits use of such revenue to fund toll roads. Heard March 19 in Transportation, left pending.

HJR 27 (Pickett) and HJR 36 (Larson) propose a constitutional amendment to incrementally reduce the amount of revenue derived from the state vehicle registration fee and the state and federal motor fuels taxes that may be used for any purpose other than public roadway right-of-way acquisition, maintenance and construction; the amount “diverted” may not be more than the amount “diverted” in the previous biennium and must be reduced by 20 percent each biennium if the Comptroller’s estimate of anticipated revenue from all sources for the biennium exceeds the total amount of revenue from all sources for the preceding biennium by more than three times the amount of the reduction; applies to appropriations beginning September 1, 2017. Filed 11/10.

HJR 28 (Pickett) proposes a constitutional amendment to eliminate “policing” of public roadways as a permissible use of revenue derived from the state vehicle registration fee and the state and federal motor fuels taxes on and after September 1, 2017. Filed 11/10.

HJR 29 (Pickett) proposes a constitutional amendment to eliminate “policing” of public roadways as a permissible use of revenue derived from the state vehicle registration fee and the state and federal motor fuels taxes on and after September 1, 2017. Heard April 9 in Transportation, voted favorably in a formal meeting April 13, committee report sent to Calendars April 20.

SB 139 (Perry) [enabling legislation for [SJR 12](#)] amends the transportation code to remove the Department of Public Safety as a permitted use of State Highway Fund monies; takes effect September 1, 2017 if the voters approve the related constitutional amendment. Heard April 21 in Finance, reported favorably April 22, passed the Senate April 28. Referred to House Transportation May 4.

SJR 12 (Perry) proposes a constitutional amendment to eliminate “policing” of public roadways as a permissible use of revenue derived from the state vehicle registration fee and the state and federal motor fuels taxes on and after September 1, 2017. Heard April 21 in Finance, reported favorably April 22, passed the Senate April 28. Referred to House Transportation May 4.

NOTE: HJR 28, HJR 29 & SJR 12 are identical.

SB 61 (Huffines) amends the education code to delete the provision that one fourth of revenue derived from state gasoline and special fuels excise taxes be deposited to the available school fund; amends the tax code to direct that revenue derived from taxes of sale, rental, and use of motor vehicles be deposited in the state highway fund and used only for acquiring rights-of-way and constructing public roadways; amends the tax code to direct that one fourth of the revenue derived from motor fuels taxes including the tax on liquefied gas be deposited into the state highway fund rather than the available school fund; takes effective January 1, 2016 if the related constitutional amendment passes in November 3, 2015. Filed 11/10.

SB 184 (Schwertner) [enabling legislation for SJR 15] amends the transportation code, subject to passage of a constitutional amendment, to delete the provision that permits monies in the state highway fund to be used by DPS to police the state highway system and to administer state laws relating to traffic and safety on public roads. Filed 11/17.

SJR 15 (Schwertner) proposes a constitutional amendment effective September 1, 2017 if approved by voters November 3, 2015 to prohibit use of vehicle registration fee and motor fuels tax revenues to fund policing of public roads. Filed 11/17.

HB 373 (Simmons) amends the tax code to allocate revenue from the taxes imposed on the sale, rental, or use of motor vehicles to the state highway fund incrementally beginning in September 2015--one sixth in the first year, 1/3 in the second year, 1/2 in the third year, 2/3 in the fourth year, 5/6 in the fifth year and 100 percent in the sixth year (2020); prohibits the use of the revenue to fund toll roads and a mass transit rail system including trolleys. Heard April 9 in Transportation, left pending.

HB 392 (McClendon) amends the transportation code to allow county commissioners courts to impose by order an additional fee not to exceed \$10 (in addition to existing registration fees) to register a vehicle in the county, which may be used only to fund non-tolled transportation projects that improve congestion, improve safety, or address air quality. Heard March 12 in Transportation, voted favorably in formal meeting April 13, committee report sent to Calendars April 20.

HB 393 (McClendon) amends the transportation code to increase the state vehicle registration fee from \$50.75 to \$60.75 on January 1, 2016. Heard March 12 in Transportation, failed to receive a favorable vote in April 13 formal meeting.

HB 395 (McClendon) amends the tax code to increase the rate of the state tax on motor fuels from \$0.20 per gallon to \$0.30 per gallon [liquefied gas from \$0.15 to \$0.25] and certain other fees associates with liquefied gas; allocates the revenue from the added rate  $\frac{1}{4}$  to the available school fund and  $\frac{3}{4}$  to the state highway fund; directs that such revenue in the state highway fund may be appropriated only to TxDOT to provide funding for planning, development, and implementation of current and future transportation infrastructure projects, including intermodal transportation projects other than toll roads, to relieve congestion on public roadways, enhance public safety, facilitate the movement of commercial freight, or improve air quality; effective September 1, 2015. Filed 11/26.

HB 399 (Harless) [enabling legislation for HJR 48] amends the tax code regarding the allocation of revenue from motor vehicle sales and use taxes; directs the comptroller to deposit the revenue in the state highway fund and the general revenue fund as follows: 25 percent and 75 percent in the state fiscal year beginning September 1, 2016, adjusting in five percent increments annually through 2020, to 50 percent and 50 percent in the state fiscal year beginning September 1, 2021. Amends the tax code to increase the state motor fuels tax rate five cents per gallon on January 1, 2016 and an additional five cents per gallon on January 1, 2018; indexes the rate of the motor fuels tax to the HCI beginning September 1, 2018; limits the annual per gallon rate change to one cent per year; the rate change from indexing takes effect January 1, 2019 and annually thereafter. Amends the transportation code to permit the use of the revenue derived from the reallocation of motor vehicle sales and use taxes revenue and the motor fuels tax revenue increases only for acquiring rights-of-way and planning, designing, constructing, and maintaining non-tolled public roadways; it may not be pledged for the repayment of bonds; effective only if a related constitutional amendment passes November 3, 2015. Filed 11/26.

HB 401 (Harless) [enabling legislation for HJR 48] amends the transportation code to permit the use of the revenue derived from the 84<sup>th</sup> session increase of vehicle registration fees only for acquiring rights-of-way and planning, designing, constructing, and maintaining non-tolled public roadways; it may not be pledged for the repayment of bonds; amends the transportation code to increase vehicle registration fees: for motorcycles/mopeds from \$30 to \$45 January 1, 2016 and to \$60 January 1, 2018; for vehicles weighing 6,000 pounds or less from \$50.75 to \$75 January 1, 2016 and to \$100 January 1, 2018; doubles the current registration fee for trailers weighing 6,000 pounds or less and vehicles weighing more than 6,000 pounds; effective only if a related constitutional amendment passes November 3, 2015. Filed 11/26.

HJR 48 (Harless) proposes a constitutional amendment limiting the permissible uses of the state highway fund, including further limiting the use of additional tax and fee revenue attributable to changes to certain state taxes and fees, to increase revenue for non-tolled public highway purposes – restricts the use of new state highway fund revenues as set forth in HB 399 & HB 401 and incrementally reduces the use of existing state highway fund revenues to fund DPS as set forth in HJR 27 & HJR 36. Filed 11/26.

HB 469 (Metcalf) amends the tax code to direct the comptroller to deposit vehicle sales tax revenue to the credit of the state highway fund in the following increments: 10 percent in the fiscal year beginning September 1, 2017, 20 percent in 2018, . . . 100 percent in 2026 and thereafter. Filed 12/08.

HJR 53 (Metcalf) proposes a constitutional amendment to be voted on November 3, 2015 to reduce in equal increments annually the percentage of vehicle sales tax revenue allocated to the general revenue fund and to increase incrementally the percentage that goes to the state highway fund beginning September 1, 2017 until 100 percent of the revenue is allocated to the state highway fund September 1, 2026 and thereafter. Filed 12/08.

HB 624 (Picket) amends the health and safety code and the transportation code to eliminate the provision that sends \$5.00 of the vehicle title fee to the Texas emissions reduction plan fund, so that all will go to the Texas mobility fund. Filed 01/07.

