

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

No equivalent provision.

ARTICLE 1. [FA46(1), renumbering Senate version]

No equivalent provision.

SECTION 1.01 Effective September 1, 2017, Section 1, Article 55.02, Code of Criminal Procedure, is amended to read as follows:

Sec. 1. At the request of the acquitted person [~~defendant~~] and after notice to the state, or at the request of the attorney for the state, the trial court presiding over the case in which the person [~~defendant~~] was acquitted, if the trial court is a district court, or a district court in the county in which the trial court is located shall enter an order of expunction for a person entitled to expunction under Article 55.01(a)(1)(A) not later than the 30th day after the date of the acquittal. On [~~Upon~~] acquittal, the trial court shall advise the acquitted person [~~defendant~~] of the right to expunction. The party requesting the order of expunction [~~defendant~~] shall provide to the district court all of the information required in a petition for expunction under Section 2(b). The attorney for the acquitted person [~~defendant~~] in the case in which the person [~~defendant~~] was acquitted, if the person [~~defendant~~] was represented by counsel, or the attorney for the state, if the person [~~defendant~~] was not represented by counsel or if the attorney for the state requested the order of expunction, shall prepare the order for the court's signature.

No equivalent provision.

SECTION 1.02. Effective September 1, 2017, Article 102.006, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) A court that grants a petition for expunction of a criminal record may order that any fee, or portion of a fee, required to

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
---------------	---------------------	------------

be paid under this article or other law in relation to the petition be returned to the petitioner.

No equivalent provision.

SECTION 1.03. Effective September 1, 2017, Section 53.001, Government Code, is amended by adding Subsection (k) to read as follows:  
(k) The judges of the 5th, 102nd, and 202nd district courts and the judges of the county courts at law of Bowie County shall appoint one or more bailiffs to serve the courts in Bowie County.

No equivalent provision.

SECTION 1.04. Effective September 1, 2017, Section 53.007(a), Government Code, is amended to read as follows:  
(a) This section applies to:  
(1) the 34th, 70th, 71st, 86th, 97th, 130th, 142nd, 161st, 238th, 318th, 341st, 355th, and 385th district courts;  
(2) the County Court of Harrison County;  
(3) the criminal district courts of Tarrant County;  
(4) the district courts in Taylor County;  
(5) the courts described in Section 53.002(c), (d), (e), or (f);  
(6) the county courts at law of Taylor County;  
(7) the district courts in Tarrant County that give preference to criminal cases; ~~and~~  
(8) the 115th District Court in Upshur County; and  
(9) the 5th, 102nd, and 202nd district courts and the county courts at law of Bowie County.

No equivalent provision.

SECTION 1.05. Effective September 1, 2017, Section 53.0071, Government Code, is amended to read as follows:

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Sec. 53.0071. BAILIFF AS PEACE OFFICER. Unless the appointing judge provides otherwise in the order of appointment, a bailiff appointed under Section 53.001(b), ~~or~~ (g), or (k) or 53.002(c), (e), or (f) is a "peace officer" for purposes of Article 2.12, Code of Criminal Procedure.

No equivalent provision.

SECTION 1.06. Effective September 1, 2017, Section 54.653, Government Code, is amended to read as follows:  
Sec. 54.653. COMPENSATION. (a) A full-time magistrate is entitled to the salary determined by the Commissioners Court of Tarrant County.  
(b) The salary of a full-time magistrate may not exceed 90 percent of the sum of:  
(1) ~~[be less than]~~ the salary ~~[authorized to be]~~ paid to a district judge by the state under Section 659.012; and  
(2) the maximum amount of county contributions and supplements allowed by law to be paid to a district judge under Section 659.012 ~~[master for family law cases appointed under Subchapter A]~~.  
(c) The salary of a part-time magistrate is equal to the per-hour salary of a full-time magistrate. The per-hour salary is determined by dividing the annual salary by a 2,080 work-hour year. The judges of the courts trying criminal cases in Tarrant County shall approve the number of hours for which a part-time magistrate is to be paid.  
(d) A ~~The~~ magistrate's salary is paid from the county fund available for payment of officers' salaries.

No equivalent provision.

SECTION 1.07. Effective September 1, 2017, Section 54.656(a), Government Code, is amended to read as follows:

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

- (a) A judge may refer to a magistrate any criminal case or matter relating to a criminal case for proceedings involving:
- (1) a negotiated plea of guilty or no contest and sentencing before the court;
  - (2) a bond forfeiture, remittitur, and related proceedings;
  - (3) a pretrial motion;
  - (4) a ~~[postconviction]~~ writ of habeas corpus;
  - (5) an examining trial;
  - (6) an occupational driver's license;
  - (7) a petition for an ~~[agreed]~~ order of expunction under Chapter 55, Code of Criminal Procedure;
  - (8) an asset forfeiture hearing as provided by Chapter 59, Code of Criminal Procedure;
  - (9) a petition for an ~~[agreed]~~ order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1, Chapter 411;
  - (10) a ~~[hearing on a]~~ motion to modify or revoke community supervision or to proceed with an adjudication of guilt ~~[probation]; [and]~~
  - (11) setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;
  - (12) specialty court proceedings;
  - (13) a waiver of extradition; and
  - (14) any other matter the judge considers necessary and proper.

No equivalent provision.

SECTION 1.08. Effective September 1, 2017, Section 54.658, Government Code, is amended to read as follows:  
Sec. 54.658. POWERS. (a) Except as limited by an order of

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

referral, a magistrate to whom a case is referred may:

- (1) conduct hearings;
- (2) hear evidence;
- (3) compel production of relevant evidence;
- (4) rule on admissibility of evidence;
- (5) issue summons for the appearance of witnesses;
- (6) examine witnesses;
- (7) swear witnesses for hearings;
- (8) make findings of fact on evidence;
- (9) formulate conclusions of law;
- (10) rule on a pretrial motion;
- (11) recommend the rulings, orders, or judgment to be made in a case;
- (12) regulate proceedings in a hearing;
- (13) accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses;
- (14) select a jury;
- (15) accept a negotiated plea on a probation revocation;
- (16) conduct a contested probation revocation hearing;
- (17) sign a dismissal in a misdemeanor case; ~~and~~
- (18) in any case referred under Section 54.656(a)(1), accept a negotiated plea of guilty or no contest and:
  - (A) enter a finding of guilt and impose or suspend the sentence; or
  - (B) defer adjudication of guilt; and
- ~~(19) do any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.~~
- (b) A magistrate may sign a motion to dismiss submitted by an attorney representing the state on cases referred to the magistrate, or on dockets called by the magistrate, and may

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

consider unadjudicated cases at sentencing under Section 12.45, Penal Code.  
(c) A magistrate has all of the powers of a magistrate under the laws of this state and may administer an oath for any purpose.  
(d) A magistrate does not have authority under Article 18.01(c), Code of Criminal Procedure, to issue a subsequent search warrant under Article 18.02(a)(10), Code of Criminal Procedure.

SECTION 1.09. The heading to Section 313.006, Government Code, is amended to read as follows:  
Sec. 313.006. NOTICE FOR LAWS ESTABLISHING OR ADDING TERRITORY TO MUNICIPAL MANAGEMENT DISTRICTS.

SECTION 1.10. Section 313.006, Government Code, is amended by amending Subsections (a), (b), and (d) and adding Subsections (e) and (f) to read as follows:  
(a) In addition to the other requirements of this chapter, a person, other than a member of the legislature, who intends to apply for the passage of a law establishing or adding territory to a special district that incorporates a power from Chapter 375, Local Government Code, must provide notice as provided by this section.  
(b) The person shall notify by mail each person who owns real property ~~[in the]~~ proposed to be included in a new district or to be added to an existing district, according to the most recent certified tax appraisal roll for the county in which the real property is owned. The notice, properly addressed with

No equivalent provision.

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

postage paid, must be deposited with the United States Postal Service not later than the 30th day before the date on which the intended law is introduced in the legislature.

(d) The person is not required to mail notice under Subsection (b) or (e) to a person who owns real property in the proposed district or in the area proposed to be added to a district if the property cannot be subject to an assessment by the district.

(e) After the introduction of a law in the legislature establishing or adding territory to a special district that incorporates a power from Chapter 375, Local Government Code, the person shall mail to each person who owns real property proposed to be included in a new district or to be added to an existing district a notice that the legislation has been introduced, including the applicable bill number. The notice, properly addressed with postage paid, must be deposited with the United States Postal Service not later than the 30th day after the date on which the intended law is introduced in the legislature. If the person has not mailed the notice required under this subsection on the 31st day after the date on which the intended law is introduced in the legislature, the person may cure the deficiency by immediately mailing the notice, but the person shall in no event mail the notice later than the date on which the intended law is reported out of committee in the chamber other than the chamber in which the intended law was introduced. If similar bills are filed in both chambers of the legislature, a person is only required to provide a single notice under this subsection not later than the 30th day after the date the first of the bills is filed.

(f) A landowner may waive any notice required under this section at any time.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION (IE)

CONFERENCE

SECTION 1.11. Effective September 1, 2017, Subchapter B, Chapter 403, Government Code, is amended by adding Sections 403.0241 and 403.0242 to read as follows:

Sec. 403.0241. SPECIAL PURPOSE DISTRICT PUBLIC INFORMATION DATABASE. (a) In this section:

(1) "Special purpose district" means a political subdivision of this state with geographic boundaries that define the subdivision's territorial jurisdiction. The term does not include a municipality, county, junior college district, independent school district, or political subdivision with statewide jurisdiction.

(2) "Tax year" has the meaning assigned by Section 1.04, Tax Code.

(b) The comptroller shall create and make accessible on the Internet a database, to be known as the Special Purpose District Public Information Database, that contains information regarding all special purpose districts of this state that:

(1) are authorized by the state by a general or special law to impose an ad valorem tax or a sales and use tax, to impose an assessment, or to charge a fee; and

(2) during the most recent fiscal year:

(A) had bonds outstanding;

(B) had gross receipts from operations, loans, taxes, or contributions in excess of \$250,000; or

(C) had cash and temporary investments in excess of \$250,000.

(c) For each special purpose district described by Subsection (b), the database must include:

(1) the name of the special purpose district;

(2) the name of each board member of the special purpose district;



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

- (3) contact information for the main office of the special purpose district, including the physical address, the mailing address, and the main telephone number;
- (4) if the special purpose district employs a person as a general manager or executive director, or in another position to perform duties or functions comparable to those of a general manager or executive director, the name of the employee;
- (5) if the special purpose district contracts with a utility operator, contact information for a person representing the utility operator, including a mailing address and a telephone number;
- (6) if the special purpose district contracts with a tax assessor-collector, contact information for a person representing the tax assessor-collector, including a mailing address and telephone number;
- (7) the special purpose district's Internet website address, if any;
- (8) the information the special purpose district is required to report under Section 140.008(b) or (g), Local Government Code, including any revenue obligations;
- (9) the total amount of bonds authorized by the voters of the special purpose district that are payable wholly or partly from ad valorem taxes, excluding refunding bonds if refunding bonds were separately authorized and excluding contract revenue bonds;
- (10) the aggregate initial principal amount of all bonds issued by the special purpose district that are payable wholly or partly from ad valorem taxes, excluding refunding bonds and contract revenue bonds;
- (11) the rate of any sales and use tax the special purpose district imposes; and

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(12) for a special purpose district that imposes an ad valorem tax:

(A) the ad valorem tax rate for the most recent tax year if the district is a district as defined by Section 49.001, Water Code;

or

(B) the table of ad valorem tax rates for the most recent tax year described by Section 26.16, Tax Code, in the form required by that section, if the district is not a district as defined by Section 49.001, Water Code.

(d) The comptroller may consult with the appropriate officer of, or other person representing, each special purpose district to obtain the information necessary to operate and update the database.

(e) To the extent information required in the database is otherwise collected or maintained by a state agency or special purpose district, the comptroller may require the state agency or special purpose district to provide that information and updates to the information as necessary for inclusion in the database.

(f) The comptroller shall update information in the database annually.

(g) The comptroller may not charge a fee to the public to access the database.

(h) The comptroller may establish procedures and adopt rules to implement this section.

Sec. 403.0242. SPECIAL PURPOSE DISTRICT NONCOMPLIANCE LIST. The comptroller shall prepare and maintain a noncompliance list of special purpose districts that have not timely complied with a requirement to provide information under Section 203.062, Local Government Code.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION (IE)

SECTION 1.12. Effective September 1, 2017, Subchapter E-1, Chapter 411, Government Code, is amended by adding Section 411.0746 to read as follows:

Sec. 411.0746. RETURN OF FEES. A court that issues an order of nondisclosure of criminal history record information under this subchapter may order that any fee, or portion of a fee, required to be paid under this subchapter or other law in relation to the order be returned to the person who is the subject of that order.

CONFERENCE

No equivalent provision.

SECTION 1.13. Effective September 1, 2017, Section 659.012(a), Government Code, is amended to read as follows:

(a) Notwithstanding Section 659.011:

(1) a judge of a district court is entitled to an annual salary from the state of at least \$125,000, except that the combined salary of a district judge from state and county sources, not including compensation for any extrajudicial services performed on behalf of the county, may not exceed the amount that is \$5,000 less than the salary provided for a justice of a court of appeals other than a chief justice;

(2) a justice of a court of appeals other than the chief justice is entitled to an annual salary from the state that is equal to 110 percent of the salary of a district judge, except that the combined salary of a justice of the court of appeals other than the chief justice from all state and county sources, not including compensation for any extrajudicial services performed on behalf of the county, may not exceed the amount that is \$5,000 less than the salary provided for a justice of the supreme court;

(3) a justice of the supreme court other than the chief justice or a judge of the court of criminal appeals other than the

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

presiding judge is entitled to an annual salary from the state that is equal to 120 percent of the salary of a district judge; and  
(4) the chief justice or presiding judge of an appellate court is entitled to an annual salary from the state that is \$2,500 more than the salary provided for the other justices or judges of the court, except that the combined salary of the chief justice of a court of appeals may not exceed the amount that is \$2,500 less than the salary provided for a justice of the supreme court.

SECTION 1.14. Same as House version.

SECTION 1. Subchapter A, Chapter 264, Health and Safety Code, is amended by adding Section 264.004 to read as follows:  
Sec. 264.004. DISSOLUTION. (a) The commissioners court of a county by order may dissolve an authority created by the commissioners court if the commissioners court and the authority provide for the sale or transfer of the authority's assets and liabilities to the county.  
(b) The dissolution of an authority and the sale or transfer of the authority's assets and liabilities may not:  
(1) violate a trust indenture or bond resolution relating to the outstanding bonds of the authority; or  
(2) diminish or impair the rights of the holders of outstanding bonds, warrants, or other obligations of the authority.  
(c) An order dissolving an authority takes effect on the 31st day after the date the commissioners court adopts the order.  
(d) All records of the authority remaining when the authority is dissolved shall be transferred to the county clerk of the county in which the authority is located.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 2. Subtitle D, Title 4, Health and Safety Code, is amended by adding Chapter 291A to read as follows:

CHAPTER 291A. COUNTY HEALTH CARE PROVIDER PARTICIPATION PROGRAM IN CERTAIN COUNTIES BORDERING OR INCLUDING THE SAM RAYBURN RESERVOIR

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 291A.001. DEFINITIONS. In this chapter:

- (1) "Institutional health care provider" means a nonpublic hospital that provides inpatient hospital services.
- (2) "Paying hospital" means an institutional health care provider required to make a mandatory payment under this chapter.
- (3) "Program" means the county health care provider participation program authorized by this chapter.

Sec. 291A.002. APPLICABILITY. This chapter applies only to a county that:

- (1) is not served by a hospital district or a public hospital;
- (2) has a population of more than 75,000; and
- (3) borders or includes a portion of the Sam Rayburn Reservoir.

Sec. 291A.003. COUNTY HEALTH CARE PROVIDER PARTICIPATION PROGRAM; PARTICIPATION IN PROGRAM. (a) A county health care provider participation program authorizes a county to collect a mandatory payment from each institutional health care provider located in the county to be deposited in a local provider participation fund established by the county. Money in the fund may be used by the county to fund certain intergovernmental transfers and indigent care programs as provided by this chapter.

(b) The commissioners court of a county may adopt an order authorizing a county to participate in the program, subject to

SENATE VERSION (IE)

SECTION 1.15. Subtitle D, Title 4, Health and Safety Code, is amended by adding Chapter 291A to read as follows:

CHAPTER 291A. COUNTY HEALTH CARE PROVIDER PARTICIPATION PROGRAM IN CERTAIN COUNTIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 291A.001. DEFINITIONS. In this chapter:

- (1) "Institutional health care provider" means a nonpublic hospital that provides inpatient hospital services.
- (2) "Paying hospital" means an institutional health care provider required to make a mandatory payment under this chapter.
- (3) "Program" means the county health care provider participation program authorized by this chapter.

Sec. 291A.002. APPLICABILITY. This chapter applies only to a county with a population of 85,000 or more that is not served by a hospital district and borders:

- (1) or includes a portion of, the Sam Rayburn Reservoir; or (2) Lake Palestine. [FA5]

Sec. 291A.003. COUNTY HEALTH CARE PROVIDER PARTICIPATION PROGRAM; PARTICIPATION IN PROGRAM. (a) A county health care provider participation program authorizes a county to collect a mandatory payment from each institutional health care provider located in the county to be deposited in a local provider participation fund established by the county. Money in the fund may be used by the county to fund certain intergovernmental transfers and indigent care programs as provided by this chapter.

(b) The commissioners court may adopt an order authorizing a county to participate in the program, subject to the

CONFERENCE

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

the limitations provided by this chapter.

SUBCHAPTER B. POWERS AND DUTIES OF COMMISSIONERS COURT

Sec. 291A.051. LIMITATION ON AUTHORITY TO REQUIRE MANDATORY PAYMENT. The commissioners court of a county may require a mandatory payment authorized under this chapter by an institutional health care provider in the county only in the manner provided by this chapter.

Sec. 291A.052. MAJORITY VOTE REQUIRED. The commissioners court of a county may not authorize the county to collect a mandatory payment authorized under this chapter without an affirmative vote of a majority of the members of the commissioners court.

Sec. 291A.053. RULES AND PROCEDURES. After the commissioners court of a county has voted to require a mandatory payment authorized under this chapter, the commissioners court may adopt rules relating to the administration of the mandatory payment.

Sec. 291A.054. INSTITUTIONAL HEALTH CARE PROVIDER REPORTING; INSPECTION OF RECORDS.

(a) The commissioners court of a county that collects a mandatory payment authorized under this chapter shall require each institutional health care provider to submit to the county a copy of any financial and utilization data required by and reported to the Department of State Health Services under Sections 311.032 and 311.033 and any rules adopted by the executive commissioner of the Health and Human Services Commission to implement those sections.

(b) The commissioners court of a county that collects a mandatory payment authorized under this chapter may inspect the records of an institutional health care provider to the

SENATE VERSION (IE)

limitations provided by this chapter.

SUBCHAPTER B. POWERS AND DUTIES OF COMMISSIONERS COURT

Sec. 291A.051. LIMITATION ON AUTHORITY TO REQUIRE MANDATORY PAYMENT. The commissioners court of a county may require a mandatory payment authorized under this chapter by an institutional health care provider in the county only in the manner provided by this chapter.

Sec. 291A.052. MAJORITY VOTE REQUIRED. The commissioners court of a county may not authorize the county to collect a mandatory payment authorized under this chapter without an affirmative vote of a majority of the members of the commissioners court.

Sec. 291A.053. RULES AND PROCEDURES. After the commissioners court has voted to require a mandatory payment authorized under this chapter, the commissioners court may adopt rules relating to the administration of the mandatory payment.

Sec. 291A.054. INSTITUTIONAL HEALTH CARE PROVIDER REPORTING; INSPECTION OF RECORDS.

(a) The commissioners court of a county that collects a mandatory payment authorized under this chapter shall require each institutional health care provider to submit to the county a copy of any financial and utilization data required by and reported to the Department of State Health Services under Sections 311.032 and 311.033 and any rules adopted by the executive commissioner of the Health and Human Services Commission to implement those sections.

(b) The commissioners court of a county that collects a mandatory payment authorized under this chapter may inspect the records of an institutional health care provider to the

CONFERENCE

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

extent necessary to ensure compliance with the requirements of Subsection (a).

SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

Sec. 291A.101. HEARING. (a) Each year, the commissioners court of a county that collects a mandatory payment authorized under this chapter shall hold a public hearing on the amounts of any mandatory payments that the commissioners court intends to require during the year and how the revenue derived from those payments is to be spent.

(b) Not later than the 10th day before the date of the hearing required under Subsection (a), the commissioners court of the county shall publish notice of the hearing in a newspaper of general circulation in the county.

(c) A representative of a paying hospital is entitled to appear at the time and place designated in the public notice and to be heard regarding any matter related to the mandatory payments authorized under this chapter.

Sec. 291A.102. DEPOSITORY. (a) The commissioners court of each county that collects a mandatory payment authorized under this chapter by resolution shall designate one or more banks located in the county as the depository for mandatory payments received by the county. A bank designated as a depository serves for two years or until a successor is designated.

(b) All income received by a county under this chapter, including the revenue from mandatory payments remaining after discounts and fees for assessing and collecting the payments are deducted, shall be deposited with the county depository in the county's local provider participation fund and may be withdrawn only as provided by this chapter.

(c) All funds under this chapter shall be secured in the manner provided for securing county funds.

SENATE VERSION (IE)

extent necessary to ensure compliance with the requirements of Subsection (a).

SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

Sec. 291A.101. HEARING. (a) Each year, the commissioners court of a county that collects a mandatory payment authorized under this chapter shall hold a public hearing on the amounts of any mandatory payments that the commissioners court intends to require during the year.

(b) Not later than the fifth day before the date of the hearing required under Subsection (a), the commissioners court of the county shall publish notice of the hearing in a newspaper of general circulation in the county.

(c) A representative of a paying hospital is entitled to appear at the time and place designated in the public notice and to be heard regarding any matter related to the mandatory payments authorized under this chapter.

Sec. 291A.102. DEPOSITORY. (a) The commissioners court of each county that collects a mandatory payment authorized under this chapter by resolution shall designate one or more banks located in the county as the depository for mandatory payments received by the county.

(b) All income received by a county under this chapter, including the revenue from mandatory payments remaining after discounts and fees for assessing and collecting the payments are deducted, shall be deposited with the county depository in the county's local provider participation fund and may be withdrawn only as provided by this chapter.

(c) All funds under this chapter shall be secured in the manner provided for securing county funds.

CONFERENCE

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

Sec. 291A.103. LOCAL PROVIDER PARTICIPATION FUND; AUTHORIZED USES OF MONEY. (a) Each county that collects a mandatory payment authorized under this chapter shall create a local provider participation fund.

(b) The local provider participation fund of a county consists of:

(1) all revenue received by the county attributable to mandatory payments authorized under this chapter, including any penalties and interest attributable to delinquent payments;

(2) money received from the Health and Human Services Commission as a refund of an intergovernmental transfer from the county to the state for the purpose of providing the nonfederal share of Medicaid supplemental payment program payments, provided that the intergovernmental transfer does not receive a federal matching payment; and

(3) the earnings of the fund.

(c) Money deposited to the local provider participation fund may be used only to:

(1) fund intergovernmental transfers from the county to the state to provide the nonfederal share of a Medicaid supplemental payment program authorized under the state Medicaid plan, including through the Medicaid managed care program, under the Texas Healthcare Transformation and Quality Improvement Program waiver issued under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315), or under a successor waiver program authorizing similar Medicaid supplemental payment programs;

(2) subsidize indigent programs;

(3) pay the administrative expenses of the county solely for activities under this chapter;

SENATE VERSION (IE)

Sec. 291A.103. LOCAL PROVIDER PARTICIPATION FUND; AUTHORIZED USES OF MONEY. (a) Each county that collects a mandatory payment authorized under this chapter shall create a local provider participation fund.

(b) The local provider participation fund of a county consists of:

(1) all revenue received by the county attributable to mandatory payments authorized under this chapter, including any penalties and interest attributable to delinquent payments;

(2) money received from the Health and Human Services Commission as a refund of an intergovernmental transfer from the county to the state for the purpose of providing the nonfederal share of Medicaid supplemental payment program payments, provided that the intergovernmental transfer does not receive a federal matching payment; and

(3) the earnings of the fund.

(c) Money deposited to the local provider participation fund may be used only to:

(1) fund intergovernmental transfers from the county to the state to provide:

(A) the nonfederal share of a Medicaid supplemental payment program authorized under the state Medicaid plan, the Texas Healthcare Transformation and Quality Improvement Program waiver issued under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315), or a successor waiver program authorizing similar Medicaid supplemental payment programs; or

(B) payments to Medicaid managed care organizations that are dedicated for payment to hospitals;

(2) subsidize indigent programs;

(3) pay the administrative expenses of the county solely for activities under this chapter;

CONFERENCE



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

(4) refund a portion of a mandatory payment collected in error from a paying hospital; and  
(5) refund to paying hospitals the proportionate share of money received by the county from the Health and Human Services Commission that is not used to fund the nonfederal share of Medicaid supplemental payment program payments.  
(d) Money in the local provider participation fund may not be commingled with other county funds.  
(e) An intergovernmental transfer of funds described by Subsection (c)(1) and any funds received by the county as a result of an intergovernmental transfer described by that subsection may not be used by the county or any other entity to expand Medicaid eligibility under the Patient Protection and Affordable Care Act (Pub. L. No. 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152).

SUBCHAPTER D. MANDATORY PAYMENTS

Sec. 291A.151. MANDATORY PAYMENTS BASED ON PAYING HOSPITAL NET PATIENT REVENUE. (a) Except as provided by Subsection (e), the commissioners court of a county that collects a mandatory payment authorized under this chapter may require an annual mandatory payment to be assessed on the net patient revenue of each institutional health care provider located in the county. The commissioners court may provide for the mandatory payment to be assessed quarterly. In the first year in which the mandatory payment is required, the mandatory payment is assessed on the net patient revenue of an institutional health care provider as determined by the data reported to the Department of State Health Services under Sections 311.032 and 311.033 in the fiscal year ending in 2015 or, if the institutional health care provider did not report any data under

SENATE VERSION (IE)

(4) refund a portion of a mandatory payment collected in error from a paying hospital; and  
(5) refund to paying hospitals the proportionate share of money received by the county that is not used to fund the nonfederal share of Medicaid supplemental payment program payments.  
(d) Money in the local provider participation fund may not be commingled with other county funds.  
(e) An intergovernmental transfer of funds described by Subsection (c)(1) and any funds received by the county as a result of an intergovernmental transfer described by that subsection may not be used by the county or any other entity to expand Medicaid eligibility under the Patient Protection and Affordable Care Act (Pub. L. No. 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152).

SUBCHAPTER D. MANDATORY PAYMENTS

Sec. 291A.151. MANDATORY PAYMENTS BASED ON PAYING HOSPITAL NET PATIENT REVENUE. (a) Except as provided by Subsection (e), the commissioners court of a county that collects a mandatory payment authorized under this chapter may require an annual mandatory payment to be assessed on the net patient revenue of each institutional health care provider located in the county. The commissioners court may provide for the mandatory payment to be assessed quarterly. In the first year in which the mandatory payment is required, the mandatory payment is assessed on the net patient revenue of an institutional health care provider as determined by the data reported to the Department of State Health Services under Sections 311.032 and 311.033 in the fiscal year ending in 2015 or, if the institutional health care provider did not report any data under

CONFERENCE

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

those sections in that fiscal year, as determined by the institutional health care provider's Medicare cost report submitted for the 2015 fiscal year or for the closest subsequent fiscal year for which the provider submitted the Medicare cost report. The county shall update the amount of the mandatory payment on an annual basis.

(b) The amount of a mandatory payment authorized under this chapter must be uniformly proportionate with the amount of net patient revenue generated by each paying hospital in the county. A mandatory payment authorized under this chapter may not hold harmless any institutional health care provider, as required under 42 U.S.C. Section 1396b(w).

(c) The commissioners court of a county that collects a mandatory payment authorized under this chapter shall set the amount of the mandatory payment. The amount of the mandatory payment required of each paying hospital may not exceed an amount that, when added to the amount of the mandatory payments required from all other paying hospitals in the county, equals an amount of revenue that exceeds six percent of the aggregate net patient revenue of all paying hospitals in the county.

(d) Subject to the maximum amount prescribed by Subsection (c), the commissioners court of a county that collects a mandatory payment authorized under this chapter shall set the mandatory payments in amounts that in the aggregate will generate sufficient revenue to cover the administrative expenses of the county for activities under this chapter, to fund the nonfederal share of a Medicaid supplemental payment program as described by Section 291A.103(c)(1), and to pay for indigent programs, except that the amount of revenue from mandatory payments used for administrative expenses of the county for activities under this chapter in a

SENATE VERSION (IE)

those sections in that fiscal year, as determined by the institutional health care provider's Medicare cost report submitted for the 2015 fiscal year or for the closest subsequent fiscal year for which the provider submitted the Medicare cost report. The county shall update the amount of the mandatory payment on an annual basis.

(b) The amount of a mandatory payment authorized under this chapter must be uniformly proportionate with the amount of net patient revenue generated by each paying hospital in the county. A mandatory payment authorized under this chapter may not hold harmless any institutional health care provider, as required under 42 U.S.C. Section 1396b(w).

(c) The commissioners court of a county that collects a mandatory payment authorized under this chapter shall set the amount of the mandatory payment. The amount of the mandatory payment required of each paying hospital may not exceed six percent of the paying hospital's net patient revenue.

(d) Subject to the maximum amount prescribed by Subsection (c), the commissioners court of a county that collects a mandatory payment authorized under this chapter shall set the mandatory payments in amounts that in the aggregate will generate sufficient revenue to cover the administrative expenses of the county for activities under this chapter, to fund an intergovernmental transfer described by Section 291A.103(c)(1), and to pay for indigent programs, except that the amount of revenue from mandatory payments used for administrative expenses of the county for activities under this chapter in a year may not exceed the lesser of four percent of

CONFERENCE

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

year may not exceed the lesser of four percent of the total revenue generated from the mandatory payment or \$20,000.

(e) A paying hospital may not add a mandatory payment required under this section as a surcharge to a patient.

Sec. 291A.152. ASSESSMENT AND COLLECTION OF MANDATORY PAYMENTS. The county may collect or contract for the assessment and collection of mandatory payments authorized under this chapter.

Sec. 291A.153. INTEREST, PENALTIES, AND DISCOUNTS. Interest, penalties, and discounts on mandatory payments required under this chapter are governed by the law applicable to county ad valorem taxes.

Sec. 291A.154. PURPOSE; CORRECTION OF INVALID PROVISION OR PROCEDURE. (a) The purpose of this chapter is to generate revenue by collecting from institutional health care providers a mandatory payment to be used to provide the nonfederal share of a Medicaid supplemental payment program.

(b) To the extent any provision or procedure under this chapter causes a mandatory payment authorized under this chapter to be ineligible for federal matching funds, the county may provide by rule for an alternative provision or procedure that conforms to the requirements of the federal Centers for Medicare and Medicaid Services.

No equivalent provision.

SENATE VERSION (IE)

the total revenue generated from the mandatory payment or \$20,000.

(e) A paying hospital may not add a mandatory payment required under this section as a surcharge to a patient.

Sec. 291A.152. ASSESSMENT AND COLLECTION OF MANDATORY PAYMENTS. The county may collect or contract for the assessment and collection of mandatory payments authorized under this chapter.

Sec. 291A.153. INTEREST, PENALTIES, AND DISCOUNTS. Interest, penalties, and discounts on mandatory payments required under this chapter are governed by the law applicable to county ad valorem taxes.

Sec. 291A.154. PURPOSE; CORRECTION OF INVALID PROVISION OR PROCEDURE. (a) The purpose of this chapter is to generate revenue by collecting from institutional health care providers a mandatory payment to be used to provide the nonfederal share of a Medicaid supplemental payment program.

(b) To the extent any provision or procedure under this chapter causes a mandatory payment authorized under this chapter to be ineligible for federal matching funds, the county may provide by rule for an alternative provision or procedure that conforms to the requirements of the federal Centers for Medicare and Medicaid Services.

SECTION 1.16. Effective September 1, 2017, Section 533.035, Health and Safety Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) At least once each year, a local mental health authority shall consult with the sheriff, or a representative of the sheriff, of each county in the local authority's service area regarding

CONFERENCE

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

the use of funds received under Subsection (b). The local authority shall provide to the sheriff or the sheriff's representative a detailed statement of the amount and use of the funds.

SECTION 3. Subchapter C, Chapter 775, Health and Safety Code, is amended by adding Section 775.0341 to read as follows:

Sec. 775.0341. APPOINTMENT OF BOARD IN CERTAIN DISTRICTS LOCATED IN MORE THAN ONE COUNTY.

(a) This section applies only to a district that was authorized to have a board of emergency services commissioners appointed under former Section 776.0345 and that is located:

(1) partly in a county with a population of less than 22,000; and

(2) partly in a county with a population of more than 54,000.

(b) A five-member board of emergency services commissioners appointed under this section serves as the district's governing body. A commissioner serves a two-year term.

(c) The commissioners court of the smallest county in which the district is located shall appoint two commissioners to the board. The commissioners court of the largest county in which the district is located shall appoint three commissioners to the board.

(d) To be eligible for appointment as an emergency services commissioner under this section, a person must be at least 18 years of age and reside in the district. Two commissioners must reside in the smallest county in which the district is located, and three commissioners must reside in the largest county in which the district is located.