SB 1849 (Nichols) is identical to HB 624--a companion bill. Filed 03/13.

SB 321 (Hinojosa) amends the transportation code regarding the disposition of the \$5.00 of the certificate of title fee that goes to the Texas Mobility Fund; currently the state highway fund contributes a like amount to the TERP; with this bill; only \$5.00 of the amount coming from the nonattainment counties will go to the TERP, reducing that (current annual) amount from \$240 million to \$160 million. Heard April 15 in Transportation, committee substitute adopted, voted favorably. Passed the Senate April 22. Referred to House Transportation April 30.

SB 341 (Huffines) amends the tax code to allocate vehicle sales tax revenue to the state highway fund on and after September 1, 2017. Filed 01/23.

HB 1081 (Paul) amends the tax code to direct the comptroller to deposit to the credit of the state highway fund all motor vehicle sales tax revenue beginning on or after September 1, 2017. Filed 02/02.

HB 1165 (Burkett) amends the transportation code to direct revenue to the state highway fund from some administrative penalties and fines collected for violations of certain laws involving the operation of an overweight vehicle. Heard April 2 in Transportation, left pending.

HB 1432 (Howard) amends the transportation code to permit Travis County to adopt an additional vehicle registration fee of \$10, which can be increased to \$20 in annual increments consistent with the annual increase in the construction cost index if approved by county voters in a referendum. Heard April 9 in Transportation, left pending.

SB 579 (Watson) looks to be identical to HB 1432 but is not shown as a companion bill. Filed 02/16.

HB 1622 (Paul) amends the tax code to strike the provision that requires deposit of \$7.3 million of gasoline tax revenues to the county and road district highway fund; directs that three fourths of the gasoline tax be deposited to the state highway fund and strikes language regarding use of the gasoline tax revenue. Filed 02/18.

HB 1637 (Guillen) amends the transportation code to direct the comptroller to deposit 25% of the state highway fund monies into a new account – the energy-producing regions account – and to permit the use of such monies only in those regions. Filed 02/19.

HB 1652 (Scott Turner) amends the transportation code to change permissible uses of state highway fund monies; it prohibits all expenditures unrelated to state highway maintenance, improvements, policing and environmental mitigation. Filed 02/19.

HJR 24 (Harless) proposes a constitutional amendment to be voted on November 3, 2015 (1) to dedicate vehicle sales tax revenue to the state highway fund to be used only for acquiring rights-of-way or planning, designing, construction or maintaining non-tolled public roadways beginning January 1, 2016 and (2) to cap and incrementally reduce the amount of MFT and VRF revenue that may appropriated for any purpose other than acquiring rights-of-way or planning, designing, construction or maintaining public roadways beginning September 1, 2017--caps diversions at the amount diverted in the previous biennium and incrementally reduces the amount diverted by 20% in each biennium in which the state revenue estimate exceeds the state revenue amount of the preceding biennium by an amount at least three times the diversion amount to be reduced. Filed 02/23.

SB 704 (Creighton) directs the comptroller to deposit to the state highway fund for the purpose of retiring debt incurred for transportation improvements any amount that would go to the general revenue fund by virtue of the economic stabilization fund having reached the maximum balance allowed by the constitution. Filed 02/23.

HB 1836 (Sanford) amends the tax code to allocate ten percent of the proceeds of the limited sales, excise, and use tax (Chapter 151) to the state highway fund and prohibits use of such monies for a toll road or a mass transit system. Filed 02/24.

SB 5 / SJR 5 (Nichols, Nelson) proposes a constitutional amendment for November 3, 2015 that dedicates annual motor vehicle sales tax revenue above \$2.5 billion to the state highway fund beginning September 1, 2017; limits the use of the funds to construct, maintain, or acquire rights-of-way for public roadways other than toll roads or to repay principal and interest on Prop 12 debt. The February 25 committee substitute allocates the first \$2.5B to GRF001, the second \$2.5B to SHF006 and splits 50-50 all additional VST revenue between GRF001 and SHF006; it changes the constitutional amendment election to November 2016. Passed [28-to-2] the senate with one floor amendment March 4; the amendment sub-allocates the GRF 50%--20% to the ASF. Referred to House Transportation April 15, SJR 5 substitute adopted in April 21 formal meeting and voted favorably (The substitute is identical to CSHJR 13.). CSSJR 5 passed the House April 30. Senate refuses to concur May 4. Senate Conferees: Appointed (05/04/2015)



Nichols (Chair) | Eltife | Hall | Nelson | Whitmire. House Conferees: Appointed (05/05/2015) Pickett (Chair) | Davis, Yvonne | Harless | Otto | Simmons.

HB 1370 / HJR 91(Phillips) identical to SB 5 / SJR 5--a companion bill. HB 1370 heard April 9 in Transportation, left pending.

SJR 42 (Huffines) proposes a constitutional amendment to eliminate on or after September 1, 2017 the provision that allocates one fourth of the vehicle registration fee and motor fuels tax revenues to the available school fund. Filed 03/06.

HJR 114 (Capriglione) is similar to SJR 42. Filed 03/09.

HB 2682 (Shaheen) amends the tax code to allocate motor vehicle sales and use tax revenue to the state highway fund incrementally beginning September 1, 2015, increasing in increments of 1/6 to September 1, 2020 when 100 percent is allocated to the state highway fund; the monies may not be used for toll roads or mass transit. TxDOT must identify and implement savings and efficiencies totaling at least \$1 billion by September 1, 2020. Filed 03/06.

HJR109 (Pickett) proposes a constitutional amendment authorizing the legislature to permit a county to issue bonds or notes to finance transportation and infrastructure projects in a defined area [TRZ] to be repaid from increases in revenue from ad valorem taxes in the area. Heard April 2 in Transportation, voted favorably in April 22 formal meeting, committee report sent to Calendars April 28.

HB 2737 (Capriglione) amends the tax code effective September 1, 2017, subject to passage of a constitutional amendment, to delete the provision directing 25 percent of the revenue from the motor fuels tax to the available school fund [100 percent would go to the state highway fund except for \$7,300,000 would continue to go to the county and road district highway fund]. Filed 03/09.

HJR 114 (Capriglione) proposes a constitutional amendment to be voted on November 3, 2015 to eliminate the allocation of motor fuels tax revenue to the available school fund. Filed 03/09.

HB 2915 (Eddie Rodriguez) amends the government code subject to passage of a constitutional amendment relating to the transfer of certain general revenue to the Texas rail relocation and improvement fund. Filed 03/10.

HJR 118 (Eddie Rodriguez) proposes a constitutional amendment to allocate to the rail relocation and improvement fund \$100 million of the allocation of oil and gas production taxes revenue to the state highway fund (Prop 1). Filed 03/10.

SB 1172 (Nichols) amends the transportation code to prohibit the issuance of Texas Mobility Fund bonds after January 1, 2015. Heard March 25 in Transportation, committee substitute adopted April 1, and reported favorably as substituted April 7.

SB 1220 (Bettencourt) amends the tax code to limit the life of a reinvestment zone to 10 years and to change certain parameters for tax increment financing. Heard May 5 in Natural Resources & Economic Development Subcommittee, substitute adopted and reported to the full committee [The substitute brackets the bill to Harris County.].

SB 1594 (Campbell) amends the government code to allocate 25% of the oil and gas production tax revenue that goes to the state highway fund to “corridors of commerce” defined as a highway that is a part of the state highway system that is essential to the movement of long-distance freight, improves access to ports and other strategic modes of transportation for the movement of freight, and connects a large metropolitan area to our border with another state or the United Mexican States. Filed 03/12.

SB 1595 (Campbell) amends the transportation code to direct (a) the governor to opt out of the federal aid highway program and instead to receive directly the portion of the federal gas tax contributed by Texas and (b) the comptroller to conduct a study of how the state might benefit from withdrawing from the federal aid highway program. Filed 03/12.