SECTION 1.17. Same as House version.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
<p><u>(e) On January 1 of each year, a commissioners court shall appoint a successor for each emergency services commissioner appointed by that commissioners court whose term has expired.</u></p> <p><u>(f) The appropriate commissioners court shall fill a vacancy on the board for the remainder of the unexpired term.</u></p>		
<p>SECTION 4. Section 775.035, Health and Safety Code, is amended by adding Subsection (j) to read as follows:</p> <p><u>(j) This section does not apply to a district described by Section 775.0341.</u></p>	<p>SECTION 1.18. Same as House version.</p>	
<p>SECTION 5. Section 775.036, Health and Safety Code, is amended by adding Subsection (a-1) to read as follows:</p> <p><u>(a-1) Notwithstanding Subsection (a)(1), the board for a district located wholly in a county with a population of 75,000 or less may by resolution determine to hold the board's regular meetings less frequently than prescribed by that subsection. The resolution must require the board to meet either quarterly or every other month. The board shall meet as required by the resolution.</u></p>	<p>SECTION 1.19. Same as House version.</p>	
<p>No equivalent provision.</p>	<p>SECTION 1.21. Effective September 1, 2017, Chapter 140, Local Government Code, is amended by adding Section 140.012 to read as follows:</p> <p><u>Sec. 140.012. EXPENDITURES FOR LOBBYING ACTIVITIES. (a) This section applies only to:</u></p> <p><u>(1) a political subdivision that imposes a tax;</u></p> <p><u>(2) a political subdivision or special district that has the</u></p>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

authority to issue bonds, including revenue bonds;  
(3) a regional mobility authority;  
(4) a transit authority;  
(5) a regional tollway authority;  
(6) a special purpose district;  
(7) a public institution of higher education;  
(8) a community college district;  
(9) a utility owned by the state or a political subdivision; or  
(10) a river authority.  
(b) A political subdivision or entity described by Subsection  
(a) may enter into a contract to spend money to directly or  
indirectly influence or attempt to influence the outcome of any  
legislation only if the contract, purpose of the contract,  
recipient of the contract, and amount of the contract  
expenditure are authorized by a majority vote of the governing  
body of the political subdivision or entity in an open meeting  
of the governing body. The contract expenditure must be  
voted on by the governing body as a stand-alone item on the  
agenda at the meeting. The governing body may approve  
multiple contract expenditures for the purpose described by  
this subsection by a single vote of the governing body, if the  
total amount of those expenditures is stated as a separate item  
on the meeting agenda.  
(c) A political subdivision or entity described by Subsection  
(a) shall report to the Texas Ethics Commission and publish  
on the political subdivision's or entity's Internet website:  
(1) the amount of money authorized under Subsection (b) for  
the purpose of directly or indirectly influencing or attempting  
to influence the outcome of any legislation pending before the  
legislature;  
(2) the name of any person required to register under Chapter  
305, Government Code, retained or employed by the political

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

subdivision or entity for the purpose described by Subdivision (1); and

(3) an electronic copy of any contract for services described by Subdivision (1) entered into by the political subdivision or entity with each person listed under Subdivision (2).

(d) In addition to the requirements of Subsection (c), the political subdivision or entity described by Subsection (a) shall report to the Texas Ethics Commission and publish on the political subdivision's or entity's Internet website the amount of public money spent for membership fees and dues of any nonprofit state association or organization of similarly situated political subdivisions or entities that directly or indirectly influences or attempts to influence the outcome of any legislation pending before the legislature.

(e) The Texas Ethics Commission shall make available to the public an online searchable database on the commission's Internet website containing the reports submitted to the commission under Subsection (c).

(f) If any political subdivision or entity described by Subsection (a) does not comply with the requirements of this section, an interested party is entitled to appropriate injunctive relief to prevent any further activity in violation of this section. For purposes of this subsection, "interested party" means a person who:

(1) is a taxpayer of a political subdivision or entity described by Subsection (a); or

(2) is served by or receives services from a political subdivision or entity described by Subsection (a).

(g) This section does not apply to expenditures or contracts of a political subdivision or entity described by Subsection (a) that are related to a person who is a full-time employee of the political subdivision or entity, or to the reimbursement of

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

expenses for a full-time employee of the political subdivision or entity.

SECTION 1.22. Effective September 1, 2017, Chapter 203, Local Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. RECORDS AND INFORMATION PROVIDED TO COMPTROLLER

Sec. 203.061. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a special purpose district described by Section 403.0241(b), Government Code.

Sec. 203.062. PROVISION OF CERTAIN RECORDS AND OTHER INFORMATION TO COMPTROLLER. (a) A special purpose district shall transmit records and other information to the comptroller annually for purposes of providing the comptroller with information to operate and update the Special Purpose District Public Information Database under Section 403.0241, Government Code.

(b) The special purpose district may comply with Subsection (a) by affirming that records and other information previously transmitted are current.

(c) The special purpose district shall transmit the records and other information in a form and in the manner prescribed by the comptroller.

Sec. 203.063. PENALTIES FOR NONCOMPLIANCE. (a) If a special purpose district does not timely comply with Section 203.062, the comptroller shall provide written notice to the special purpose district:

(1) informing the special purpose district of the violation of that section; and

(2) notifying the special purpose district that the special

No equivalent provision.



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

purpose district will be subject to a penalty of \$1,000 if the special purpose district does not report the required information on or before the 30th day after the date the notice is provided.

(b) Not later than the 30th day after the date the comptroller provides notice to a special purpose district under Subsection (a), the special purpose district must report the required information.

(c) If a special purpose district does not report the required information as prescribed by Subsection (b):

(1) the special purpose district is liable to the state for a civil penalty of \$1,000; and

(2) the comptroller shall provide written notice to the special purpose district:

(A) informing the special purpose district of the liability for the penalty; and

(B) notifying the special purpose district that if the special purpose district does not report the required information on or before the 30th day after the date the notice is provided:

(i) the special purpose district will be subject to an additional penalty of \$1,000; and

(ii) the noncompliance will be reflected in the list maintained by the comptroller under Section 403.0242, Government Code.

(d) Not later than the 30th day after the date the comptroller provides notice to a special purpose district under Subsection (c), the special purpose district must report the required information.

(e) If a special purpose district does not report the required information as prescribed by Subsection (d):

(1) the special purpose district is liable to the state for a civil penalty of \$1,000; and

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(2) the comptroller shall:  
(A) reflect the noncompliance in the list maintained under Section 403.0242, Government Code, until the special purpose district reports all information required under Section 203.062; and  
(B) provide written notice to the special purpose district that the noncompliance will be reflected in the list until the special purpose district reports the required information.  
(f) The attorney general may sue to collect a civil penalty imposed by this section.

No equivalent provision.

SECTION 1.23. Effective September 1, 2017, Section 250.006(a), Local Government Code, is amended to read as follows:  
(a) Except as provided by Subsection (h), a county by order or a municipality by ordinance may require the owner of property within the jurisdiction of the county or municipality to remove graffiti from the owner's property on receipt of notice from the county or municipality. This section applies only to commercial property. Nothing in this section may be construed as applying to residential property.

SECTION 6. Subchapter Z, Chapter 271, Local Government Code, is amended by adding Section 271.909 to read as follows:  
Sec. 271.909. PURCHASES: DEVICES THAT UTILIZE ELECTRONIC CAPTURE. As it relates to purchases by local governmental entities and notwithstanding any provision under Texas law, devices that utilize electronic capture to produce a physical record shall be considered interchangeable

SECTION 1.24. Subchapter Z, Chapter 271, Local Government Code, is amended by adding Section 271.909 to read as follows:  
Sec. 271.909. PURCHASES: DEVICES THAT UTILIZE ELECTRONIC CAPTURE. As it relates to purchases by political subdivisions and notwithstanding any other state law, devices that utilize electronic capture to produce a physical record are considered interchangeable with devices that utilize

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
<u>with devices that utilize electronic capture to produce an electronic record.</u>	<u>electronic capture to produce an electronic record.</u>	
<p>SECTION 7. Section 81.001(b), Local Government Code, is amended to read as follows:</p> <p>(b) If present, the county judge is the presiding officer of the commissioners court. <u>This subsection does not apply to a meeting held under Section 551.127, Government Code, if the county judge is not located at the physical space made available to the public for the meeting.</u></p>	<p>SECTION 1.20. Same as House version.</p>	
<p>SECTION 8. (a) All governmental acts and proceedings of an emergency services district to which former Section 776.0345, Health and Safety Code, applied before that section was repealed and that relate to the selection of emergency services commissioners of the district and that were taken between January 1, 2012, and the effective date of this Act are validated, ratified, and confirmed in all respects as if they had been taken as authorized by law.</p> <p>(b) This section does not apply to any matter that on the effective date of this Act:</p> <p>(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or</p> <p>(2) has been held invalid by a final court judgment.</p>	<p><i>(See SECTION 1.35 below.)</i></p>	
<p>SECTION 9. Section 250.006(b), Local Government Code, is repealed.</p>	<p>No equivalent provision.</p>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 10. If before implementing any provision of Chapter 291A, Health and Safety Code, as added by this Act, a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 11. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

No equivalent provision.

SENATE VERSION (IE)

*(See SECTION 1.40 below.)*

*(See SECTION 1.44 below.)*

SECTION 1.25. Chapter 330, Local Government Code, is amended by adding Section 330.002 to read as follows:  
Sec. 330.002. LIMITATION ON AUTHORITY OF CERTAIN COUNTIES TO IMPROVE OR REDEVELOP CERTAIN SPORTS FACILITIES. (a) In this section:  
(1) "County revenue" includes revenue from property taxes, hotel occupancy taxes, fees, and fines.  
(2) "Obsolete sports facility" means a multipurpose arena, coliseum, or stadium designed to be used in part as a venue for professional sports events and that opened to the public before 1966.  
(b) This section applies only to a county with a population of 3.3 million or more.  
(c) A county may not fund, in whole or in part, the improvement or redevelopment of an obsolete sports facility with county revenue or debt if the improvement or

CONFERENCE

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

redevelopment will cost \$10 million or more, unless the funding is approved by the voters of the county at an election held for that purpose.

No equivalent provision.

SECTION 1.26. Section 375.022(b), Local Government Code, is amended to read as follows:  
(b) The petition must be signed by[  
~~(4)]~~ the owners of a majority of the assessed value of the real property in the proposed district, according to the most recent certified county property tax rolls~~;~~~~or~~  
~~[(2) 50 persons who own real property in the proposed district if, according to the most recent certified county property tax rolls, more than 50 persons own real property in the proposed district].~~

No equivalent provision.

SECTION 1.27. Effective September 1, 2017, Section 391.0095, Local Government Code, is amended by amending Subsections (a), (d), and (e) and adding Subsections (d-1) and (f) to read as follows: [FA1(1)]  
(a) The audit and reporting requirements under Section 391.009(a) shall include a requirement that a commission annually report to the state auditor:  
(1) the amount and source of funds received by the commission during the commission's preceding fiscal year;  
(2) the amount and source of funds expended by the commission during the commission's preceding fiscal year, including, for each commission program for which an expenditure is made:  
(A) the name and description of the program; and  
(B) the amount approved by the governing board of the

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

commission and spent for each eligible governmental unit;  
[FA1(2)]

(3) an explanation of any method used by the commission to compute an expense of the commission, including computation of any indirect cost of the commission;

(4) a report of the commission's productivity and performance during the commission's preceding fiscal year [~~annual reporting period~~];

(5) a projection of the commission's productivity and performance during the commission's next fiscal year [~~annual reporting period~~];

(6) the results of an audit of the commission's affairs prepared by an independent certified public accountant; and

(7) a report of any assets disposed of by the commission during the commission's preceding fiscal year.

(c-1) [Deleted by FA1(3)]

(d) If a commission fails to submit a report or audit as required under this section or is determined by the state auditor to have failed to comply with a rule, requirement, or guideline adopted under Section 391.009, the state auditor shall report the failure to the governor's office. The governor may, until the failure is corrected:

(1) appoint a receiver to operate or oversee the commission;  
or

(2) withhold any appropriated funds of the commission.

(d-1) If the governor appoints a receiver under Subsection (d)(1), the receiver or the commission may not spend any of the commission's funds without approval of the receiver until the failure is corrected. [FA1(4)]

(e) A commission shall send to the governor, the state auditor, the comptroller, the members of the legislature that represent a district located wholly or partly in the region of the

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

commission, each participating governmental unit in the region, and the Legislative Budget Board a copy of each report and audit required under this section or under Section 391.009. The state auditor may review each audit and report, subject to a risk assessment performed by the state auditor and to the legislative audit committee's approval of including the review in the audit plan under Section 321.013, Government Code. If the state auditor reviews the audit or report, the state auditor must be given access to working papers and other supporting documentation that the state auditor determines is necessary to perform the review. If the state auditor finds significant issues involving the administration or operation of a commission or its programs, the state auditor shall report its findings and related recommendations to the legislative audit committee, the governor, and the commission. The governor and the legislative audit committee may direct the commission to prepare a corrective action plan or other response to the state auditor's findings or recommendations. The legislative audit committee may direct the state auditor to perform any additional audit or investigative work that the committee determines is necessary.

(f) A commission's Internet website home page must contain a prominently placed direct link to the most recent report and audit required under this section.

SECTION 1.28. Effective September 1, 2017, Section 1.07(d), Tax Code, is amended to read as follows:  
(d) A notice required by Section 11.43(q), 11.45(d), 23.44(d), 23.46(c) or (f), 23.54(e), 23.541(c), 23.55(e), 23.551(a), 23.57(d), 23.76(e), 23.79(d), ~~[or]~~ 23.85(d), or 33.06(h) must be sent by certified mail.

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

No equivalent provision.

SECTION 1.29. Effective September 1, 2017, Section 33.06, Tax Code, is amended by adding Subsection (h) to read as follows:

(h) The chief appraiser may not make a determination that an individual who is 65 years of age or older is no longer entitled to receive a deferral or abatement under this section because the property for which the deferral or abatement was obtained is no longer the individual's principal residence without first providing written notice to the individual stating that the chief appraiser believes the property may no longer be the individual's principal residence. The notice must include a form on which the individual may indicate that the property remains the individual's principal residence and a self-addressed postage prepaid envelope with instructions for returning the form to the chief appraiser. The chief appraiser shall consider the individual's response on the form in determining whether the property remains the individual's principal residence. If the chief appraiser does not receive a response on or before the 60th day after the date the notice is mailed, the chief appraiser may make a determination that the property is no longer the individual's principal residence on or after the 30th day after the expiration of the 60-day period, but only after making a reasonable effort to locate the individual and determine whether the property remains the individual's principal residence. For purposes of this subsection, sending an additional notice that includes, in bold font equal to or greater in size than the surrounding text, the date on which the chief appraiser is authorized to make the determination to the individual receiving the deferral or abatement immediately after the expiration of the 60-day period by first class mail in



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

an envelope on which is written, in all capital letters, "RETURN SERVICE REQUESTED," or another appropriate statement directing the United States Postal Service to return the notice if it is not deliverable as addressed, or providing the additional notice in another manner that the chief appraiser determines is appropriate, constitutes a reasonable effort on the part of the chief appraiser. The chief appraiser may include a notice required under this subsection in a notice required under Section 11.43(q), if applicable.

No equivalent provision.

SECTION 1.30. Effective September 1, 2017, Section 313.032(c), Tax Code, is amended to read as follows:  
(c) The portion of the report described by Subsection (a)(2) must be based on data certified to the comptroller by each recipient or former recipient of a limitation on appraised value under this chapter. The recipient or former recipient shall contract with an independent certified public accountant to verify the data certified to the comptroller. The data may be verified using information from any reliable source, including the Texas Workforce Commission and the chief appraiser of the applicable appraisal district.

No equivalent provision.

SECTION 1.31. Effective September 1, 2017, Section 397.0125(a), Transportation Code, is amended to read as follows:  
(a) In addition to the penalty provided by Section 397.012, a person who operates an automotive wrecking and salvage yard in violation of this chapter is liable for a civil penalty of not less than \$500 or more than \$5,000 [~~\$1,000~~] for each violation. A separate penalty may be imposed for each day a

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	continuing violation occurs.	
No equivalent provision.	<p>SECTION 1.32. Section 49.302(b), Water Code, is amended to read as follows:</p> <p>(b) A petition requesting the annexation of a defined area signed by a majority in value of the owners of land in the defined area, as shown by the tax rolls of the central appraisal district of the county or counties in which such area is located, <del>[or signed by 50 landowners if the number of landowners is more than 50,]</del> shall describe the land by metes and bounds or by lot and block number if there is a recorded plat of the area and shall be filed with the secretary of the board.</p>	
No equivalent provision.	<p>SECTION 1.33. Section 54.014, Water Code, is amended to read as follows:</p> <p>Sec. 54.014. PETITION. When it is proposed to create a district, a petition requesting creation shall be filed with the commission. The petition shall be signed by a majority in value of the holders of title of the land within the proposed district, as indicated by the tax rolls of the central appraisal district. <del>[If there are more than 50 persons holding title to the land in the proposed district, as indicated by the tax rolls of the central appraisal district, the petition is sufficient if it is signed by 50 holders of title to the land.]</del></p>	
No equivalent provision.	<p>SECTION 1.34. Section 54.016(a), Water Code, is amended to read as follows:</p> <p>(a) No land within the corporate limits of a city or within the extraterritorial jurisdiction of a city, shall be included in a</p>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

district unless the city grants its written consent, by resolution or ordinance, to the inclusion of the land within the district in accordance with Section 42.042, Local Government Code, and this section. The request to a city for its written consent to the creation of a district, shall be signed by a majority in value of the holders of title of the land within the proposed district as indicated by the county tax rolls ~~[or, if there are more than 50 persons holding title to the land in the proposed district as indicated by the county tax rolls, the request to the city will be sufficient if it is signed by 50 holders of title to the land in the district]~~. A petition for the written consent of a city to the inclusion of land within a district shall describe the boundaries of the land to be included in the district by metes and bounds or by lot and block number, if there is a recorded map or plat and survey of the area, and state the general nature of the work proposed to be done, the necessity for the work, and the cost of the project as then estimated by those filing the petition. If, at the time a petition is filed with a city for creation of a district, the district proposes to connect to a city's water or sewer system or proposes to contract with a regional water and wastewater provider which has been designated as such by the commission as of the date such petition is filed, to which the city has made a capital contribution for the water and wastewater facilities serving the area, the proposed district shall be designated as a "city service district." If such proposed district does not meet the criteria for a city service district at the time the petition seeking creation is filed, such district shall be designated as a "noncity service district." The city's consent shall not place any restrictions or conditions on the creation of a noncity service district as defined by Chapter 54 of the Texas Water Code other than those expressly provided in Subsection (e) of this section and shall

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

specifically not limit the amounts of the district's bonds. A city may not require annexation as a consent to creation of any district. A city shall not refuse to approve a district bond issue for any reason except that the district is not in compliance with valid consent requirements applicable to the district. If a city grants its written consent without the concurrence of the applicant to the creation of a noncity service district containing conditions or restrictions that the petitioning land owner or owners reasonably believe exceed the city's powers, such land owner or owners may petition the commission to create the district and to modify the conditions and restrictions of the city's consent. The commission may declare any provision of the consent to be null and void.

*(See SECTION 8 above.)*

SECTION 1.35. (a) All governmental acts and proceedings of an emergency services district to which former Section 776.0345, Health and Safety Code, applied before that section was repealed and that relate to the selection of emergency services commissioners of the district and that were taken between January 1, 2012, and the effective date of this article are validated, ratified, and confirmed in all respects as if they had been taken as authorized by law. [FA46(1)]  
(b) This section does not apply to any matter that on the effective date of this article: [FA46(1)]  
(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or  
(2) has been held invalid by a final court judgment.

SECTION 1.36. Section 1, Article 55.02, Code of Criminal Procedure, as amended by this article, applies only to the expunction of arrest records and files related to a criminal

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	offense for which the trial of the offense begins on or after September 1, 2017. The expunction of arrest records and files related to a criminal offense for which the trial of the offense begins before September 1, 2017, is governed by the law in effect on the date the trial begins, and the former law is continued in effect for that purpose. [FA46(1)]	
No equivalent provision.	SECTION 1.37. Article 102.006, Code of Criminal Procedure, as amended by this article, applies only to a petition for expunction filed on or after September 1, 2017. A petition for expunction filed before September 1, 2017, is governed by the law in effect on the date the petition was filed, and the former law is continued in effect for that purpose. [FA46(1)]	
No equivalent provision.	SECTION 1.38. Sections 54.656 and 54.658, Government Code, as amended by this article, apply to a matter or case referred to a magistrate on or after September 1, 2017. A matter or case referred to a magistrate before September 1, 2017, is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose. [FA46(1)]	
No equivalent provision.	SECTION 1.39. Section 411.0746, Government Code, as added by this article, applies only to an order of nondisclosure of criminal history record information issued on or after September 1, 2017. The issuance of an order of nondisclosure of criminal history record information before September 1, 2017, is governed by the law in effect on the date the order	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

was issued, and the former law is continued in effect for that purpose. [FA46(1)]

*(See SECTION 10 above.)*

SECTION 1.40. If before implementing any provision of Chapter 291A, Health and Safety Code, as added by this article, a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted. [FA46(1)]

No equivalent provision.

SECTION 1.41. (a) The comptroller shall create and post on the Internet the Special Purpose District Public Information Database required by Section 403.0241, Government Code, as added by this article, not later than September 1, 2018. [FA46(1)]

(b) Not later than January 1, 2018, the comptroller shall send written notice to each special purpose district described by Section 403.0241(b), Government Code, as added by this article, that describes the changes in law made by this article. Each special purpose district that receives notice shall submit to the comptroller any information required under Section 403.0241, Government Code, as added by this article, or Section 203.062, Local Government Code, as added by this article, not later than the 90th day after the date the district receives the notice. [FA46(1)]

(c) Notwithstanding another provision of this article, including Subsections (a) and (b) of this section, the comptroller is required to implement Sections 403.0241 and

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	403.0242, Government Code, and Subchapter D, Chapter 203, Local Government Code, as added by this article, only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the comptroller may, but is not required to, implement Sections 403.0241 and 403.0242, Government Code, and Subchapter D, Chapter 203, Local Government Code, as added by this article, using other appropriations available for that purpose. [FA46(1)]	
No equivalent provision.	SECTION 1.42. Sections 1.07 and 33.06, Tax Code, as amended by this article, apply only to a determination by a chief appraiser that an individual who is 65 years of age or older is no longer entitled to receive a deferral or abatement of collection of ad valorem taxes under Section 33.06, Tax Code, because the property for which the deferral or abatement was obtained is no longer the individual's principal residence that is made on or after September 1, 2017. A determination by a chief appraiser that an individual who is 65 years of age or older is no longer entitled to receive a deferral or abatement of collection of ad valorem taxes under Section 33.06, Tax Code, because the property for which the deferral or abatement was obtained is no longer the individual's principal residence that is made before September 1, 2017, is governed by the law in effect at the time the determination was made, and that law is continued in effect for that purpose. [FA46(1)]	
No equivalent provision.	SECTION 1.43. Section 397.0125, Transportation Code, as amended by this article, applies only to a violation of Chapter 397, Transportation Code, that occurs on or after September 1,	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
---------------	---------------------	------------

2017. A violation of that chapter that occurred before September 1, 2017, is governed by the law in effect when the violation occurred, and the former law is continued in effect for that purpose. [FA46(1)]

SECTION 1.44. Except as otherwise provided by this article, this article takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this article does not receive the vote necessary for immediate effect, this article takes effect September 1, 2017. [FA46(1)]

ARTICLE 2. This article may be cited as the Texas Property Tax Reform and Relief Act of 2017. [FA46(2)]

SECTION 2.\_\_. Chapter 5, Tax Code, is amended by adding Section 5.01 to read as follows:  
Sec. 5.01. PROPERTY TAX ADMINISTRATION ADVISORY BOARD. (a) The comptroller shall appoint the property tax administration advisory board to advise the comptroller with respect to the division or divisions within the office of the comptroller with primary responsibility for state administration of property taxation and state oversight of appraisal districts and local tax offices. The advisory board may make recommendations to the comptroller regarding improving the effectiveness and efficiency of the property tax system, best practices, and complaint resolution procedures. (b) The advisory board is composed of at least six members appointed by the comptroller. The members of the board

(See SECTION 11 above.)

No equivalent provision.

No equivalent provision.



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

should include:  
(1) representatives of property tax payers, appraisal districts, and school districts; and  
(2) a person who has knowledge or experience in conducting ratio studies.  
(c) The members of the advisory board serve at the pleasure of the comptroller.  
(d) Any advice to the comptroller relating to a matter described by Subsection (a) that is provided by a member of the advisory board must be provided at a meeting called by the comptroller.  
(e) Chapter 2110, Government Code, does not apply to the advisory board. [FA46(2)]

SECTION 2.\_\_. Section 5.05, Tax Code, is amended by adding Subsection (c-1) to read as follows:  
(c-1) An appraisal district shall appraise property in accordance with any appraisal manuals prepared and issued by the comptroller under this section. [FA46(2)]

SECTION 2.\_\_. Sections 5.102(a) and (c), Tax Code, are amended to read as follows:  
(a) At least once every two years, the comptroller shall review the governance of each appraisal district, taxpayer assistance provided, and the operating and appraisal standards, procedures, and methodology used by each appraisal district, to determine compliance with generally accepted standards, procedures, and methodology, including compliance with standards, procedures, and methodology prescribed by appraisal manuals prepared and issued by the comptroller.

No equivalent provision.

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

After consultation with the property tax administration advisory board [~~committee created under Section 403.302, Government Code~~], the comptroller by rule may establish procedures and standards for conducting and scoring the review.

(c) At the conclusion of the review, the comptroller shall, in writing, notify the appraisal district concerning its performance in the review. If the review results in a finding that an appraisal district is not in compliance with generally accepted standards, procedures, and methodology, including compliance with standards, procedures, and methodology prescribed by appraisal manuals prepared and issued by the comptroller, the comptroller shall deliver a report that details the comptroller's findings and recommendations for improvement to:

- (1) the appraisal district's chief appraiser and board of directors; and
- (2) the superintendent and board of trustees of each school district participating in the appraisal district. [FA46(2)]

SECTION 2.\_\_. Section 5.13(d), Tax Code, is amended to read as follows:

(d) In conducting a general audit, the comptroller shall consider and report on:

- (1) the extent to which the district complies with applicable law or generally accepted standards of appraisal or other relevant practice, including appraisal standards and practices prescribed by appraisal manuals prepared and issued by the comptroller;
- (2) the uniformity and level of appraisal of major kinds of property and the cause of any significant deviations from ideal

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	uniformity and equality of appraisal of major kinds of property; (3) duplication of effort and efficiency of operation; (4) the general efficiency, quality of service, and qualification of appraisal district personnel; and (5) except as otherwise provided by Subsection (b) [ <del>of this section</del> ], any other matter included in the request for the audit. [FA46(2)]	
No equivalent provision.	SECTION 2.__. Section 6.035(a-1), Tax Code, is amended to read as follows: (a-1) An individual is ineligible to serve on an appraisal district board of directors if the individual has engaged in the business of appraising property for compensation for use in proceedings under this title or of representing property owners for compensation in proceedings under this title in the appraisal district at any time during the preceding <u>three</u> [ <del>five</del> ] years. [FA46(2)]	
No equivalent provision.	SECTION 2.__. Section 6.15, Tax Code, is amended by adding Subsection (c-1) to read as follows: <u>(c-1) Subsections (a) and (b) do not prohibit a member of the board of directors of an appraisal district from transmitting to the chief appraiser without comment a complaint by a property owner or taxing unit about the appraisal of a specific property, provided that the transmission is in writing.</u> [FA46(2)]	
No equivalent provision.	SECTION 2.__. Section 6.41, Tax Code, is amended by	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

amending Subsections (b) and (d-9) and adding Subsections (b-1), (b-2), and (d-10) to read as follows:

(b) Except as provided by Subsection (b-1) or (b-2), an appraisal review [The] board consists of three members.

(b-1) An appraisal [However, the] district board of directors by resolution of a majority of the board's [its] members may increase the size of the district's appraisal review board to the number of members the board of directors considers appropriate.

(b-2) An appraisal district board of directors for a district established in a county described by Subsection (d-1) by resolution of a majority of the board's members shall increase the size of the district's appraisal review board to the number of members the board of directors considers appropriate to manage the duties of the appraisal review board, including the duties of each special panel established under Section 6.425.

(d-9) In selecting individuals who are to serve as members of the appraisal review board, the local administrative district judge shall select an adequate number of qualified individuals to permit the chairman of the appraisal review board to fill the positions on each special panel established under Section 6.425.

(d-10) Upon selection of the individuals who are to serve as members of the appraisal review board, the local administrative district judge shall enter an appropriate order designating such members and setting each member's respective term of office, as provided elsewhere in this section. [FA46(2)]

SECTION 2.\_\_. Section 6.414(d), Tax Code, is amended to read as follows:

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(d) An auxiliary board member may hear taxpayer protests before the appraisal review board. An auxiliary board member may not hear taxpayer protests before a special panel established under Section 6.425 unless the member is eligible to be appointed to the special panel. If one or more auxiliary board members sit on a panel established under Section 6.425 or 41.45 to conduct a protest hearing, the number of regular appraisal review board members required by that section to constitute the panel is reduced by the number of auxiliary board members sitting. An auxiliary board member sitting on a panel is considered a regular board member for all purposes related to the conduct of the hearing. [FA46(2)]

SECTION 2.\_\_. Section 6.42, Tax Code, is amended by adding Subsection (d) to read as follows:  
(d) The concurrence of a majority of the members of the appraisal review board or a panel of the board present at a meeting of the board or panel is sufficient for a recommendation, determination, decision, or other action by the board or panel, and the concurrence of more than a majority of the members of the board or panel may not be required. [FA46(2)]

SECTION 2.\_\_. Subchapter C, Chapter 6, Tax Code, is amended by adding Section 6.425 to read as follows:  
Sec. 6.425. SPECIAL APPRAISAL REVIEW BOARD PANELS IN CERTAIN DISTRICTS. (a) This section applies only to the appraisal review board for an appraisal district described by Section 6.41(b-2).  
(b) The appraisal review board shall establish a separate

No equivalent provision.

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

special panel for each of the following classifications of property to conduct protest hearings under Chapter 41 relating to property included in that classification:  
(1) commercial real and personal property;  
(2) real and personal property of utilities;  
(3) industrial and manufacturing real and personal property;  
and  
(4) multifamily residential real property.  
(c) The chairman of the appraisal review board may establish additional special panels described by this section to conduct protest hearings relating to property included in a classification described by Subsection (b) if the chairman determines that additional panels are necessary.  
(d) Each special panel described by this section consists of three members of the appraisal review board appointed by the chairman of the board.  
(e) To be eligible to be appointed to a special panel described by this section, a member of the appraisal review board must:  
(1) hold a juris doctor or equivalent degree;  
(2) hold a master of business administration degree;  
(3) be licensed as a certified public accountant under Chapter 901, Occupations Code;  
(4) be accredited by the American Society of Appraisers as an accredited senior appraiser;  
(5) possess an MAI professional designation from the Appraisal Institute;  
(6) possess a Certified Assessment Evaluator (CAE) professional designation from the International Association of Assessing Officers;  
(7) have at least 20 years of experience in property tax appraisal or consulting; or  
(8) be licensed as a real estate broker or sales agent under

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
---------------	---------------------	------------

Chapter 1101, Occupations Code.  
(f) Notwithstanding Subsection (e), the chairman of the appraisal review board may appoint to a special panel described by this section a member of the appraisal review board who does not meet the qualifications prescribed by that subsection if:  
(1) the number of persons appointed to the board by the local administrative district judge who meet those qualifications is not sufficient to fill the positions on each special panel; and  
(2) the board member being appointed to the panel holds a bachelor's degree in any field. [FA46(2)]

SECTION 2.\_\_. Section 11.4391(a), Tax Code, is amended to read as follows:  
(a) The chief appraiser shall accept and approve or deny an application for an exemption for freeport goods under Section 11.251 after the deadline for filing it has passed if it is filed not later than June 1 ~~[before the date the appraisal review board approves the appraisal records]~~. [FA46(2)]

SECTION 2.\_\_. Section 21.09(b), Tax Code, is amended to read as follows:  
(b) A person claiming an allocation must apply for the allocation each year the person claims the allocation. A person claiming an allocation must file a completed allocation application form before April ~~May~~ 1 and must provide the information required by the form. If the property was not on the appraisal roll in the preceding year, the deadline for filing the allocation application form is extended to the 30th ~~45th~~ day after the date of receipt of the notice of appraised value

No equivalent provision.

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

required by Section 25.19(a)(3). For good cause shown, the chief appraiser shall extend the deadline for filing an allocation application form by written order for a period not to exceed 30 ~~[60]~~ days. [FA46(2)]

SECTION 2.\_\_. Section 22.23, Tax Code, is amended to read as follows:

Sec. 22.23. FILING DATE. (a) Rendition statements and property reports must be delivered to the chief appraiser after January 1 and not later than April 1 ~~[15]~~, except as provided by Section 22.02.

(b) On written request by the property owner, the chief appraiser shall extend a deadline for filing a rendition statement or property report to a date not later than May 1 ~~[15]~~. The chief appraiser may further extend the deadline an additional 15 days upon good cause shown in writing by the property owner.

(c) Notwithstanding any other provision of this section, rendition statements and property reports for property regulated by the Public Utility Commission of Texas, the Railroad Commission of Texas, the federal Surface Transportation Board, or the Federal Energy Regulatory Commission must be delivered to the chief appraiser not later than April 30, except as provided by Section 22.02. The chief appraiser may extend the filing deadline 15 days for good cause on written request by the property owner. [FA46(2)]

SECTION 2.\_\_. Section 23.01(b), Tax Code, is amended to read as follows:

(b) The market value of property shall be determined by the

No equivalent provision.

No equivalent provision.



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

application of generally accepted appraisal methods and techniques, including appraisal methods and techniques prescribed by appraisal manuals prepared and issued by the comptroller. If the appraisal district determines the appraised value of a property using mass appraisal standards, the mass appraisal standards must comply with the Uniform Standards of Professional Appraisal Practice. The same or similar appraisal methods and techniques shall be used in appraising the same or similar kinds of property. However, each property shall be appraised based upon the individual characteristics that affect the property's market value, and all available evidence that is specific to the value of the property shall be taken into account in determining the property's market value. [FA46(2)]

SECTION 2.\_\_\_\_. Section 25.19, Tax Code, is amended by amending Subsections (a) and (g) and adding Subsection (b-3) to read as follows:

(a) By April 15 [4] or as soon thereafter as practicable [~~if the property is a single family residence that qualifies for an exemption under Section 11.13, or by May 1 or as soon thereafter as practicable in connection with any other property~~], the chief appraiser shall deliver a clear and understandable written notice to a property owner of the appraised value of the property owner's property if:

(1) the appraised value of the property is greater than it was in the preceding year;

(2) the appraised value of the property is greater than the value rendered by the property owner;

(3) the property was not on the appraisal roll in the preceding year; or

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(4) an exemption or partial exemption approved for the property for the preceding year was canceled or reduced for the current year.