HB 3634 (Reynolds) amends the tax code to allow a municipality to levy a motor fuels tax in increments of one cent up to a maximum of five cents per gallon if approved by the voters of the municipality; one fourth of the revenue would go to the available school fund; three fourths could be used for road maintenance, construction, signs and signals in the municipality. Heard April 23 in Transportation, left pending.

HB 3648 (Picket) amends the health and safety code and the transportation code to adjust numerous inspection and registration fees; raises the registration fee for a vehicle weighing 6,000 pounds or less that is not subject to a commercial motor vehicle inspection from \$50.75 to \$63.75. Filed 03/13.

HB 3763 (Fletcher) amends the transportation code to provide for an economic impact zone that TxDOT can create around a transportation project subject to LBB certification. The comptroller would allocate 20% of the sales tax increment in the zone to the state highway fund and 80% to the general revenue fund. The zone would terminate after 30 years. Filed 03/13.

HB 3769 (Fletcher) amends the transportation code to direct TxDOT to designate as priority corridors highways or segments of highways in the state highway system that have international importance and to give such corridors priority for department resources, including available funding and staff time, over other department projects; amends the definition of port to include an inland port designated by a municipality, and permits a port commission to designate a port authority transportation reinvestment zone for a port project located outside the boundaries of a port authority under certain conditions. Heard April 6 in International Trade and Intergovernmental Affairs, left pending.

HB 3918 (Wray) amends the government code regarding private activity bonds; prohibits the issuance of bond for construction or operation of an electric railway or high-speed rail running between two cities. Filed 03/13.

HB 3984 (Romero, Jr.) amends the local government code to require the assessment of municipal impact fees for new development and additional amounts for state highways. Heard April 21 & 28 in Urban Affairs, substitute considered. The substitute calls for a study--does not mandate impact fees. The substitute was reported favorably April 28; committee report sent to Calendars May 1.

SB 906 (Hinojosa) amends the transportation code to change the optional county fee for registering a motor vehicle from \$10 to \$20. Filed 03/03.

SB 1729 (Lucio) amends the transportation code to authorize TxDOT to increase, after a public hearing, the toll and the registration fee for a commercial motor vehicle. Filed 03/13.

SJR 62 (Nichols) proposes a constitutional amendment dedicating certain net revenues for the acquisition of rights-of-way and the construction and maintenance of public roadways other than toll roads, those revenues being (1) fees for permits to operate oversize/overweight vehicles, (2) tolls collected or received in excess of the amount pledged for debt obligations from a toll project or system that is part of the state highway system, (3) payments received under a comprehensive development agreement or a toll project or system, (4) the sale or transfer of any interest in a highway right-of-way or real property acquired for a state highway purpose that is no longer needed for a state highway purpose, and (5) the sale of surplus motor vehicles by state agencies. Heard April 15 in Transportation, substitute considered, amendment adopted, rolled into a new substitute, new substitute adopted and voted favorably, placed on April 22 intent calendar, not again placed on April 23 intent calendar.

### **TxDOT Reform Bills**

HB 13 (Pickett) amends the transportation code to disallow TxDOT debt issuance for two years [August 2015 – August 2017]; to develop and implement a performance-based planning and programming process dedicated to providing the executive and legislative branches of government with indicators that quantify and qualify progress toward attaining all department goals and objectives established by the legislature and the commission; to develop and implement performance metrics and performance measures as part of (a) the review of strategic planning in the statewide transportation plan, metropolitan transportation plans, rural transportation plans, and unified transportation program, (b) the evaluation of decision-making on projects selected for funding in the unified transportation program and statewide transportation improvement program, and (c) the evaluation of project delivery for projects in the department's letting schedule. The department and commission shall use the performance metrics to assess how well the transportation system is operating; provide the department, legislature, stakeholders, and public with information to support decisions; assess the effectiveness and efficiency of transportation projects and service delivery; and demonstrate transparency and specific

performance metrics and measures for sustainable objectives, including congestion reduction, safety enhancements, expansion of economic opportunity, preservation of the value of existing transportation assets, cost efficiency of the department's operations, project procurement, delivery, and final cost, and enhancements in public participation in the infrastructure planning process. Heard March 26 in Transportation, substitute adopted in April 21 formal meeting and voted favorably, 3 floor amendments adopted April 30, passed the House May 1, set for hearing May 13 in Senate Transportation.

HB 20 (Simmons) amends the transportation code, adding a subchapter establishing a state infrastructure advisory committee and stakeholder advisory committees and adding sections on (a) prioritization of projects by local transportation entities and department districts, (b) prioritization of projects by the department and approved by the commission, (c) developing and implementing a performance-based planning and programming process to provide the executive and legislative branches with indicators that quantify and qualify progress toward attaining all department goals and objectives established by the legislature and the commission. HB 2685 (Simmons) is a duplicate. Heard March 24 in Transportation-S/C on Long-term Infrastructure Planning, recalled from subcommittee, substitute adopted in April 21 formal meeting of Transportation and voted favorably, 3 floor amendments adopted April 30, 1 floor amendment adopted May 1, passed the House May 1, set for hearing May 13 in Senate Transportation.

HB 529 (Larson) amends the transportation code to restructure the Texas Transportation Commission to a 3-member body elected statewide to serve staggered six-year terms with terms expiring February 1 of each odd-numbered year; members elect their own chair; transition begins February 2017 with the first commissioner elected November 2016. Set for hearing March 19 in Transportation, withdrawn.

HB 1650 (Scott Turner) amends the government code to require TxDOT to employ zero-based budgeting every third state fiscal biennium and to include specific budgetary information. Filed 02/19.

HB 3109 (Simmons) amends the transportation code to eliminate one of the design-build RFP requirements--that the RFP include a schematic design approximately 30 percent complete. Filed 03/11.

HB 3114 (Dale) adds a section to the transportation code saying that (Chapter 370) regional mobility authorities are subject to an economy and efficiency audit by the state auditor, subject to approval by the legislative audit committee for inclusion in the audit plan; the audit may include audit of the authority's contractors and subcontractors. Filed 03/11.

### **Toll Limitation / Cessation Bills**

*Note: many of the revenue/funding bills above prohibit tolling.*

HB 565 (Burkett) amends the transportation code to prohibit a private toll road corporation from using eminent domain and to prohibit a private entity from constructing a privately owned turnpike or toll project that connects to a road, bridge or highway in

the state highway system. Heard March 19 in Transportation, left pending, substitute considered in formal meeting April 10 and reported favorably, committee substitute passed the House May 4, referred to Senate Transportation May 7.

HB 572 (Burkett) amends chapter 366 of the transportation code (the NTTA statute) to require NTTA to go through sunset review at the same time as TxDOT does; NTTA must pay the cost of the sunset review; NTTA may not be abolished as a result of the sunset review. Heard March 19 in Transportation, left pending.

HB 790 (Burkett) amends Chapter 366 (NTTA statute) of the transportation code to establish a petition process and certain requirements for conducting a noise study and constructing a sound wall adjacent to certain turnpike projects. Heard April 29 in Transportation-S/C on Long-term Infrastructure Planning, considered in May 7 formal meeting, substitute adopted and reported favorably, recommended for local and consent calendar.

HB 1004 (Yvonne Davis) amends the transportation code to prohibit private toll road corporations from exercising the power of eminent domain. Heard March 19 in Transportation, left pending.

SB 444 (Hall) is identical to HB 1004--a companion bill. Heard March 11 in Transportation, reported favorably March 18, passed the senate on April 13, referred to House Transportation May 5.

HB 1183 (Shaheen) amends the transportation code to require TxDOT to obtain permission of the county commissioners court before undertaking a project in the county using a comprehensive development agreement; also applies to NTTA. Heard March 26 in Transportation, left pending.

HB 1350 (Burkett) amends the transportation code to limit the amount and use of tolls to what is required for construction and debt service and for maintenance and operations; removes authority for toll generation of surplus revenue, would preclude "system financing." Heard March 24 in Transportation-S/C on Long-term Infrastructure Planning, left pending.

HB 1834 (Sanford) amends the transportation code to delete sections referencing surplus toll revenue, to require future toll roads to be approved by resolution of the county commissioners court, to set a 20-year maximum term for future toll revenue bonds, and to convert toll roads to state highways for state maintenance after 20 years. Filed 02/24.

HB 1835 (Sanford) amends the transportation code to restrict the use of a non-tolled highway lane as a managed lane. Heard March 24 in Transportation-S/C on Long-term Infrastructure Planning, left pending.

SB 1238 (Van Taylor) is identical to HB 1835--a companion bill. Filed 03/11.

HB 1837 (Sanford) amends the transportation code to require a toll project entity or an MPO to obtain permission of the county commissioners court before undertaking a toll project in the county--either must obtain permission before conducting a feasibility study, developing a design for the project or entering into a construction contract after September 1, 2015. Heard March 24 in Transportation-S/C on Long-term Infrastructure Planning left pending.

HB 1838 (Sanford) requires TxDOT in consultation with the comptroller and governor to provide each member of the legislature by September 1, 2016 a plan to eliminate all (23) Texas toll roads by not later 2046. Filed 02/24.

iSB 1240 (Van Taylor) is identical to HB 1838--a companion bill. Filed 03/11.

HB 2611 (Pickett) amends the transportation code to require that any future funding that TxDOT or the Texas Transportation Commission provides a toll project entity for a turnpike project must be repaid; same for an RMA receiving money for a transit project. Heard March 26 in Transportation, left pending.

HB 2612 (Pickett) requires TxDOT by September 1, 2016 to submit a report to the House Transportation Committee setting forth a plan to eliminate all toll roads except for tolls on roads constructed, operated, or maintained only with proceeds from the issuance of bonds by a toll project entity other than the department. Heard March 26 in Transportation, reported favorably April 2, passed to engrossment with one floor amendment May 1, passed the House May 4, referred to Senate Transportation May 6.

HB 3725 (Sanford) amends the transportation code to delete sections referencing surplus toll revenue, to require future toll roads to be approved by county voters, to set a 20-year maximum term for future toll revenue bonds, and to convert toll roads to state highways for state maintenance after 20 years. Filed 03/13.

SB 485 (Kolkhorst) amends the transportation code to require cessation of tolling when the project acquisition and construction costs including bonded debt have been paid; eliminates provisions that permit CDA transactions that produce excess revenue (e.g., SH 121/RTR funds). Filed 02/06.

HB 1734 (Shaheen) is identical to SB 485--a companion bill. Filed 02/20.

SB 1182 (Huffines) amends the tax code and the transportation code to prohibit the use of motor fuel tax and vehicle registration fee revenue to fund toll projects, to prohibit any money in the state highway fund to be used for toll roads, and to delete sections referencing use of surplus toll revenue. Filed 03/10.

SJR 43 (Huffines) proposes a constitutional amendment to be voted on November 3, 2015 to prohibit on and after September 1, 2017 TxDOT from using any bond funds, federal funds or monies from the state motor fuels tax or vehicle registration fee for toll roads. Filed 03/10.

### **Red Light Camera Bills**

HB 142 (Stickland) prohibits a local authority from implementing or operating an automated traffic control system – a system consisting of a photographic device, radar device, laser device, or other electrical or mechanical device that can produce a recorded photographic or digital image depicting a motor vehicle license plate used by the local authority to enforce compliance with a posted speed limit or the instructions of a traffic-control signal by imposition of a civil or administrative penalty against the owner or operator of the motor vehicle. Heard April 30 in Transportation, substitute considered, left pending.

HB 1034 (Geren) amends the transportation code to prohibit the DMV and any county assessor-collector from declining to register a motor vehicle for reason that the owner of the vehicle is delinquent in the payment of a civil penalty imposed for a violation detected by a photographic traffic signal enforcement system. Filed 01/29.

HB 1131 (Elkins) amends the transportation code to prohibit the use of photographic traffic signal enforcement systems and to make any jurisdiction that imposes a penalty for an alleged violation detected by a photographic traffic signal enforcement system liable for any costs the owner or operator of a motor vehicle receiving the charge incurs as a result of the charge. Heard April 30 in Transportation, substitute considered, left pending.

HB 1710 (Bohac) amends the transportation code to require a local authority to submit to voters the question of repealing an ordinance adopted to install a traffic signal photo enforcement system if the governing body receives a petition requesting an election that is signed by 10 percent of the registered voters; such an election may not be held more often than every two years; if the majority of votes cast in such an election favor repeal of the ordinance, the governing body must repeal the ordinance and may not again adopt such an ordinance. Heard April 30 in Transportation, left pending.

HB 2442 (Zedler) amends the transportation code to remove the authority for a county assessor-collector to refuse to register a motor vehicle for non-payment of a civil penalty for a violation detected by red light camera. Heard April 23 in Transportation, left pending.

HB 2779 (Elkins) amends the transportation code to prohibit a local authority operating a photographic traffic signal enforcement system from imposing a civil penalty on the owner of a motor vehicle that is turning right at an intersection. Filed 03/10.

HB 2781 (Elkins) amends the transportation code to prohibit the state or a political subdivision of the state from issuing a civil or criminal charge or citation for an offense or violation based on a recorded image produced by a photographic traffic signal enforcement system. Filed 03/10.

SB 340 (Huffines) amends the transportation code to prohibit the use of photographic traffic signal enforcement systems. Filed 01/23.

SB 714 (Hall) amends and repeals codes sections to prohibit a local authority for operating an automated traffic control system--kills red light cameras. Heard April 13 in Transportation, voted out favorably, passed the Senate April 22 with three floor amendments, referred to House Transportation May 5.

SB 1340 (Huffines | Bettencourt | Birdwell | Burton | Campbell | Creighton | Estes | Hall | Kolkhorst | Lucio | Nelson | Perry | Taylor, Larry | Uresti) amends the transportation code to prohibit a local authority from enforcing a traffic law only by photographic means or by civil enforcement based only on evidence obtained through photographic means. Set for 04/01 hearing in Transportation, deleted from agenda.

HB 3817 (Elkins) is identical to SB 1340 a companion bill. Filed 03/13.

### **LIRAP & TERP Bills**

HB 457 (McClendon) amends the transportation code to require (a) TxDOT to remit to the comptroller on the 5<sup>th</sup> of each month an amount from the state highway fund equal to the amount of fees deposited into the Texas Mobility Fund during the preceding month and (b) the comptroller to remit \$250 million per year from these remitted funds to the Texas Rail Relocation & Improvement Fund and the remainder to the Texas Emissions Reduction Plan Fund for fiscal years 2016 to 2025. Heard April 2 in Transportation, committee substitute offered, substitute adopted in May 7 formal meeting and reported favorably.

HB 652 (Isaac) amends the health and safety code to extend various sections of the Texas Emissions Reduction Plan by two years from 2019 to 2021. Filed 01/12.

SB 603 (Hinojosa) is identical to HB 652--a companion bill. Heard March 10 in Natural Resources & Economic Development, reported favorably April 1, recommended for local & uncontested calendar, passed the Senate April 9. Referred to House Environmental Regulation April 30.

HB 1465 (Huberty) amends the government code and the health and safety code regarding the LIRAP/LIP in Harris County. Filed 02/16.

HB 1961 (Giddings) adds a section to the health and safety code to authorize a county that is non-attainment or near non-attainment for ozone to impose a county air quality fee to fund a county air quality program like the state funded LIRAP/LIP. Heard April 21 in Environmental Regulation, substitute considered, left pending.

SB 922 (Watson) is identical to HB 1961--a companion bill. Filed 03/03.

SB 1619 (Watson) amends the health and safety code to make numerous changes to the TERP including the addition of eligible counties, extending the life of the program by



four years and adding numerous program streamlining provisions. Filed 03/12

HB 14 (Morrison) is identical to SB 1619--a companion bill. Heard April 7 & 14 in Environmental Regulation, voted favorably April 14, read second time May 6, one floor amendment adopted on second reading May 7, passed the House May 8.

SB 1685 (Huffines) amends the health and safety code to repeal low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program and provisions relating to the inspection and maintenance program; makes other changes in related clean air programs. Filed 03/13.