(b-3) This subsection applies only to an appraisal district described by Section 6.41(b-2). In addition to the information required by Subsection (b), the chief appraiser shall state in a notice of appraised value of property included in a classification described by Section 6.425(b) that the property owner has the right to have a protest relating to the property heard by a special panel of the appraisal review board.

(g) By April 15 [4] or as soon thereafter as practicable [~~if the property is a single family residence that qualifies for an exemption under Section 11.13, or by May 1 or as soon thereafter as practicable in connection with any other property~~], the chief appraiser shall deliver a written notice to the owner of each property not included in a notice required to be delivered under Subsection (a), if the property was reappraised in the current tax year, if the ownership of the property changed during the preceding year, or if the property owner or the agent of a property owner authorized under Section 1.111 makes a written request for the notice. The chief appraiser shall separate real from personal property and include in the notice for each property:

- (1) the appraised value of the property in the preceding year;
- (2) the appraised value of the property for the current year and the kind of each partial exemption, if any, approved for the current year;
- (3) a detailed explanation of the time and procedure for protesting the value; and
- (4) the date and place the appraisal review board will begin hearing protests. [FA46(2)]

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

No equivalent provision.

SECTION 2.\_\_. Section 25.22(a), Tax Code, is amended to read as follows:  
(a) By May 1 [~~15~~] or as soon thereafter as practicable, the chief appraiser shall submit the completed appraisal records to the appraisal review board for review and determination of protests. However, the chief appraiser may not submit the records until the chief appraiser has delivered the notices required by Subsection (d) of Section 11.45, Subsection (d) of Section 23.44, Subsection (d) of Section 23.57, Subsection (d) of Section 23.79, Subsection (d) of Section 23.85, Subsection (d) of Section 23.95, Subsection (d) of Section 23.9805, and Section 25.19. [FA46(2)]

No equivalent provision.

SECTION 2.\_\_. Sections 26.01(a) and (e), Tax Code, are amended to read as follows:  
(a) By July 10 [~~25~~], the chief appraiser shall prepare and certify to the assessor for each taxing unit participating in the district that part of the appraisal roll for the district that lists the property taxable by the unit. The part certified to the assessor is the appraisal roll for the unit. The chief appraiser shall consult with the assessor for each taxing unit and notify each unit in writing by April 1 of the form in which the roll will be provided to each unit.  
(e) Except as provided by Subsection (f), not later than May 15 [~~April 30~~], the chief appraiser shall prepare and certify to the assessor for each county, municipality, and school district participating in the appraisal district an estimate of the taxable value of property in that taxing unit. The chief appraiser shall assist each county, municipality, and school district in determining values of property in that taxing unit for the taxing unit's budgetary purposes. [FA46(2)]

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
No equivalent provision.	<p>SECTION 2.__. Section 26.012(9), Tax Code, is redesignated as Section 26.012(18), Tax Code, and amended to read as follows:</p> <p>(18) <u>"No-new-taxes</u> [(9) <del>"Effective]</del> maintenance and operations rate" means a rate expressed in dollars per \$100 of taxable value and calculated according to the following formula:</p> <p><u>NO-NEW-TAXES</u> [<del>EFFECTIVE]</del> MAINTENANCE AND OPERATIONS RATE = (LAST YEAR'S LEVY - LAST YEAR'S DEBT LEVY - LAST YEAR'S JUNIOR COLLEGE LEVY) / (CURRENT TOTAL VALUE - NEW PROPERTY VALUE) [FA46(2)]</p>	
No equivalent provision.	<p>SECTION 2.__. The heading to Section 26.04, Tax Code, is amended to read as follows:</p> <p>Sec. 26.04. SUBMISSION OF ROLL TO GOVERNING BODY; <u>NO-NEW-TAXES</u> [<del>EFFECTIVE]</del> AND ROLLBACK TAX RATES. [FA46(2)]</p>	
No equivalent provision.	<p>SECTION 2.__. Section 26.04, Tax Code, is amended by amending Subsections (b), (c), (d), (e), (e-1), (f), (i), and (j) and adding Subsections (c-1), (d-1), (d-2), (d-3), (d-4), (e-2), and (h-1) to read as follows:</p> <p>(b) The assessor shall submit the appraisal roll for the unit showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property to the governing body of the unit by <u>July 15</u> [<del>August 1</del>] or as soon thereafter as practicable. By <u>July 15</u> [<del>August 1</del>] or as soon</p>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

thereafter as practicable, the taxing unit's collector shall certify ~~[an estimate of]~~ the anticipated collection rate for the current year to the governing body. If the collector certified an anticipated collection rate in the preceding year and the actual collection rate in that year exceeded the anticipated rate, the collector shall also certify the amount of debt taxes collected in excess of the anticipated amount in the preceding year.

(c) An officer or employee designated by the governing body shall calculate the no-new-taxes ~~[effective]~~ tax rate and the rollback tax rate for the unit, where:

(1) "No-new-taxes ~~["Effective]~~ tax rate" means a rate expressed in dollars per \$100 of taxable value calculated according to the following formula:

NO-NEW-TAXES ~~[EFFECTIVE]~~ TAX RATE = (LAST YEAR'S LEVY - LOST PROPERTY LEVY) / (CURRENT TOTAL VALUE - NEW PROPERTY VALUE)

; and

(2) "Rollback tax rate" means a rate expressed in dollars per \$100 of taxable value calculated according to the following formula:

ROLLBACK TAX RATE = (NO-NEW-TAXES ~~[EFFECTIVE]~~ MAINTENANCE AND OPERATIONS RATE x 1.05 ~~[1.08]~~) + CURRENT DEBT RATE

(c-1) Notwithstanding any other provision of this section, the governing body may direct the designated officer or employee to substitute "1.08" for "1.05" in the calculation of the rollback tax rate if any part of the taxing unit is located in an area declared a disaster area during the current tax year by the governor or by the president of the United States.

(d) The no-new-taxes ~~[effective]~~ tax rate for a county is the sum of the no-new-taxes ~~[effective]~~ tax rates calculated for

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

each type of tax the county levies, and the rollback tax rate for a county is the sum of the rollback tax rates calculated for each type of tax the county levies.

(d-1) As soon as practicable after the designated officer or employee calculates the no-new-taxes tax rate and the rollback tax rate of the taxing unit, the designated officer or employee shall submit the worksheets used in calculating the rates to the county assessor-collector for each county in which all or part of the territory of the unit is located. The county assessor-collector or an employee designated by the county assessor-collector shall determine whether the values used in the calculation of those tax rates are the same as the values shown in the unit's appraisal roll and the tax rates have otherwise been calculated correctly. If the county assessor-collector or designated employee makes such a determination, the county assessor-collector shall:

(1) execute a written certification to that effect, attach the certification to each worksheet, and submit the worksheets to the governing body of the unit; and

(2) notify the unit's designated officer or employee of the submission of the worksheets with the attached certifications to the governing body.

(d-2) The designated officer or employee of the taxing unit may not submit the no-new-taxes tax rate and the rollback tax rate to the governing body of the unit and the governing body of the unit may not adopt a tax rate until the county assessor-collector for each county in which the unit is located submits to the governing body of the unit the worksheets used to calculate each tax rate with the certification described by Subsection (d-1) attached.

(d-3) The comptroller shall adopt rules governing the form of the certification described by Subsection (d-1) and the manner

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

in which the worksheets with the attached certifications are required to be submitted to the governing body of the taxing unit.

(d-4) Notwithstanding Subsection (d-1), in the 2017 tax year, the designated officer or employee of each taxing unit shall submit to the county assessor-collector for each county in which all or part of the territory of the unit is located the worksheets used by the designated officer or employee to calculate the effective and rollback tax rates of the unit for the 2013-2017 tax years not later than October 1, 2017. This subsection expires December 31, 2018.

(e) By July 22 ~~[August 7]~~ or as soon thereafter as practicable, the designated officer or employee shall submit the rates and the worksheets used to calculate the rates to the governing body. By July 27, the designated officer or employee ~~[He]~~ shall deliver by mail to each property owner in the unit or publish in a newspaper in the form prescribed by the comptroller:

(1) the no-new-taxes ~~[effective]~~ tax rate, the rollback tax rate, and an explanation of how they were calculated;

(2) the estimated amount of interest and sinking fund balances and the estimated amount of maintenance and operation or general fund balances remaining at the end of the current fiscal year that are not encumbered with or by corresponding existing debt obligation;

(3) a schedule of the unit's debt obligations showing:

(A) the amount of principal and interest that will be paid to service the unit's debts in the next year from property tax revenue, including payments of lawfully incurred contractual obligations providing security for the payment of the principal of and interest on bonds and other evidences of indebtedness issued on behalf of the unit by another political subdivision

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

and, if the unit is created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, payments on debts that the unit anticipates to incur in the next calendar year;

(B) the amount by which taxes imposed for debt are to be increased because of the unit's anticipated collection rate; and

(C) the total of the amounts listed in Paragraphs (A)-(B), less any amount collected in excess of the previous year's anticipated collections certified as provided in Subsection (b);

(4) the amount of additional sales and use tax revenue anticipated in calculations under Section 26.041;

(5) a statement that the adoption of a tax rate equal to the no-new-taxes ~~[effective]~~ tax rate would result in an increase or decrease, as applicable, in the amount of taxes imposed by the unit as compared to last year's levy, and the amount of the increase or decrease;

(6) in the year that a taxing unit calculates an adjustment under Subsection (i) or (j), a schedule that includes the following elements:

(A) the name of the unit discontinuing the department, function, or activity;

(B) the amount of property tax revenue spent by the unit listed under Paragraph (A) to operate the discontinued department, function, or activity in the 12 months preceding the month in which the calculations required by this chapter are made; and

(C) the name of the unit that operates a distinct department, function, or activity in all or a majority of the territory of a taxing unit that has discontinued operating the distinct department, function, or activity; and

(7) in the year following the year in which a taxing unit raised its rollback tax rate as required by Subsection (j), a schedule



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

that includes the following elements:

(A) the amount of property tax revenue spent by the unit to operate the department, function, or activity for which the taxing unit raised the rollback tax rate as required by Subsection (j) for the 12 months preceding the month in which the calculations required by this chapter are made; and

(B) the amount published by the unit in the preceding tax year under Subdivision (6)(B).

(e-1) The tax rate certification requirements imposed by Subsections (d-1) and (d-2) and the notice requirements imposed by Subsections (e)(1)-(6) do not apply to a school district.

(e-2) The governing body of a taxing unit shall include as an appendix to the unit's budget for a fiscal year the worksheets used by the designated officer or employee of the unit to calculate the no-new-taxes tax rate and the rollback tax rate of the unit for the tax year in which the fiscal year begins.

(f) If as a result of consolidation of taxing units a taxing unit includes territory that was in two or more taxing units in the preceding year, the amount of taxes imposed in each in the preceding year is combined for purposes of calculating the no-new-taxes ~~effective~~ and rollback tax rates under this section.

(h-1) Notwithstanding Subsection (h), the assessor may not certify an anticipated collection rate under Subsection (b) that is lower than the lowest actual collection rate in the preceding three years.

(i) This subsection applies to a taxing unit that has agreed by written contract to transfer a distinct department, function, or activity to another taxing unit and discontinues operating that distinct department, function, or activity if the operation of that department, function, or activity in all or a majority of the territory of the taxing unit is continued by another existing

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

taxing unit or by a new taxing unit. The rollback tax rate of a taxing unit to which this subsection applies in the first tax year in which a budget is adopted that does not allocate revenue to the discontinued department, function, or activity is calculated as otherwise provided by this section, except that last year's levy used to calculate the no-new-taxes ~~[effective]~~ maintenance and operations rate of the unit is reduced by the amount of maintenance and operations tax revenue spent by the taxing unit to operate the department, function, or activity for the 12 months preceding the month in which the calculations required by this chapter are made and in which the unit operated the discontinued department, function, or activity. If the unit did not operate that department, function, or activity for the full 12 months preceding the month in which the calculations required by this chapter are made, the unit shall reduce last year's levy used for calculating the no-new-taxes ~~[effective]~~ maintenance and operations rate of the unit by the amount of the revenue spent in the last full fiscal year in which the unit operated the discontinued department, function, or activity.

(j) This subsection applies to a taxing unit that had agreed by written contract to accept the transfer of a distinct department, function, or activity from another taxing unit and operates a distinct department, function, or activity if the operation of a substantially similar department, function, or activity in all or a majority of the territory of the taxing unit has been discontinued by another taxing unit, including a dissolved taxing unit. The rollback tax rate of a taxing unit to which this subsection applies in the first tax year after the other taxing unit discontinued the substantially similar department, function, or activity in which a budget is adopted that allocates revenue to the department, function, or activity is

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

calculated as otherwise provided by this section, except that last year's levy used to calculate the no-new-taxes ~~[effective]~~ maintenance and operations rate of the unit is increased by the amount of maintenance and operations tax revenue spent by the taxing unit that discontinued operating the substantially similar department, function, or activity to operate that department, function, or activity for the 12 months preceding the month in which the calculations required by this chapter are made and in which the unit operated the discontinued department, function, or activity. If the unit did not operate the discontinued department, function, or activity for the full 12 months preceding the month in which the calculations required by this chapter are made, the unit may increase last year's levy used to calculate the no-new-taxes ~~[effective]~~ maintenance and operations rate by an amount not to exceed the amount of property tax revenue spent by the discontinuing unit to operate the discontinued department, function, or activity in the last full fiscal year in which the discontinuing unit operated the department, function, or activity. [FA46(2)]

SECTION 2.\_\_. Section 26.041, Tax Code, is amended by amending Subsections (a), (b), (c), (e), (g), and (h) and adding Subsection (c-1) to read as follows:  
(a) In the first year in which an additional sales and use tax is required to be collected, the no-new-taxes ~~[effective]~~ tax rate and rollback tax rate for the unit are calculated according to the following formulas:  
NO-NEW-TAXES ~~[EFFECTIVE]~~ TAX RATE = [(LAST YEAR'S LEVY - LOST PROPERTY LEVY) / (CURRENT TOTAL VALUE - NEW PROPERTY VALUE)] - SALES TAX GAIN RATE

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

and

~~ROLLBACK TAX RATE = (NO-NEW-TAXES~~  
~~[EFFECTIVE] MAINTENANCE AND OPERATIONS~~  
~~RATE x 1.05 [1.08]) + CURRENT DEBT RATE - SALES~~  
~~TAX GAIN RATE~~

where "sales tax gain rate" means a number expressed in dollars per \$100 of taxable value, calculated by dividing the revenue that will be generated by the additional sales and use tax in the following year as calculated under Subsection (d) ~~[of this section]~~ by the current total value.

(b) Except as provided by Subsections (a) and (c) ~~[of this section]~~, in a year in which a taxing unit imposes an additional sales and use tax the rollback tax rate for the unit is calculated according to the following formula, regardless of whether the unit levied a property tax in the preceding year:

~~ROLLBACK TAX RATE = [(LAST YEAR'S~~  
~~MAINTENANCE AND OPERATIONS EXPENSE x 1.05~~  
~~[1.08]) / ([TOTAL] CURRENT TOTAL VALUE - NEW~~  
~~PROPERTY VALUE)] + (CURRENT DEBT RATE - SALES~~  
~~TAX REVENUE RATE)~~

where "last year's maintenance and operations expense" means the amount spent for maintenance and operations from property tax and additional sales and use tax revenues in the preceding year, and "sales tax revenue rate" means a number expressed in dollars per \$100 of taxable value, calculated by dividing the revenue that will be generated by the additional sales and use tax in the current year as calculated under Subsection (d) ~~[of this section]~~ by the current total value.

(c) In a year in which a taxing unit that has been imposing an additional sales and use tax ceases to impose an additional sales and use tax the no-new-taxes ~~[effective]~~ tax rate and rollback tax rate for the unit are calculated according to the

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

following formulas:

~~NO-NEW-TAXES~~ ~~[EFFECTIVE]~~ TAX RATE = [(LAST YEAR'S LEVY - LOST PROPERTY LEVY) / (CURRENT TOTAL VALUE - NEW PROPERTY VALUE)] + SALES TAX LOSS RATE

and

ROLLBACK TAX RATE = [(LAST YEAR'S MAINTENANCE AND OPERATIONS EXPENSE x 1.05 ~~[1.08]~~) / (~~TOTAL~~ CURRENT TOTAL VALUE - NEW PROPERTY VALUE)] + CURRENT DEBT RATE

where "sales tax loss rate" means a number expressed in dollars per \$100 of taxable value, calculated by dividing the amount of sales and use tax revenue generated in the last four quarters for which the information is available by the current total value and "last year's maintenance and operations expense" means the amount spent for maintenance and operations from property tax and additional sales and use tax revenues in the preceding year.