SB 1741 (Hinojosa) amends the health and safety code to specify that at least 50 percent of TERP funds be used for the diesel emissions reduction incentive program. Filed 03/13.

SB 1949 (Hinojosa) looks to be the same as SB 1741. Filed 03/13.

#### **Appropriations / Tax Limitation / Reduction Bills**

SB 1 & SJR 1 (Nelson, et al.) amends the tax code applicable to school property taxes to change the homestead exemption to 25 percent of the statewide median home value. Heard in Finance March 2, 4 & 17, reported out favorably March 17, passed the senate March 25 with one amendment, referred to House Ways & Means May 5, set for hearing May 12.

HB 31 (Dennis Bonnen) amends the tax code to reduce the state sales tax rate from 6.25 percent to 5.95 percent. Heard April 14 in Ways & Means, substitute considered, substitute voted favorably in April 16 formal meeting, placed on April 28 major state calendar, passed the House April 28 with four floor amendments, referred to Senate Finance May 6.

HB 32 (Dennis Bonnen) amends the tax code to reduce the rate of the franchise tax by 25 percent, from 0.5 percent to 0.375 percent for taxable entities in the retail or wholesale trade and from 1.0 to 0.75 percent for other taxable entities; expands eligibility for the EZ computation by doubling the cap to \$20 million in total revenue, and lowers the EZ rate from 0.575% to 0.331%. Heard April 14 in Ways & Means, substitute considered, substitute voted favorably in April 16 formal meeting, placed on April 28 major state calendar, passed the House April 28 with five floor amendments, referred to Senate Finance May 6.

SB 7 (Nelson, et al.) is similar to HB 32. It passed the Senate and is set for May 12 hearing in Ways & Means.

HB 290 and HJR 45 (Leach) enabling legislation and a proposed constitutional amendment (i) to limit the rate of growth in appropriations from one biennium to the next to the combined rates of biennial change in (a) population and (b) inflation or deflation and (ii) to direct the use of state surplus revenues; not later the 90<sup>th</sup> day of each biennium,

the comptroller shall transfer (i) to the economic stabilization fund one-third of any unencumbered positive balance of general revenues on the last day of the preceding biennium or a lesser amount if necessary to keep the ESF balance within its prescribed maximum limit and (ii) one half of the remaining unencumbered balance to payers of the state's franchise tax in proportion to the amount each paid of the total franchise tax collected and the remaining one half to the property tax relief fund to be used for reducing public school district property taxes. Filed 11/14.

HB 365 (Elkins) amends the tax code relating to the calculation of the ad valorem tax roll back rate of taxing units--lowers the threshold from 8 percent to 4 percent except in areas where the governor or president has declared a disaster area during the current tax year. Set for hearing May 5 in Ways & Means and then pulled down by the author.

SB 182 (Bettncourt) is identical to HB 365--a companion bill. Filed 11/13, heard April 9 in Finance, left pending.

HB 531 & HJR 60 (Greg Bonnen) propose an amendment to the government code and to the state constitution redefining the calculation methodology for rate of change in population and monetary inflation in setting the permitted rate of growth or reduction change in biennial state appropriations of non-dedicated revenue. Filed 12/16.

HB 957 & HJR 71 (Bohac) propose a constitutional amendment lowering from 10 percent to 5 percent the maximum allowable annual increase in the appraised value of a residence homestead. Filed 01/27.

HB 1884 (Pena) amends the tax code, subject to adoption of a constitutional amendment [HJR 93], to change the maximum allowable annual increase in appraised value of a residence homestead from 10 percent to 5 percent. Filed 02/25.

HB 2041 (Bell) is a duplicate of HB 1884; HJR 99 (Bell) is a duplicate of HJR 93. Heard May 5 in Ways & Means, left pending.

SB 403 (Van Taylor) amends the government code relating to the limitation on the rate of growth of biennial appropriations; limits the rate of growth to the sum of (a) the rate of growth of the state's population and (b) the rate of monetary inflation and the rate of growth of the state's gross state product; clarifies and tightens language and requirements. Filed 01/29.

HB 1697 (Capriglione) is identical to SB 403--a companion bill. Filed 02/20.

HJR 21 (Burkett) proposes a constitutional amendment to require a two-thirds vote of both houses of the legislature for any appropriations in excess of the constitutional spending limit. Heard April 22 in Appropriations S/C on Budget Transparency & Reform, substitute considered, left pending.

HB 1965 (Paul) amends the tax code to change “1.08” to “1 + inflation rate” [CPI] in calculating the rollback rate. Heard May 5 in Ways & Means, left pending.

HB 1980 and HJR 96 (Senfronia Thompson) amends the tax code, subject to adoption of a constitutional amendment, to permit the governing body of a taxing unit, other than a school district, to adopt an exemption [\$5000 minimum] from taxation by the taxing unit of a portion of the appraised value of an individual’s residence homestead. Heard April 21 in Ways & Means, left pending.

HB 2427 (Sanford) amends the tax code to entitle a taxable entity to a franchise tax credit equal to 50% of the amount of tolls the entity incurs for driving on a toll road in Texas beginning January 1, 2016. Filed 03/05.

HB 2981 (Scholfield) amends the government code, subject to passage of a constitutional amendment [HJR 121], to limit the rate of growth of appropriations to the sum of the rate of growth in the state’s population and the rate of inflation or deflation in the state, to require certification by the comptroller, and to include dedicated revenues in the calculation but exclude revenue appropriated to pay for rebate of state taxes. Filed 03/10.

HJR 121 (Schofield) proposes a constitutional amendment concerning the limitation on the rate of growth of appropriations. Filed 03/10.

SB 9 (Hancock) is the same as HB 2981--a companion bill. Heard March 17, 25 & 31 in Finance, reported favorably as substituted April 7, passed the Senate April 9 with two amendments, referred to House Appropriations May 5.

SJR 2 (Hancock) is the same as HJR 121--a companion bill. Heard March 17, 25 & 31 in Finance, reported favorably as substituted April 7, placed on April 8 intent calendar, not again placed on the intent calendar April 14.

HB 3306 (Sanford) amends the tax code to allow the purchaser of motor vehicle after January 1, 2016 to claim a credit or refund of the vehicle sales tax equivalent to the amount of tolls the purchaser paid driving Texas toll roads during the preceding 12-month period. Heard April 14 in Ways & Means, left pending.

HB 3626 (Hughes) amends the government code to establish a sales tax reduction fund and a procedure for the comptroller to deposit certain revenues into the fund and to lower the sales tax rate in one tenth of one percent increments when the fund contains sufficient monies. Filed 03/12

HB 3639 (Hughes) amends the government code to limit the rate of growth of appropriations and to establish a procedure for the comptroller to lower the sales tax rate when sufficient revenues exist. Filed 03/12.

SB 101 (Hinojosa & Eltife) [enabling legislation for SJR 7] amends the government code to exclude state revenues appropriated for the purpose of paying the principal of or interest on state debt from the calculation to determine the limit on the rate of growth of biennial appropriations; takes effect on the effective date of the constitutional amendment proposed by the 84th Legislature, Regular Session, 2015, excepting certain appropriations for reducing state debt from the constitutional limitation on the rate of growth of appropriations. Filed 11/10.

SJR 7 (Hinojosa & Eltife) proposes a constitutional amendment excepting certain appropriations for reducing state debt from the constitutional limitation on the rate of growth of appropriations. Filed 11/10.

SB 16 / SJR 4 (Hinojosa | Eltife | Nelson) are duplicates of SB 101 / SJR 7. Filed 03/04.

HB 2338 / HJR 106 (Keffer) identical to SB 101 / SJR 7--a companion bill. Filed 03/04.

SB 137 (Perry) [enabling legislation for SJR 11] amends the government code to change the limit on the rate of growth in biennial appropriations to the lesser of (1) the estimated rate of growth of personal income of Texas residents and (2) a rate equal to the sum of the estimated biennial rate of growth of the state's population and the estimated biennial rate of monetary inflation in the state; takes effect on the effective date of the constitutional amendment proposed by the 84th Legislature, Regular Session, 2015, regarding the maximum amount of appropriations for a state fiscal year. Filed 11/10.

SJR 11 (Perry) proposes a constitutional amendment to change the limit on the rate of growth in biennial appropriations to the lesser of (1) the estimated rate of growth of personal income of Texas residents and (2) a rate equal to the sum of the estimated biennial rate of growth of the state's population and the estimated biennial rate of monetary inflation in the state. Filed 11/10.

SB 156 / SJR 14 (Nichols) proposes a constitutional amendment to authorize the legislature to limit the maximum appraised value of a residence homestead for ad valorem tax purposes to 105 percent or less of the appraised value of the property for the preceding tax year and to permit the voters of a county to establish a higher limitation not to exceed 110 percent on the maximum appraised value of a residence homestead in the county. Filed 11/10.

HB 2036 / HJR 98 (Metcalf) is identical to SB 156 / SJR 14--a companion bill. Filed 02/27.

SB 361 (Estes) amends the government code to limit the rate of growth of appropriations in a state fiscal biennium from all revenue sources to the estimated rate of growth of the state's economy, with the rate of growth of the state's economy being the lesser of the following rates, calculated for the two fiscal years immediately preceding the regular biennial legislative session: (1) a rate equal to the sum of the rate of growth of the state's population and the rate of monetary inflation in the state, (2) the rate of growth of

personal income of the state's residents; or (3) the rate of growth of the state's gross state product. Filed 01/27.

SB 404 (Van Taylor) amends the government code to require each state agency to submit a report by December 1 of each even-numbered year identifying measures by which the agency can reduce its biennial expenditures by 1 percent, 5 percent, and 10 percent. Filed 01/29.

SJR 27 (Hancock) proposes a November 3, 2015 constitutional amendment requiring a two-thirds vote by the house and the senate to impose a new state tax or raise the rate of an existing state tax (does not apply to a registration fee). Filed 02/06.

HJR 83 (Hughes) is identical to SJR 27--a companion bill. Filed 03/23.

SB 1692 (Bettencourt) amends the tax code to set a limit on the municipal and county tax rate--such rate can increase from year to year by a rate that does not exceed the rate of population growth [as determined by the state demographer] and inflation rate [CPI as determined by the state comptroller]. Filed 03/13.

SB 1694 (Bettencourt) amends the tax code subject to passage of a constitutional amendment [SJR 57] to increase the homestead property tax exemption from \$15,000 to \$30,000, to limit a school district in increasing the property tax on the homestead of a disabled person or a person age 65 or older, and to provide state assistance to compensate for the resulting revenue loss. Filed 03/13.

SJR 57 (Bettencourt) proposes a constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes, providing for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed for those purposes on the homestead of an elderly or disabled person to reflect the increased exemption amount, and extending the number of days that certain tangible personal property that is exempt from ad valorem taxation due to its temporary location in this state may remain located in this state before forfeiting the right to the exemption. Filed 03/13.

### **Other Bills of Interest**

HB 40 (Darby | Keffer | King, Phil | Thompson, Senfronia | Oliveira) declares that oil and gas operations are the exclusive jurisdiction of the state; amends the natural resources code to preempt municipal regulation of oil and gas operation. Heard March 23 & 30 in Energy Resources, committee substitute adopted March 30, reported favorably, passed the House April 17, referred to Senate Natural Resources & Economic Development April 23, heard and reported favorably April 30, passed the Senate May 4, sent to the Governor May 6.

HB 86 (James White) creates a select committee to evaluate the effects of a reduction in or the elimination of federal funding on the state budget due to federal fiscal policy. Heard April 15 in Appropriations - S/C on Budget Transparency & Reform, left pending.

HB 735 (Israel) amends the transportation code to direct the DMV to collect information on alternatively fueled vehicles registered in Texas and to submit a report to the legislature annually that contains specified information on alternatively fueled vehicles. Committee substitute heard March 26 in Transportation, committee substitute adopted and reported favorably April 2, committee report sent to local & consent calendar April 10, passed the House May 5 with one floor amendment.

HB 856 (Sanford) amends the transportation code to require that a metropolitan planning organization broadcast over the Internet live video and audio of each open meeting held by the policy board make available through the organization's Internet website archived video and audio for each meeting for which live video and audio was provided. Heard April 15 & 22 in Government Transparency & Operation, reported favorably April 22, committee report sent to Calendars April 27.

SB 1237 (Van Taylor) is identical to HB 856--a companion bill. Heard April 7 in Business & Commerce, reported favorably April 8, passed the Senate April 14. Referred to House Government Transparency & Operation May 1, considered in May 7 formal meeting and reported favorably.

HB 1257 (Shaheen) amends the local government code and the government code regarding a political subdivision's use of public money for lobbying; prohibits, with narrow exceptions, spending public money to influence the outcome of pending legislation; prohibits a political subdivision from employing a person required to register as a lobbyist and from spending public money for membership in a nonprofit state association or organization that attempts to influence the outcome of pending legislation. Heard April 9 in General Investigating & Ethics, substitute considered, left pending.

SB 711 (Burton) is very similar to HB 1257. Filed 02/24.

HB 1394 (Burns) amends the transportation code (Chapter 366 – NTTA) to add to the authority a county with a board seat when the county has a turnpike whose toll collections equal at least four percent of the authority's revenue and a population of at least four percent of the aggregate population of the authority, and to establish an advisory committee including the county in which the authority contracts to construct a turnpike in the county. Heard April 16 in Transportation, reported favorably from April 22 formal meeting, passed the House May 5, referred to Senate Transportation May 6.

SB 557 (Birdwell) is identical to HB 1394--is a companion bill. Filed 02/12.

HB 1696 (Capriglione) amends the agricultural code to require sellers of motor fuel to display a sign on the fuel pump that states the amount of the federal and the state fuel tax included in the fuel price. Filed 02/20.

HB 1876 (Bell) adds a section to the transportation code directing TxDOT to notify each affected senator, representative and county judge of an application submitted to the

federal surface transportation board for an electric railway project if it learns of such an application or it receives notice of preparation of an EIS for such a project. Heard April 23 in Transportation, left pending.

HB 1889 (Metcalf, et al.) amends the transportation code to require a corporation that operates an electric railway that travels at speeds greater than 100 miles per hour to obtain permission of the governing body of a city or county before constructing the railway across the city or county. Heard April 23 in Transportation, substitute considered, left pending.

SB 937 (Kolkhorst) amends the transportation code to add a provision that TxDOT may consider only a general-purpose lane that is part of the highway and may not include a lane of a frontage road when determining the number of non-tolled lanes when converting a non-tolled highway lane to a toll lane. Filed 03/04

HB 2406 (Chris Turner) adds a temporary section to the transportation code directing TTI to conduct a study of the Grand Prairie and Arlington transit systems and to issue a report to the Legislature by December 31, 2016 outlining its findings and recommendations. Filed 03/05.

HB 2549 (Yvonne Davis) amends transportation code chapter 366 per NTTA request to (a) establish a regional toll enforcement approach to include tolling services agreements, (b) adjust ZipCash payment periods to allow for true monthly billing (25-day billing cycles), (c) Justice of the Peace amendment requested by the JPs regarding toll collection, (d) create paperless, electronic-only billing notification option for ZipCash customers, and (e) align the annual report due date with availability of audited financials. Heard in Transportation April 9, voted favorably at April 13 formal meeting, placed on May 8 General State Calendar.

HJR 110 (Coleman) proposes a constitutional amendment allowing a state mandate imposed on a county to have effect only if the state provides for payment to the county of the cost of the mandate. Filed 03/06.

HJR 111 (Darby) proposes a constitutional amendment [Nov 3, 2015 vote] to prohibit after September 1, 2023 any consideration or use of fund balances of dedicated revenues for purposes of budget certification and prohibits appropriation of statutorily dedicated revenues for purposes other than those for which they were dedicated unless the Legislature first changes the statute that dedicated the revenue. Heard April 15 in Appropriations - S/C on Budget Transparency & Reform, recalled from sub-committee and substitute considered in April 20 formal meeting, substitute voted favorably, adopted in the House April 27 with one floor amendment, referred to Senate Finance May 6.