(c-1) Notwithstanding any other provision of this section, the governing body may direct the designated officer or employee to substitute "1.08" for "1.05" in the calculation of the rollback tax rate if any part of the taxing unit is located in an area declared a disaster area during the current tax year by the governor or by the president of the United States.

(e) If a city that imposes an additional sales and use tax receives payments under the terms of a contract executed before January 1, 1986, in which the city agrees not to annex certain property or a certain area and the owners or lessees of the property or of property in the area agree to pay at least annually to the city an amount determined by reference to all or a percentage of the property tax rate of the city and all or a part of the value of the property subject to the agreement or

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

included in the area subject to the agreement, the governing body, by order adopted by a majority vote of the governing body, may direct the designated officer or employee to add to the ~~no-new-taxes~~ ~~[effective]~~ and rollback tax rates the amount that, when applied to the total taxable value submitted to the governing body, would produce an amount of taxes equal to the difference between the total amount of payments for the tax year under contracts described by this subsection under the rollback tax rate calculated under this section and the total amount of payments for the tax year that would have been obligated to the city if the city had not adopted an additional sales and use tax.

(g) If the rate of the additional sales and use tax is increased, the designated officer or employee shall make two projections, in the manner provided by Subsection (d) ~~[of this section]~~, of the revenue generated by the additional sales and use tax in the following year. The first projection must take into account the increase and the second projection must not take into account the increase. The officer or employee shall then subtract the amount of the result of the second projection from the amount of the result of the first projection to determine the revenue generated as a result of the increase in the additional sales and use tax. In the first year in which an additional sales and use tax is increased, the ~~no-new-taxes~~ ~~[effective]~~ tax rate for the unit is the ~~no-new-taxes~~ ~~[effective]~~ tax rate before the increase minus a number the numerator of which is the revenue generated as a result of the increase in the additional sales and use tax, as determined under this subsection, and the denominator of which is the current total value minus the new property value.

(h) If the rate of the additional sales and use tax is decreased, the designated officer or employee shall make two

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

projections, in the manner provided by Subsection (d) [~~of this section~~], of the revenue generated by the additional sales and use tax in the following year. The first projection must take into account the decrease and the second projection must not take into account the decrease. The officer or employee shall then subtract the amount of the result of the first projection from the amount of the result of the second projection to determine the revenue lost as a result of the decrease in the additional sales and use tax. In the first year in which an additional sales and use tax is decreased, the no-new-taxes [~~effective~~] tax rate for the unit is the no-new-taxes [~~effective~~] tax rate before the decrease plus a number the numerator of which is the revenue lost as a result of the decrease in the additional sales and use tax, as determined under this subsection, and the denominator of which is the current total value minus the new property value. [FA46(2)]

SECTION 2.\_\_\_. The heading to Section 26.043, Tax Code, is amended to read as follows:  
Sec. 26.043. ROLLBACK AND NO-NEW-TAXES [~~EFFECTIVE~~] TAX RATES [~~RATE~~] IN CITY IMPOSING MASS TRANSIT SALES AND USE TAX. [FA46(2)]

SECTION 2.\_\_\_. Sections 26.043(a) and (b), Tax Code, are amended to read as follows:  
(a) In the tax year in which a city has set an election on the question of whether to impose a local sales and use tax under Subchapter H, Chapter 453, Transportation Code, the officer or employee designated to make the calculations provided by Section 26.04 may not make those calculations until the

No equivalent provision.

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	<p>outcome of the election is determined. If the election is determined in favor of the imposition of the tax, the representative shall subtract from the city's rollback and <u>no-new-taxes</u> <del>[effective]</del> tax rates the amount that, if applied to the city's current total value, would impose an amount equal to the amount of property taxes budgeted in the current tax year to pay for expenses related to mass transit services.</p> <p>(b) In a tax year to which this section applies, a reference in this chapter to the city's <u>no-new-taxes</u> <del>[effective]</del> or rollback tax rate refers to that rate as adjusted under this section. [FA46(2)]</p>	
No equivalent provision.	<p>SECTION 2.___. The heading to Section 26.044, Tax Code, is amended to read as follows:</p> <p>Sec. 26.044. <u>NO-NEW-TAXES</u> <del>[EFFECTIVE]</del> TAX RATE TO PAY FOR STATE CRIMINAL JUSTICE MANDATE. [FA46(2)]</p>	
No equivalent provision.	<p>SECTION 2.___. Sections 26.044(a), (b), and (c), Tax Code, are amended to read as follows:</p> <p>(a) The first time that a county adopts a tax rate after September 1, 1991, in which the state criminal justice mandate applies to the county, the <u>no-new-taxes</u> <del>[effective]</del> maintenance and operation rate for the county is increased by the rate calculated according to the following formula:</p> <p>(State Criminal Justice Mandate) / (Current Total Value - New Property Value)</p> <p>(b) In the second and subsequent years that a county adopts a tax rate, if the amount spent by the county for the state criminal justice mandate increased over the previous year, the</p>	



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

~~no-new-taxes~~ [effective] maintenance and operation rate for the county is increased by the rate calculated according to the following formula:  
(This Year's State Criminal Justice Mandate - Previous Year's State Criminal Justice Mandate) / (Current Total Value - New Property Value)  
(c) The county shall include a notice of the increase in the ~~no-new-taxes~~ [effective] maintenance and operation rate provided by this section, including a description and amount of the state criminal justice mandate, in the information published under Section 26.04(e) and Section 26.06(b) [of this code].  
[FA46(2)]

SECTION 2.\_\_\_\_. Sections 26.0441(a), (b), and (c), Tax Code, are amended to read as follows:  
(a) In the first tax year in which a taxing unit adopts a tax rate after January 1, 2000, and in which the enhanced minimum eligibility standards for indigent health care established under Section 61.006, Health and Safety Code, apply to the taxing unit, the ~~no-new-taxes~~ [effective] maintenance and operations rate for the taxing unit is increased by the rate computed according to the following formula:  
Amount of Increase = Enhanced Indigent Health Care Expenditures / (Current Total Value - New Property Value)  
(b) In each subsequent tax year, if the taxing unit's enhanced indigent health care expenses exceed the amount of those expenses for the preceding year, the ~~no-new-taxes~~ [effective] maintenance and operations rate for the taxing unit is increased by the rate computed according to the following formula:  
Amount of Increase = (Current Tax Year's Enhanced Indigent

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Health Care Expenditures - Preceding Tax Year's Indigent Health Care Expenditures) / (Current Total Value - New Property Value)

(c) The taxing unit shall include a notice of the increase in its no-new-taxes ~~[effective]~~ maintenance and operations rate provided by this section, including a brief description and the amount of the enhanced indigent health care expenditures, in the information published under Section 26.04(e) and, if applicable, Section 26.06(b). [FA46(2)]

SECTION 2.\_\_. Section 26.05, Tax Code, is amended by amending Subsections (a), (b), (c), (d), and (g) and adding Subsection (e-1) to read as follows:

(a) The governing body of each taxing unit~~[, before the later of September 30 or the 60th day after the date the certified appraisal roll is received by the taxing unit,]~~ shall adopt a tax rate for the current tax year and shall notify the assessor for the unit of the rate adopted. The governing body must adopt a tax rate before the later of September 30 or the 60th day after the date the certified appraisal roll is received by the taxing unit, except that the governing body must adopt a tax rate that exceeds the rollback tax rate before August 15. The tax rate consists of two components, each of which must be approved separately. The components are:

(1) for a taxing unit other than a school district, the rate that, if applied to the total taxable value, will impose the total amount published under Section 26.04(e)(3)(C), less any amount of additional sales and use tax revenue that will be used to pay debt service, or, for a school district, the rate calculated under Section 44.004(c)(5)(A)(ii)(b), Education Code; and

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(2) the rate that, if applied to the total taxable value, will impose the amount of taxes needed to fund maintenance and operation expenditures of the unit for the next year.

(b) A taxing unit may not impose property taxes in any year until the governing body has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order, depending on the method prescribed by law for adoption of a law by the governing body. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. For a taxing unit other than a school district, the vote on the ordinance, resolution, or order setting a tax rate that exceeds the no-new-taxes ~~[effective]~~ tax rate must be a record vote, and at least 60 percent of the members of the governing body must vote in favor of the ordinance, resolution, or order. For a school district, the vote on the ordinance, resolution, or order setting a tax rate that exceeds the sum of the no-new-taxes ~~[effective]~~ maintenance and operations tax rate of the district as determined under Section 26.08(i) and the district's current debt rate must be a record vote, and at least 60 percent of the members of the governing body must vote in favor of the ordinance, resolution, or order. A motion to adopt an ordinance, resolution, or order setting a tax rate that exceeds the no-new-taxes ~~[effective]~~ tax rate must be made in the following form: "I move that the property tax rate be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the no-new-taxes ~~[effective]~~ tax rate) percent increase in the tax rate." If the ordinance, resolution, or order sets a tax rate that, if applied to the total taxable value, will impose an amount of taxes to fund maintenance and operation expenditures of the taxing unit that

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

exceeds the amount of taxes imposed for that purpose in the preceding year, the taxing unit must:

(1) include in the ordinance, resolution, or order in type larger than the type used in any other portion of the document:

(A) the following statement: "THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE."; and

(B) if the tax rate exceeds the no-new-taxes ~~[effective]~~ maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE NO-NEW-TAXES ~~[EFFECTIVE]~~ MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)."; and

(2) include on the home page of any Internet website operated by the unit:

(A) the following statement: "(Insert name of unit) ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE"; and

(B) if the tax rate exceeds the no-new-taxes ~~[effective]~~ maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE NO-NEW-TAXES ~~[EFFECTIVE]~~ MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)."

(c) If the governing body of a taxing unit does not adopt a tax

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

rate before the date required by Subsection (a), the tax rate for the taxing unit for that tax year is the lower of the no-new-taxes ~~[effective]~~ tax rate calculated for that tax year or the tax rate adopted by the taxing unit for the preceding tax year. A tax rate established by this subsection is treated as an adopted tax rate. Before the fifth day after the establishment of a tax rate by this subsection, the governing body of the taxing unit must ratify the applicable tax rate in the manner required by Subsection (b).

(d) The governing body of a taxing unit other than a school district may not adopt a tax rate that exceeds the lower of the rollback tax rate or the no-new-taxes ~~[effective]~~ tax rate calculated as provided by this chapter until the governing body has held two public hearings on the proposed tax rate and has otherwise complied with Section 26.06 and Section 26.065. The governing body of a taxing unit shall reduce a tax rate set by law or by vote of the electorate to the lower of the rollback tax rate or the no-new-taxes ~~[effective]~~ tax rate and may not adopt a higher rate unless it first complies with Section 26.06.

(e-1) The governing body of a taxing unit that imposes an additional sales and use tax may not adopt the component of the tax rate of the unit described by Subsection (a)(1) of this section until the chief financial officer or the auditor for the unit submits to the governing body of the unit a written certification that the amount of additional sales and use tax revenue that will be used to pay debt service has been deducted from the total amount published under Section 26.04(e)(3)(C) as required by Subsection (a)(1) of this section. The comptroller shall adopt rules governing the form of the certification required by this subsection and the manner in which it is required to be submitted.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(g) Notwithstanding Subsection (a), the governing body of a school district that elects to adopt a tax rate before the adoption of a budget for the fiscal year that begins in the current tax year may adopt a tax rate for the current tax year before receipt of the certified appraisal roll for the school district if the chief appraiser of the appraisal district in which the school district participates has certified to the assessor for the school district an estimate of the taxable value of property in the school district as provided by Section 26.01(e). If a school district adopts a tax rate under this subsection, the no-new-taxes ~~[effective]~~ tax rate and the rollback tax rate of the district shall be calculated based on the certified estimate of taxable value. [FA46(2)]

SECTION 2.\_\_. Section 26.052(e), Tax Code, is amended to read as follows:

(e) Public notice provided under Subsection (c) must specify:

- (1) the tax rate that the governing body proposes to adopt;
- (2) the date, time, and location of the meeting of the governing body of the taxing unit at which the governing body will consider adopting the proposed tax rate; and
- (3) if the proposed tax rate for the taxing unit exceeds the unit's no-new-taxes ~~[effective]~~ tax rate calculated as provided by Section 26.04, a statement substantially identical to the following: "The proposed tax rate is a tax increase and would increase total taxes in (name of taxing unit) by (percentage by which the proposed tax rate exceeds the no-new-taxes ~~[effective]~~ tax rate)." [FA46(2)]

SECTION 2.\_\_. Section 26.06, Tax Code, is amended by

No equivalent provision.

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

amending Subsections (b), (d), and (e) and adding Subsections (b-1), (b-2), (b-3), and (b-4) to read as follows:

(b) The notice of a public hearing may not be smaller than one-quarter page of a standard-size or a tabloid-size newspaper, and the headline on the notice must be in 24-point or larger type. ~~[The notice must contain a statement in the following form:~~

~~["NOTICE OF PUBLIC HEARING ON TAX INCREASE~~

~~["The (name of the taxing unit) will hold two public hearings on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax rate calculated under this chapter) percent. Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.~~

~~["The first public hearing will be held on (date and time) at (meeting place).~~

~~["The second public hearing will be held on (date and time) at (meeting place).~~

~~["(Names of all members of the governing body, showing how each voted on the proposal to consider the tax increase or, if one or more were absent, indicating the absences.)~~

~~["The average taxable value of a residence homestead in (name of taxing unit) last year was \$\_\_\_\_\_ (average taxable value of a residence homestead in the taxing unit for the preceding tax year, disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older). Based on last year's tax rate of \$\_\_\_\_\_ (preceding year's adopted tax rate) per \$100 of taxable value, the amount of taxes imposed last year on the average home~~

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

~~was \$\_\_\_\_\_ (tax on average taxable value of a residence homestead in the taxing unit for the preceding tax year, disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older).~~  
~~["The average taxable value of a residence homestead in (name of taxing unit) this year is \$\_\_\_\_\_ (average taxable value of a residence homestead in the taxing unit for the current tax year, disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older).~~  
~~If the governing body adopts the effective tax rate for this year of \$\_\_\_\_\_ (effective tax rate) per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$\_\_\_\_\_ (tax on average taxable value of a residence homestead in the taxing unit for the current tax year, disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older).~~  
~~["If the governing body adopts the proposed tax rate of \$\_\_\_\_\_ (proposed tax rate) per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$\_\_\_\_\_ (tax on the average taxable value of a residence in the taxing unit for the current year disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older).~~  
~~["Members of the public are encouraged to attend the hearings and express their views."]~~  
(b-1) If the proposed tax rate exceeds the no-new-taxes tax rate and the rollback tax rate of the taxing unit, the notice must contain a statement in the following form:  
"NOTICE OF PUBLIC HEARING ON TAX INCREASE  
"PROPOSED TAX RATE     \$ \_\_\_\_\_ per \$100  
"NO-NEW-TAXES RATE     \$ \_\_\_\_\_ per \$100  
"ROLLBACK TAX RATE     \$ \_\_\_\_\_ per \$100



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

"The no-new-taxes rate is the tax rate for the (current tax year) tax year that will raise the same amount of property tax revenue for (name of taxing unit) from the same properties in both the (preceding tax year) tax year and the (current tax year) tax year.

"The rollback tax rate is the highest tax rate that (name of taxing unit) may adopt without holding an election to ratify the rate.

"The proposed tax rate is greater than the no-new-taxes rate. This means that (name of taxing unit) is proposing to increase property taxes for the (current tax year) tax year.

"A public hearing on the proposed tax rate will be held on (date and time) at (meeting place).

"A second public hearing will be held on (date and time) at (meeting place).

"The proposed tax rate is also greater than the rollback tax rate. If (name of taxing unit) adopts the proposed tax rate, (name of taxing unit) is required to hold an election so that voters may accept or reject the proposed tax rate. If a majority of voters reject the proposed tax rate, the (name of taxing unit) will be required to adopt a new tax rate that is not greater than the rollback tax rate. The election will be held on (date of election). You may contact the (name of office responsible for administering the election) for information about voting locations. The hours of voting on election day are (voting hours).