SJR 33 (Watson) is identical to HJR 111--a companion bill. Filed 02/17.

HB 2577 (Matinez) amends the transportation code regarding comprehensive development agreement projects to add a Valley project and extend the time frame for

certain Houston, Austin and Border projects. Set for hearing May 7 in Transportation, meeting cancelled.

SB 1591 (Lucio) is identical to HB 2577--a companion bill. Filed 03/12.

HB 2619 (Burkett) amends the transportation code to establish parameters for repurchase of property by a seller whose property was condemned for a toll road and not needed for such purpose. Set for hearing April 23 in Transportation, withdrawn from schedule.

SB 938 (Kolkhorst) is the same as HB 2619--a companion bill. Filed 03/09.

HB 3108 (Dale) amends the transportation code to limit the amount of administrative fee a toll entity may charge for the collection of unpaid tolls and to establish specified time limits and procedures. Heard April 30 in Transportation, left pending.

HB 3167 (Simmons) amends section 391.006(c) of the local government code to require that the governing body of a planning commission of a region that is consistent with the geographic boundaries of a state planning region shall offer an ex officio, nonvoting membership on the governing body to each member of the legislature who represents a district located wholly or partly in the region of the commission. Heard April 16 in County Affairs, substitute considered, substitute considered and adopted in April 27 formal meeting, reported favorably as substituted, committee report sent to local and consent calendar May 1.

HJR 123 (Simmons) proposes a constitutional amendment to change the terms of senators to six years and representatives to four years, with the terms be staggered. Filed 03/11.

HB 3485 (Chris Turner) amends chapter 452 (DART & The T) of the transportation code to establish a procedure for a municipality to enter into an interlocal agreement to become part of the territory of the regional transportation authority at such time as it has the local sales tax capacity to do so; allows for an election on the question of becoming a part of the authority before having available sales tax capacity. Heard April 8 in Transportation-S/C on Long-term Infrastructure Planning, recalled by Transportation in April 13 formal meeting, voted favorably, recommended for local & consent calendar, committee report sent to local & consent calendar April 20, passed the House May 30, referred to Senate Transportation May 5.

HB 3590 (Krause) amends the Health and Safety Code to prohibit the TCEQ from adopting a rule or submitting a SIP to comply with EPA rules under the federal Clean Air Act if those rules give the EPA authority to regulate a person, entity or activity that it did not regulate on January 1, 2015. Heard April 28 in Environmental Regulation, left pending.

HB 3593 (Burkett) amends the transportation code to require on-line broadcast of open board meetings of transportation entities. Heard April 23 in Transportation, substitute considered, substitute adopted in May 7 formal meeting and reported favorably.



HB 3606 (Krause) amends the local government code to require a political subdivision to notify the LBB, the comptroller and the governor before accepting or spending federal funds not appropriated by the legislature; the LBB, comptroller and governor have ten days to notify the political subdivision to notify the political subdivision if it disapproves. Heard April 30 in State & Federal Power & Responsibility, Select, substitute considered, left pending, committee substitute adopted in May 5 formal meeting and reported favorably.

HB 3915 (Wray) amends the property code to say that a high-speed rail company that condemns property for a high-speed rail project must pay damages for any denial or impairment of access to the remainder property, equal to not less than fifty percent of the value of the whole property before the taking. Heard April 13 in Land & Resource Management, left pending.

SB 57 (Nelson) amends the transportation code (Chapter 366 – NTTA) to protect account information of TollTag and pay-by-mail users from public disclosure but not preclude any law enforcement or judicial requests for information. Heard March 18 & 25, committee substitute adopted and reported favorably March 30, placed on the local & uncontested calendar, passed the Senate April 9, referred to House Transportation April 23.

SB 93 (Ellis) repeals the driver responsibility program. Heard April 29 in Transportation, left pending.

SB 198 (Watson) incrementally reduces the amount of dedicated revenue that may be used for budget certification; sets these limits at \$3.4 billion for the biennium ending August 31, 2017, \$2.6 billion for the biennium ending August 31, 2019, \$1.8 billion for the biennium ending August 31, 2021, and \$1.0 billion for the biennium ending August 31, 2023 and thereafter. States that within these limits, it is the intent of the Legislature that dedicated revenues must be used for the purposes for which the revenues are dedicated. Filed 12/02. Filed 12/16.

SB 269 (Watson) amends the transportation code to authorize TxDOT to use CDA procurement to develop several specific projects including but not limited to the Interstate Highway 35W project in Tarrant County from Interstate Highway 30 to State Highway 114; the State Highway 183 managed lanes project in Tarrant and Dallas Counties from State Highway 121 to Interstate Highway 35E; the Interstate Highway 820 project from State Highway 183 to Randol Mill Road; the State Highway 114 project in Dallas County from State Highway 121 to State Highway 183; the Loop 12 project in Dallas County from State Highway 183 to Interstate Highway 35E; the Interstate Highway 35E managed lanes project in Dallas and Denton Counties from Interstate Highway 635 to U.S. Highway 380; the Loop 9 project in Dallas and Ellis Counties from Interstate Highway 20 to U.S. Highway 67; and the Interstate Highway 35E/U.S. Highway 67 Southern Gateway project in Dallas County, including (a) Interstate Highway 35E from 8th Street to Interstate Highway 20; and (b) U.S. Highway 67 from Interstate Highway 35E to Farm-to-Market Road 1382 (Belt Line Road). The CDA

authority for these projects expires August 31, 2017 except for the State Highway 183 managed lanes project, which expires August 31, 2015. TxDOT shall secure environmental clearance for the projects and shall present to the commission a full financial plan for the projects including costing methodology and cost proposals by August 31, 2017. Filed 12/19.

HB 3899 (Eddie Rodriguez) is identical to SB 269--a companion bill. Set for hearing April 30 in Transportation, not heard.

SB 422 (Watson) amends the transportation code to establish a pilot program for a motorbus only lane on shoulders in Bexar, El Paso, Tarrant and Travis counties. Filed 01/30.

HB 1324 (Israel) is identical to SB 422; it is a companion bill. Heard April 8 in Transportation-S/C on Long-term Infrastructure Planning, recalled by Transportation in April 13 formal meeting and voted favorably, passed the House May 7.

SB 474 (Kolkhorst) amends the property code to require a condemning authority to pay the costs and fees a property owner incurs in connection with contesting eminent domain proceedings when a final award is twenty percent or more than the offer to purchase. Heard in State Affairs March 9 & 30, reported favorably as substituted March 31, passed the Senate April 9, referred to House Resource Management April 30.

HB 3065 (Fallon) is very similar to SB 474--a companion bill. Filed 03/11.

HB 3339 (Burkett) is identical to SB 474--a companion bill. Filed 03/12.

SB 678 (Nelson) amends chapter 460 of the transportation code; limits DCTA liability to \$125 million for claims arising from an incident involving the provision of public passenger rail services under an agreement; makes other minor changes to the DCTA statute. Heard March 18 and April 8 in Transportation, reported favorably as substituted April 9, recommended for local & uncontested calendar, passed the Senate April 30, referred to House Transportation May 4, considered in May 8 formal meeting and reported favorably.

HB 1944 (Simmons) is identical to SB 678--a companion bill. Heard April 8 in Transportation S/C on Long-term Infrastructure Planning, committee substitute considered, recalled by Transportation in April 13 formal meeting, committee substituted voted favorably, placed on May 5 General State Calendar, read second time, postponed to May 12, not further considered . . . senate companion considered in lieu of house bill.

SB 748 (Campbell) adds a section to the transportation code to require that an MPO policy board member must be an elected official in order to be a voting member. Filed 02/24.

SB 1045 (Hall) amends the transportation code to allow TxDOT to enter into a design-

build contract to construct the I-635 East (US 75 to I-30) project provided that it does not operate any portion of the project as a toll project. Filed 03/06.

SB 1046 (Hall) adds a section to the transportation code declaring that financial studies and reports associated with an existing or proposed toll project are subject to disclosure, inspection, and copying regardless of whether a final contract for the project has been entered into; repeals the section that declared such reports confidential prior to contract. Filed 03/06.

HB 2620 (Burkett) filed 03/09 and SB 939 (Kolkhorst) filed 03/04 – companion bills – are very similar to SB 1046. HB 2620 heard April 16 in Transportation, considered in May 7 formal meeting and reported favorably.

SB 1048 (Hall) adds a section to the transportation code to prohibit TxDOT, a local government entity, or another political subdivision of the state from using after September 1, 2015 money provided by the Federal Transit Administration for a mass transit passenger rail project. Filed 03/06.

SB 1150 (Hall) repeals transportation code chapter 370 (regional mobility authorities). Filed 03/10.

SB 1089 (Hall) amends the transportation code to require that RMAs post agenda and agenda materials, broadcast board meetings via the Internet and record and post on the Internet board meeting proceedings. Filed 03/09.

SB 1152 (Hall) is a duplicate of SB 1089. Filed 03/10.

SB 1184 (Huffines) requires the state auditor to audit all (Chapter 370) regional mobility authorities and to report his findings to the Lt. Governor, Speaker, and chairs of the House and the Senate transportation committees by November 1, 2016, including but not limited to the total amount of money each received from the state for each biennium, the amount of money each spent on each transportation project or system of the authority, and bonds issued by each. Heard April 1 in Transportation, substitute considered, substitute adopted April 22 and voted favorably, passed in the Senate May 4, referred to House Transportation May 5.

SB 1294 (Nichols) amends the transportation code to limit the maintenance provision of a design-build contract to five years, allowing for extensions of terms of five years or less; limits the number of design-build contracts TxDOT may enter into to three per year and specifies that design-build contracts are limited to projects with an estimated construction cost of \$250 million or more. Heard April 8 & 15 in Transportation, reported favorably as substituted April 20, placed on April 28 calendar, not again placed on April 30 intent calendar.

SB 1511 (Hancock) amends the transportation code (Chapter 452 governing DART & The T)--makes population adjustments to reflect Metroplex growth. Heard April 29 in

Transportation, reported favorably as substituted April 30, recommended for local and uncontested calendar, passed the Senate May 8

HB 3777 (Collier) is identical to SB 1511. Heard April 23 in Transportation, substitute considered and adopted in April 28 formal meeting, reported favorably April 28, placed on May 8 General State Calendar.

SB 1601 (Kolkhorst) amends the transportation code to repeal the section on high-speed rail safety standards and to prohibit a company that operates a high-speed rail system from exercising the power of eminent domain for the system. Heard, substitute adopted, April 8 in Transportation, reported favorably (5-to-4 vote), reported favorably as substituted April 13, placed on May 8 intent calendar.

SB 1606 (Huffines) amends the transportation code to direct the transportation commission to designate at least ten projects annually that shall use design-build procurement. Filed 03/12.

SB 1607 (Huffines) amends the transportation code to direct TxDOT to designate a five-year signature project and to work with the federal government to get waivers to expedite the project completion; a signature project must be given priority for department resources, use existing right-of-way, not contain tolls or managed lanes, directly impact not less 20 percent of the department's districts, and be completed within five years. Filed 03/12.

SB 1715 (Ellis) amends the transportation code to add toll entity, county and other emergency vehicles to the "move over or slow down" law--one of NTTA's legislative goals to increase safety. Heard April 15 in Transportation, failed to get affirmative vote.

SB 1812 (Kolkhorst) amends the government code to create a database of entities in Texas that have the power of eminent domain, requires those with such power to report certain information to the comptroller and the comptroller to assemble, post on the Internet and maintain the database. Heard April 16 & 21 in Business & Commerce, reported favorably as substituted April 23, passed the Senate May 4 with one floor amendment, set for hearing May 11 in House Land & Resource Management.

HB 3988 (Geren) is identical to SB 1812--a companion bill. Heard April 13 in Land & Resource Management, left pending.

SB 1862 (Burton) amending the local government code by making unlawful for the governing body of a political subdivision to spend public money to directly or indirectly influence or attempt to influence the outcome of any legislation pending before the legislature. A member or group of members of the governing body of a political subdivision or a lobbyist commits an offense if the member, group of members, or lobbyist knowingly conspires to circumvent this section. An offense under this subsection is a Class B misdemeanor. Heard May 4 in State Affairs, left pending.

Last updated 05/07 thru HB 4214 & SB 1999

**Texas Senate – Tarrant County Delegation**

District 9 Senator: Kelly Hancock, R-North Richland Hills 512-463-0109 CAP 1E.9

District 10 Senator: Konni Burton, R-Colleyville 512-463-0110 CAP GE.3

District 12 Senator: Jane Nelson, R-Flower Mound 512-463-0112 CAP 1E.5

District 22 Senator: Brian Birdwell, R-Granbury 512-463-0122 E1.706

**Texas House – Tarrant County Delegation**

District 90 Representative: Ramon Romero, D-Fort Worth 512-463-0740 E1.208

District 91 Representative: Stephanie Klick, R-Fort Worth 512-463-0599 E2.716

District 92 Representative: Jonathan Stickland, R-Bedford 512-463-0522 E1.402

District 93 Representative: Matt Krause, R-Fort Worth 512-463-0562 E2.212

District 94 Representative: Tony Tinderholt, R-Arlington 512-463-0624 E1.216

District 95 Representative: Nicole Collier, D-Fort Worth 512-463-0716 E2.508

District 96 Representative: Bill Zedler, R-Arlington 512-463-0374 CAP GS.2

District 97 Representative: Craig Goldman, R-Fort Worth 512-463-0608 E2.720

District 98 Representative: Giovanni Capriglione, R-Southlake 512-463-0690 E1.208

District 99 Representative: Charlie Geren, R-Fort Worth 512-463-0610 GW 17

District 101 Representative: Chris Turner, D-Grand Prairie 512-463-0574 E2.318

**Senate Committee on Transportation**

Sen. Robert Nichols, Chair

Sen. Don Huffines, Vice Chair

Sen. Rodney Ellis

Sen. Troy Fraser

Sen. Sylvia Garcia

Sen. Bob Hall

Sen. Kelly Hancock

Sen. Lois W. Kolkhorst

Sen. Van Taylor

**Brian Birdwell**

Natural Resources & Economic Development

Nominations, Chair

State Affairs

Veteran Affairs & Military Installations – S/C Border Security, Chair

Veteran Affairs & Military Installations

**Konni Burton**

Criminal Justice

Higher Education

Nominations

Veteran Affairs & Military Installations, Vice Chair

**Kelly Hancock**

Administration, Chair  
Finance  
Natural Resources & Economic Development

**Jane Nelson**  
Finance, Chair  
State Affairs

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Joe Pickett, Chair  
Armando Martinez, Vice Chair  
Cindy Burkett  
Yvonne Davis  
Allen Fletcher  
Patricia Harless  
Celia Israel  
Ruth Jones McClendon  
José Menéndez  
Andrew Murr  
Chris Paddie  
Larry Phillips  
Ron Simmons

**Giovanni Capriglione**  
Appropriations  
Investments & Financial Services  
Local & Consent Calendars

**Nicole Collier**  
Business & Industry  
General Investigating & Ethics, Vice Chair  
Public Health

**Charlie Geren**  
Calendars  
House Administration, Chair  
Licensing & Administrative Procedures  
State Affairs

**Craig Goldman**  
Elections, Vice Chair  
Licensing & Administrative Procedures

**Stephanie Klick**  
Human Services  
Pensions

**Matt Krause**

Corrections

Land & Resource Management

**Ramon Romero, Jr.**

Business & Industry

County Affairs

**Jonathan Stickland**

County Affairs

Special Purpose Districts

**Tony Tinderholt**

Corrections

County Affairs

**Chris Turner**

General Investigating & Ethics

Higher Education

Ways & Means

**Bill Zedler**

Public Health

Special Purpose Districts