"Your taxes owed under any of the tax rates mentioned above can be calculated as follows:

"Property tax amount = tax rate x taxable value of your property / 100

"(Names of all members of the governing body, showing how each voted on the proposal to consider the tax increase or, if

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

one or more were absent, indicating the absences.)"  
(b-2) If the proposed tax rate exceeds the no-new-taxes tax rate but does not exceed the rollback tax rate of the taxing unit, the notice must contain a statement in the following form:  
"NOTICE OF PUBLIC HEARING ON TAX INCREASE  
"PROPOSED TAX RATE     \$                    per \$100  
"NO-NEW-TAXES RATE     \$                    per \$100  
"ROLLBACK TAX RATE     \$                    per \$100  
"The no-new-taxes rate is the tax rate for the (current tax year) tax year that will raise the same amount of property tax revenue for (name of taxing unit) from the same properties in both the (preceding tax year) tax year and the (current tax year) tax year.  
"The rollback tax rate is the highest tax rate that (name of taxing unit) may adopt without holding an election to ratify the rate.  
"The proposed tax rate is greater than the no-new-taxes rate. This means that (name of taxing unit) is proposing to increase property taxes for the (current tax year) tax year.  
"A public hearing on the proposed tax rate will be held on (date and time) at (meeting place).  
"A second public hearing will be held on (date and time) at (meeting place).  
"The proposed tax rate is not greater than the rollback tax rate. As a result, (name of taxing unit) is not required to hold an election at which voters may accept or reject the proposed tax rate. However, you may express your support for or opposition to the proposed tax rate by contacting the members of the (name of governing body) of (name of taxing unit) at their offices or by attending one of the public hearings mentioned above.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

"Your taxes owed under any of the tax rates mentioned above can be calculated as follows:  
"Property tax amount = tax rate x taxable value of your property / 100  
"(Names of all members of the governing body, showing how each voted on the proposal to consider the tax increase or, if one or more were absent, indicating the absences.)"  
(b-3) If the proposed tax rate does not exceed the no-new-taxes tax rate but exceeds the rollback tax rate of the taxing unit, the notice must contain a statement in the following form:  
"NOTICE OF PUBLIC HEARING ON TAX INCREASE  
"PROPOSED TAX RATE     \$ \_\_\_\_\_ per \$100  
"NO-NEW-TAXES RATE     \$ \_\_\_\_\_ per \$100  
"ROLLBACK TAX RATE     \$ \_\_\_\_\_ per \$100  
"The no-new-taxes rate is the tax rate for the (current tax year) tax year that will raise the same amount of property tax revenue for (name of taxing unit) from the same properties in both the (preceding tax year) tax year and the (current tax year) tax year.  
"The rollback tax rate is the highest tax rate that (name of taxing unit) may adopt without holding an election to ratify the rate.  
"The proposed tax rate is not greater than the no-new-taxes rate. This means that (name of taxing unit) is not proposing to increase property taxes for the (current tax year) tax year.  
"A public hearing on the proposed tax rate will be held on (date and time) at (meeting place).  
"A second public hearing will be held on (date and time) at (meeting place).  
"The proposed tax rate is greater than the rollback tax rate. If (name of taxing unit) adopts the proposed tax rate, (name of

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

taxing unit) is required to hold an election so that voters may accept or reject the proposed tax rate. If a majority of voters reject the proposed tax rate, the (name of taxing unit) will be required to adopt a new tax rate that is not greater than the rollback tax rate. The election will be held on (date of election). You may contact the (name of office responsible for administering the election) for information about voting locations. The hours of voting on election day are (voting hours).

"Your taxes owed under any of the tax rates mentioned above can be calculated as follows:

"Property tax amount = tax rate x taxable value of your property / 100

"(Names of all members of the governing body, showing how each voted on the proposal to consider the tax increase or, if one or more were absent, indicating the absences.)"

(b-4) In addition to including the information described by Subsection (b-1), (b-2), or (b-3), as applicable, the notice must include the information described by Section 26.062.

(d) At the public hearings the governing body shall announce the date, time, and place of the meeting at which it will vote on the proposed tax rate. After each hearing the governing body shall give notice of the meeting at which it will vote on the proposed tax rate and the notice shall be in the same form as prescribed by Subsections (b) and (c), except that it must state the following:

"NOTICE OF TAX REVENUE INCREASE

"The (name of the taxing unit) conducted public hearings on (date of first hearing) and (date of second hearing) on a proposal to increase the total tax revenues of the (name of the taxing unit) from properties on the tax roll in the preceding year by (percentage by which proposed tax rate exceeds lower

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

of rollback tax rate or no-new-taxes [~~effective-tax~~] rate calculated under this chapter) percent.

"The total tax revenue proposed to be raised last year at last year's tax rate of (insert tax rate for the preceding year) for each \$100 of taxable value was (insert total amount of taxes imposed in the preceding year).

"The total tax revenue proposed to be raised this year at the proposed tax rate of (insert proposed tax rate) for each \$100 of taxable value, excluding tax revenue to be raised from new property added to the tax roll this year, is (insert amount computed by multiplying proposed tax rate by the difference between current total value and new property value).

"The total tax revenue proposed to be raised this year at the proposed tax rate of (insert proposed tax rate) for each \$100 of taxable value, including tax revenue to be raised from new property added to the tax roll this year, is (insert amount computed by multiplying proposed tax rate by current total value).

"The (governing body of the taxing unit) is scheduled to vote on the tax rate that will result in that tax increase at a public meeting to be held on (date of meeting) at (location of meeting, including mailing address) at (time of meeting).

"The (governing body of the taxing unit) proposes to use the increase in total tax revenue for the purpose of (description of purpose of increase)."

(e) The meeting to vote on the tax increase may not be earlier than the third day or later than the seventh [~~14th~~] day after the date of the second public hearing. The meeting must be held inside the boundaries of the taxing unit in a publicly owned building or, if a suitable publicly owned building is not available, in a suitable building to which the public normally has access. If the governing body does not adopt a tax rate

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

that exceeds the lower of the rollback tax rate or the no-new-taxes ~~[effective]~~ tax rate by the seventh ~~[14th]~~ day, it must give a new notice under Subsection (d) before it may adopt a rate that exceeds the lower of the rollback tax rate or the no-new-taxes ~~[effective]~~ tax rate. [FA46(2)]

SECTION 2.\_\_\_\_. Chapter 26, Tax Code, is amended by adding Sections 26.061 and 26.062 to read as follows:

Sec. 26.061. NOTICE OF MEETING TO VOTE ON PROPOSED TAX RATE THAT DOES NOT EXCEED LOWER OF NO-NEW-TAXES OR ROLLBACK TAX RATE. (a) This section applies only to the governing body of a taxing unit other than a school district that proposes to adopt a tax rate that does not exceed the lower of the no-new-taxes tax rate or the rollback tax rate calculated as provided by this chapter.

(b) The notice of the meeting at which the governing body of the taxing unit will vote on the proposed tax rate must contain a statement in the following form:

"NOTICE OF MEETING TO VOTE ON TAX RATE

"PROPOSED TAX RATE     \$                    per \$100

"NO-NEW-TAXES RATE     \$                    per \$100

"ROLLBACK TAX RATE     \$                    per \$100

"The no-new-taxes rate is the tax rate for the (current tax year) tax year that will raise the same amount of property tax revenue for (name of taxing unit) from the same properties in both the (preceding tax year) tax year and the (current tax year) tax year.

"The rollback tax rate is the highest tax rate that (name of taxing unit) may adopt without holding an election to ratify the rate.

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

"The proposed tax rate is not greater than the no-new-taxes rate. This means that (name of taxing unit) is not proposing to increase property taxes for the (current tax year) tax year.  
"A public meeting to vote on the proposed tax rate will be held on (date and time) at (meeting place).  
"The proposed tax rate is also not greater than the rollback tax rate. As a result, (name of taxing unit) is not required to hold an election at which voters may accept or reject the proposed tax rate. However, you may express your support for or opposition to the proposed tax rate by contacting the members of the (name of governing body) of (name of taxing unit) at their offices or by attending the public meeting mentioned above.  
"Your taxes owed under any of the above rates can be calculated as follows:  
"Property tax amount = tax rate x taxable value of your property / 100  
"(Names of all members of the governing body, showing how each voted on the proposed tax rate or, if one or more were absent, indicating the absences.)"  
(c) In addition to including the information described by Subsection (b), the notice must include the information described by Section 26.062.  
Sec. 26.062. ADDITIONAL INFORMATION TO BE INCLUDED IN TAX RATE NOTICE. (a) In addition to the information described by Section 26.06(b-1), (b-2), or (b-3) or 26.061, as applicable, a notice required by that provision must include at the end of the notice:  
(1) a statement in the following form:  
"The following table compares the taxes imposed on the average residence homestead by (name of taxing unit) last year to the taxes proposed to be imposed on the average

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

residence homestead by (name of taxing unit) this year:";  
(2) a table in the form required by this section following the  
statement described by Subdivision (1); and  
(3) a statement in the following form following the table:  
(A) if the tax assessor for the taxing unit maintains an Internet  
website: "For assistance with tax calculations, please contact  
the tax assessor for (name of taxing unit) at (telephone  
number) or (e-mail address), or visit (Internet website address)  
for more information."; or  
(B) if the tax assessor for the taxing unit does not maintain an  
Internet website: "For assistance with tax calculations, please  
contact the tax assessor for (name of taxing unit) at (telephone  
number) or (e-mail address)."  
(b) The table must contain five rows and four columns.  
(c) The first row must appear as follows:  
(1) the first column of the first row must be left blank;  
(2) the second column of the first row must state the year  
corresponding to the preceding tax year;  
(3) the third column of the first row must state the year  
corresponding to the current tax year; and  
(4) the fourth column of the first row must be entitled  
"Change".  
(d) The second row must appear as follows:  
(1) the first column of the second row must be entitled "Total  
tax rate (per \$100 of value)";  
(2) the second column of the second row must state the  
adopted tax rate for the preceding tax year;  
(3) the third column of the second row must state the  
proposed tax rate for the current tax year; and  
(4) the fourth column of the second row must state the  
nominal and percentage difference between the adopted tax  
rate for the preceding tax year and the proposed tax rate for



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

the current tax year as follows: "(increase or decrease, as applicable) of (nominal difference between tax rate stated in second column of second row and tax rate stated in third column of second row) per \$100, or (percentage difference between tax rate stated in second column of second row and tax rate stated in third column of second row)%".

(e) The third row must appear as follows:

(1) the first column of the third row must be entitled "Average homestead taxable value";

(2) the second column of the third row must state the average taxable value of a residence homestead in the taxing unit for the preceding tax year;

(3) the third column of the third row must state the average taxable value of a residence homestead in the taxing unit for the current tax year; and

(4) the fourth column of the third row must state the percentage difference between the average taxable value of a residence homestead in the taxing unit for the preceding tax year and the average taxable value of a residence homestead in the taxing unit for the current tax year as follows: "(increase or decrease, as applicable) of (percentage difference between amount stated in second column of third row and amount stated in third column of third row)%".

(f) The fourth row must appear as follows:

(1) the first column of the fourth row must be entitled "Tax on average homestead";

(2) the second column of the fourth row must state the amount of taxes imposed by the taxing unit in the preceding tax year on a residence homestead with a taxable value equal to the average taxable value of a residence homestead in the taxing unit in the preceding tax year;

(3) the third column of the fourth row must state the amount

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

of taxes that would be imposed by the taxing unit in the current tax year on a residence homestead with a taxable value equal to the average taxable value of a residence homestead in the taxing unit in the current tax year if the taxing unit adopted the proposed tax rate; and

(4) the fourth column of the fourth row must state the nominal and percentage difference between the amount of taxes imposed by the taxing unit in the preceding tax year on a residence homestead with a taxable value equal to the average taxable value of a residence homestead in the taxing unit in the preceding tax year and the amount of taxes that would be imposed by the taxing unit in the current tax year on a residence homestead with a taxable value equal to the average taxable value of a residence homestead in the taxing unit in the current tax year if the taxing unit adopted the proposed tax rate, as follows: "(increase or decrease, as applicable) of (nominal difference between amount stated in second column of fourth row and amount stated in third column of fourth row), or (percentage difference between amount stated in second column of fourth row and amount stated in third column of fourth row)%".

(g) The fifth row must appear as follows:

(1) the first column of the fifth row must be entitled "Total tax levy on all properties";

(2) the second column of the fifth row must state the amount equal to last year's levy;

(3) the third column of the fifth row must state the amount computed by multiplying the proposed tax rate by the current total value and dividing the product by 100; and

(4) the fourth column of the fifth row must state the nominal and percentage difference between the total amount of taxes imposed by the taxing unit in the preceding tax year and the

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	<p><u>amount that would be imposed by the taxing unit in the current tax year if the taxing unit adopted the proposed tax rate, as follows: "(increase or decrease, as applicable) of (nominal difference between amount stated in second column of fifth row and amount stated in third column of fifth row), or (percentage difference between amount stated in second column of fifth row and amount stated in third column of fifth row)%".</u></p> <p><u>(h) In calculating the average taxable value of a residence homestead in the taxing unit for the preceding tax year and the current tax year for purposes of Subsections (e) and (f), any residence homestead exemption available only to disabled persons, persons 65 years of age or older, or their surviving spouses must be disregarded. [FA46(2)]</u></p>	
No equivalent provision.	<p>SECTION 2.___. The heading to Section 26.08, Tax Code, is amended to read as follows:</p> <p>Sec. 26.08. ELECTION TO RATIFY <u>TAX RATE</u> [<del>SCHOOL TAXES</del>]. [FA46(2)]</p>	
No equivalent provision.	<p>SECTION 2.___. Sections 26.08(a), (b), (d), (d-1), (d-2), (e), (g), (h), (n), and (p), Tax Code, are amended to read as follows:</p> <p>(a) If the governing body of a <u>taxing unit</u> [<del>school district</del>] adopts a tax rate that exceeds the <u>taxing unit's</u> [<del>district's</del>] rollback tax rate, the registered voters of the <u>taxing unit</u> [<del>district</del>] at an election held for that purpose must determine whether to approve the adopted tax rate. When increased expenditure of money by a <u>taxing unit</u> [<del>school district</del>] is necessary to respond to a disaster, including a tornado,</p>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

hurricane, flood, or other calamity, but not including a drought, that has impacted the taxing unit ~~[a school district]~~ and the governor has requested federal disaster assistance for the area in which the taxing unit ~~[school district]~~ is located, an election is not required under this section to approve the tax rate adopted by the governing body for the year following the year in which the disaster occurs.

(b) The governing body shall order that the election be held in the taxing unit ~~[school district]~~ on the uniform election date prescribed by ~~[a date not less than 30 or more than 90 days after the day on which it adopted the tax rate.]~~ Section 41.001, Election Code, that occurs in November of the applicable tax year. ~~The order calling the election may not be issued later than August 15 [does not apply to the election unless a date specified by that section falls within the time permitted by this section].~~ At the election, the ballots shall be prepared to permit voting for or against the proposition: "Approving the ad valorem tax rate of \$\_\_\_\_\_ per \$100 valuation in (name of taxing unit ~~[school district]~~) for the current year, a rate that is \$\_\_\_\_\_ higher per \$100 valuation than the ~~[school district]~~ rollback tax rate of (name of taxing unit), for the purpose of (description of purpose of increase)." The ballot proposition must include the adopted tax rate and the difference between that rate and the rollback tax rate in the appropriate places.

(d) If the proposition is not approved as provided by Subsection (c), the governing body may not adopt a tax rate for the taxing unit ~~[school district]~~ for the current year that exceeds the taxing unit's ~~[school district's]~~ rollback tax rate.

(d-1) If, after tax bills for the taxing unit ~~[school district]~~ have been mailed, a proposition to approve the taxing unit's ~~[school district's]~~ adopted tax rate is not approved by the voters of the

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

taxing unit ~~[district]~~ at an election held under this section, on subsequent adoption of a new tax rate by the governing body of the taxing unit ~~[district]~~, the assessor for the taxing unit ~~[school]~~ shall prepare and mail corrected tax bills. The assessor shall include with each bill a brief explanation of the reason for and effect of the corrected bill. The date on which the taxes become delinquent for the year is extended by a number of days equal to the number of days between the date the first tax bills were sent and the date the corrected tax bills were sent.

(d-2) If a property owner pays taxes calculated using the originally adopted tax rate of the taxing unit ~~[school-district]~~ and the proposition to approve the adopted tax rate is not approved by the voters, the taxing unit ~~[school-district]~~ shall refund the difference between the amount of taxes paid and the amount due under the subsequently adopted rate if the difference between the amount of taxes paid and the amount due under the subsequent rate is \$1 or more. If the difference between the amount of taxes paid and the amount due under the subsequent rate is less than \$1, the taxing unit ~~[school-district]~~ shall refund the difference on request of the taxpayer. An application for a refund of less than \$1 must be made within 90 days after the date the refund becomes due or the taxpayer forfeits the right to the refund.

(e) For purposes of this section, local tax funds dedicated to a junior college district under Section 45.105(e), Education Code, shall be eliminated from the calculation of the tax rate adopted by the governing body of a ~~[the]~~ school district. However, the funds dedicated to the junior college district are subject to Section 26.085.

(g) In a school district that received distributions from an equalization tax imposed under former Chapter 18, Education

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Code, the ~~no-new-taxes tax~~ ~~[effective]~~ rate of that tax as of the date of the county unit system's abolition is added to the district's rollback tax rate.

(h) For purposes of this section, increases in taxable values and tax levies occurring within a reinvestment zone under Chapter 311 (Tax Increment Financing Act), in which a school ~~[the]~~ district is a participant, shall be eliminated from the calculation of the tax rate adopted by the governing body of the school district.

(n) For purposes of this section, the rollback tax rate of a school district whose maintenance and operations tax rate for the 2005 tax year was \$1.50 or less per \$100 of taxable value is:

(1) for the 2006 tax year, the sum of the rate that is equal to 88.67 percent of the maintenance and operations tax rate adopted by the district for the 2005 tax year, the rate of \$0.04 per \$100 of taxable value, and the district's current debt rate; and

(2) for the 2007 and subsequent tax years, the lesser of the following:

(A) the sum of the following:

(i) the rate per \$100 of taxable value that is equal to the product of the state compression percentage, as determined under Section 42.2516, Education Code, for the current year and \$1.50;

(ii) the rate of \$0.04 per \$100 of taxable value;

(iii) the rate that is equal to the sum of the differences for the 2006 and each subsequent tax year between the adopted tax rate of the district for that year if the rate was approved at an election under this section and the rollback tax rate of the district for that year; and

(iv) the district's current debt rate; or

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(B) the sum of the following:

- (i) the no-new-taxes ~~[effective]~~ maintenance and operations tax rate of the district as computed under Subsection (i) ~~or (k), as applicable~~;
- (ii) the rate per \$100 of taxable value that is equal to the product of the state compression percentage, as determined under Section 42.2516, Education Code, for the current year and \$0.06; and
- (iii) the district's current debt rate.

(p) Notwithstanding Subsections (i), (n), and (o), if for the preceding tax year a school district adopted a maintenance and operations tax rate that was less than the district's no-new-taxes ~~[effective]~~ maintenance and operations tax rate for that preceding tax year, the rollback tax rate of the district for the current tax year is calculated as if the district adopted a maintenance and operations tax rate for the preceding tax year that was equal to the district's no-new-taxes ~~[effective]~~ maintenance and operations tax rate for that preceding tax year. [FA46(2)]

SECTION 2.\_\_\_\_. Section 26.08(i), Tax Code, as effective September 1, 2017, is amended to read as follows:

(i) For purposes of this section, the no-new-taxes ~~[effective]~~ maintenance and operations tax rate of a school district is the tax rate that, applied to the current total value for the district, would impose taxes in an amount that, when added to state funds that would be distributed to the district under Chapter 42, Education Code, for the school year beginning in the current tax year using that tax rate, would provide the same amount of state funds distributed under Chapter 42, Education Code, and maintenance and operations taxes of the district per

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

student in weighted average daily attendance for that school year that would have been available to the district in the preceding year if the funding elements for Chapters 41 and 42, Education Code, for the current year had been in effect for the preceding year. [FA46(2)]

SECTION 2.\_\_\_. The heading to Section 26.16, Tax Code, is amended to read as follows:  
Sec. 26.16. POSTING OF TAX-RELATED INFORMATION ~~[TAX—RATES]~~ ON COUNTY'S INTERNET WEBSITE. [FA46(2)]

SECTION 2.\_\_\_. Section 26.16, Tax Code, is amended by amending Subsections (a) and (d) and adding Subsections (a-1), (d-1), (d-2), and (d-3) to read as follows:  
(a) Each county shall maintain an Internet website. The county assessor-collector for each county ~~[that maintains an Internet website]~~ shall post on the Internet website maintained by ~~[of]~~ the county the following information for the most recent five tax years beginning with the 2012 tax year for each taxing unit all or part of the territory of which is located in the county:  
(1) the adopted tax rate;  
(2) the maintenance and operations rate;  
(3) the debt rate;  
(4) the no-new-taxes ~~[effective]~~ tax rate;  
(5) the no-new-taxes ~~[effective]~~ maintenance and operations rate; and  
(6) the rollback tax rate.  
(a-1) For purposes of Subsection (a), a reference to the no-

No equivalent provision.

No equivalent provision.



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

new-taxes tax rate or the no-new-taxes maintenance and operations rate includes the equivalent effective tax rate or effective maintenance and operations rate for a preceding year. This subsection expires January 1, 2024.

(d) The county assessor-collector shall post immediately below the table prescribed by Subsection (c) the following statement:

"The county is providing this table of property tax rate information as a service to the residents of the county. Each individual taxing unit is responsible for calculating the property tax rates listed in this table pertaining to that taxing unit and providing that information to the county.

"The adopted tax rate is the tax rate adopted by the governing body of a taxing unit.

"The maintenance and operations rate is the component of the adopted tax rate of a taxing unit that will impose the amount of taxes needed to fund maintenance and operation expenditures of the unit for the following year.

"The debt rate is the component of the adopted tax rate of a taxing unit that will impose the amount of taxes needed to fund the unit's debt service for the following year.

"The no-new-taxes ~~[effective-tax]~~ rate is the tax rate that would generate the same amount of revenue in the current tax year as was generated by a taxing unit's adopted tax rate in the preceding tax year from property that is taxable in both the current tax year and the preceding tax year.

"The no-new-taxes ~~[effective]~~ maintenance and operations rate is the tax rate that would generate the same amount of revenue for maintenance and operations in the current tax year as was generated by a taxing unit's maintenance and operations rate in the preceding tax year from property that is taxable in both the current tax year and the preceding tax year.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

"The rollback tax rate is the highest tax rate a taxing unit may adopt before requiring voter approval at an election. ~~An [In the case of a taxing unit other than a school district, the voters by petition may require that a rollback election be held if the unit adopts a tax rate in excess of the unit's rollback tax rate. In the case of a school district, an]~~ election will automatically be held if a taxing unit [the district] wishes to adopt a tax rate in excess of the unit's [district's] rollback tax rate."

(d-1) In addition to posting the information described by Subsection (a), the county assessor-collector shall post on the Internet website of the county for each taxing unit all or part of the territory of which is located in the county:

(1) the worksheets used by the designated officer or employee of each taxing unit to calculate the no-new-taxes and rollback tax rates of the unit for the most recent five tax years beginning with the 2018 tax year, as certified by the county assessor-collector under Section 26.04(d-1); and

(2) the name and official contact information for each member of the governing body of the taxing unit.

(d-2) Not later than August 1, the county assessor-collector shall post on the website the worksheets described by Subsection (d-1)(1) for the current tax year.

(d-3) Notwithstanding Subsection (d-2), the county assessor-collector for each county shall post the worksheets submitted to the county assessor-collector under Section 26.04(d-4) on the website of the county not later than October 1, 2017. This subsection expires December 31, 2018. [FA46(2)]

SECTION 2.\_\_. Sections 31.12(a) and (b), Tax Code, are amended to read as follows:

(a) If a refund of a tax provided by Section 11.431(b),

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

26.08(d-2) [~~26.07(g)~~], 26.15(f), 31.11, or 31.111 is paid on or before the 60th day after the date the liability for the refund arises, no interest is due on the amount refunded. If not paid on or before that 60th day, the amount of the tax to be refunded accrues interest at a rate of one percent for each month or part of a month that the refund is unpaid, beginning with the date on which the liability for the refund arises.

(b) For purposes of this section, liability for a refund arises:

(1) if the refund is required by Section 11.431(b), on the date the chief appraiser notifies the collector for the unit of the approval of the late homestead exemption;

(2) if the refund is required by Section 26.08(d-2) [~~26.07(g)~~], on the date the results of the election to reduce the tax rate are certified;

(3) if the refund is required by Section 26.15(f):

(A) for a correction to the tax roll made under Section 26.15(b), on the date the change in the tax roll is certified to the assessor for the taxing unit under Section 25.25; or

(B) for a correction to the tax roll made under Section 26.15(c), on the date the change in the tax roll is ordered by the governing body of the taxing unit;

(4) if the refund is required by Section 31.11, on the date the auditor for the taxing unit determines that the payment was erroneous or excessive or, if the amount of the refund exceeds the applicable amount specified by Section 31.11(a), on the date the governing body of the unit approves the refund; or

(5) if the refund is required by Section 31.111, on the date the collector for the taxing unit determines that the payment was erroneous. [FA46(2)]

No equivalent provision.

SECTION 2.\_\_. Section 33.08(b), Tax Code, is amended to

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

read as follows:  
(b) The governing body of the taxing unit or appraisal district, in the manner required by law for official action, may provide that taxes that become delinquent on or after June 1 under Section ~~26.08(d-1)~~ ~~[26.07(f)]~~, 26.15(e), 31.03, 31.031, 31.032, 31.04, or 42.42 incur an additional penalty to defray costs of collection. The amount of the penalty may not exceed the amount of the compensation specified in the applicable contract with an attorney under Section 6.30 to be paid in connection with the collection of the delinquent taxes. [FA46(2)]

SECTION 2.\_\_. Section 41.03(a), Tax Code, is amended to read as follows:  
(a) A taxing unit is entitled to challenge before the appraisal review board:  
(1) ~~[the level of appraisals of any category of property in the district or in any territory in the district, but not the appraised value of a single taxpayer's property;~~  
~~[(2)]~~ an exclusion of property from the appraisal records;  
~~(2)~~ ~~[(3)]~~ a grant in whole or in part of a partial exemption;  
~~(3)~~ ~~[(4)]~~ a determination that land qualifies for appraisal as provided by Subchapter C, D, E, or H, Chapter 23; or  
~~(4)~~ ~~[(5)]~~ failure to identify the taxing unit as one in which a particular property is taxable. [FA46(2)]

SECTION 2.\_\_. Section 41.11(a), Tax Code, is amended to read as follows:  
(a) Not later than the date the appraisal review board approves the appraisal records as provided by Section 41.12,

No equivalent provision.

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	the secretary of the board shall deliver written notice to a property owner of any change in the records that is ordered by the board as provided by this subchapter and that will result in an increase in the tax liability of the property owner. An owner who receives a notice as provided by this section shall be entitled to protest such action as provided by Section <u>41.44(a)(2)</u> <del>[41.44(a)(3)]</del> . [FA46(2)]	
No equivalent provision.	SECTION 2.___. Section 41.12(a), Tax Code, is amended to read as follows: (a) By July <u>5</u> <del>[20]</del> , the appraisal review board shall: (1) hear and determine all or substantially all timely filed protests; (2) determine all timely filed challenges; (3) submit a list of its approved changes in the records to the chief appraiser; and (4) approve the records. [FA46(2)]	
No equivalent provision.	SECTION 2.___. Sections 41.44(a), (c), and (d), Tax Code, are amended to read as follows: (a) Except as provided by Subsections (b), <del>[(b-1);]</del> (c), (c-1), and (c-2), to be entitled to a hearing and determination of a protest, the property owner initiating the protest must file a written notice of the protest with the appraisal review board having authority to hear the matter protested: (1) <u>not later than the later of:</u> <u>(A) [before] May 15; [1] or</u> <u>(B) [not later than] the 30th day after the date that notice to the property owner was delivered to the property owner as provided by Section 25.19[; if the property is a single family</u>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

~~residence that qualifies for an exemption under Section 11.13, whichever is later];~~

~~(2) [before June 1 or not later than the 30th day after the date that notice was delivered to the property owner as provided by Section 25.19 in connection with any other property, whichever is later;~~

~~[(3)]~~ in the case of a protest of a change in the appraisal records ordered as provided by Subchapter A of this chapter or by Chapter 25, not later than the 30th day after the date notice of the change is delivered to the property owner;

~~(3)~~ ~~[(4)]~~ in the case of a determination that a change in the use of land appraised under Subchapter C, D, E, or H, Chapter 23, has occurred, not later than the 30th day after the date the notice of the determination is delivered to the property owner;

or

~~(4)~~ ~~[(5)]~~ in the case of a determination of eligibility for a refund under Section 23.1243, not later than the 30th day after the date the notice of the determination is delivered to the property owner.

(c) A property owner who files notice of a protest authorized by Section 41.411 is entitled to a hearing and determination of the protest if the property owner files the notice prior to the date the taxes on the property to which the notice applies become delinquent. An owner of land who files a notice of protest under Subsection (a)(3) ~~[(a)(4)]~~ is entitled to a hearing and determination of the protest without regard to whether the appraisal records are approved.

(d) A notice of protest is sufficient if it identifies the protesting property owner, including a person claiming an ownership interest in the property even if that person is not listed on the appraisal records as an owner of the property, identifies the property that is the subject of the protest, and

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

indicates apparent dissatisfaction with some determination of the appraisal office. The notice need not be on an official form, but the comptroller shall prescribe a form that provides for more detail about the nature of the protest. The form must permit a property owner to include each property in the appraisal district that is the subject of a protest. The form must permit a property owner to request that the protest be heard by a special panel established under Section 6.425 if the protest will be determined by an appraisal review board to which that section applies and the property is included in a classification described by that section. The comptroller, each appraisal office, and each appraisal review board shall make the forms readily available and deliver one to a property owner on request. [FA46(2)]

SECTION 2.\_\_. Section 41.45, Tax Code, is amended by amending Subsection (d) and adding Subsections (d-1), (d-2), and (d-3) to read as follows:

(d) This subsection does not apply to a special panel established under Section 6.425. An appraisal review board consisting of more than three members may sit in panels of not fewer than three members to conduct protest hearings. ~~[However, the determination of a protest heard by a panel must be made by the board.]~~ If the recommendation of a panel is not accepted by the board, the board may refer the matter for rehearing to a panel composed of members who did not hear the original hearing or, if there are not at least three members who did not hear the original protest, the board may determine the protest. ~~[Before determining a protest or conducting a rehearing before a new panel or the board, the board shall deliver notice of the hearing or meeting to~~

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

~~determine the protest in accordance with the provisions of this subchapter.]~~

(d-1) An appraisal review board to which Section 6.425 applies shall sit in special panels established under that section to conduct protest hearings. A special panel may conduct a protest hearing relating to property only if the property is included in the classification for which the panel was established and the property owner has requested that the panel conduct the hearing. The board may rehear a protest heard by a special panel if the board elects not to accept the recommendation of the panel.

(d-2) The determination of a protest heard by a panel under Subsection (d) or (d-1) must be made by the board.

(d-3) The board must deliver notice of a hearing or meeting to determine a protest heard by a panel, or to rehear a protest, under Subsection (d) or (d-1) in accordance with the provisions of this subchapter. [FA46(2)]

No equivalent provision.

SECTION 2.\_\_\_\_. Section 41.66, Tax Code, is amended by amending Subsection (k) and adding Subsection (k-1) to read as follows:

(k) This subsection does not apply to a special panel established under Section 6.425. If an appraisal review board sits in panels to conduct protest hearings, protests shall be randomly assigned to panels, except that the board may consider the type of property subject to the protest or the ground of the protest for the purpose of using the expertise of a particular panel in hearing protests regarding particular types of property or based on particular grounds. If a protest is scheduled to be heard by a particular panel, the protest may not be reassigned to another panel without the consent of the



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

property owner or designated agent. If the appraisal review board has cause to reassign a protest to another panel, a property owner or designated agent may agree to reassignment of the protest or may request that the hearing on the protest be postponed. The board shall postpone the hearing on that request. A change of members of a panel because of a conflict of interest, illness, or inability to continue participating in hearings for the remainder of the day does not constitute reassignment of a protest to another panel.

(k-1) On the request of a property owner, an appraisal review board to which Section 6.425 applies shall assign a protest relating to property included in a classification described by that section to the special panel established to conduct protest hearings relating to property included in that classification. If the board has established more than one special panel to conduct protest hearings relating to property included in a particular classification, protests relating to property included in that classification shall be randomly assigned to those special panels. If a protest is scheduled to be heard by a particular special panel, the protest may not be reassigned to another special panel without the consent of the property owner or designated agent. If the board has cause to reassign a protest to another special panel, a property owner or designated agent may agree to reassignment of the protest or may request that the hearing on the protest be postponed. The board shall postpone the hearing on that request. A change of members of a special panel because of a conflict of interest, illness, or inability to continue participating in hearings for the remainder of the day does not constitute reassignment of a protest to another special panel. [FA46(2)]

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
No equivalent provision.	<p>SECTION 2.__. Section 41.71, Tax Code, is amended to read as follows:</p> <p>Sec. 41.71. EVENING AND WEEKEND HEARINGS. (a) An appraisal review board by rule shall provide for hearings on protests <del>[in the evening or]</del> on a Saturday or <u>after 5 p.m. on a weekday [Sunday]</u>.</p> <p><u>(b) The board may not schedule:</u></p> <p><u>(1) the first hearing on a protest held on a weekday evening to begin after 7 p.m.; or</u></p> <p><u>(2) a hearing on a protest on a Sunday. [FA46(2)]</u></p>	
No equivalent provision.	<p>SECTION 2.__. Section 41A.01, Tax Code, is amended to read as follows:</p> <p>Sec. 41A.01. RIGHT OF APPEAL BY PROPERTY OWNER. As an alternative to filing an appeal under Section 42.01, a property owner is entitled to appeal through binding arbitration under this chapter an appraisal review board order determining a protest filed under Section 41.41(a)(1) or (2) concerning the appraised or market value of property if:</p> <p>(1) the property qualifies as the owner's residence homestead under Section 11.13; or</p> <p>(2) the appraised or market value, as applicable, of the property as determined by the order is <u>\$5</u> <del>[\$3]</del> million or less. [FA46(2)]</p>	
No equivalent provision.	<p>SECTION 2.__. Section 41A.03(a), Tax Code, is amended to read as follows:</p> <p>(a) To appeal an appraisal review board order under this chapter, a property owner must file with the appraisal district not later than the 45th day after the date the property owner</p>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

receives notice of the order:

(1) a completed request for binding arbitration under this chapter in the form prescribed by Section 41A.04; and

(2) an arbitration deposit made payable to the comptroller in the amount of:

(A) \$450, if the property qualifies as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is \$500,000 or less, as determined by the order;

(B) \$500, if the property qualifies as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than \$500,000, as determined by the order;

(C) \$500, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is \$1 million or less, as determined by the order;

(D) \$800, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than \$1 million but not more than \$2 million, as determined by the order; ~~[or]~~

(E) \$1,050, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than \$2 million but not more than \$3 million, as determined by the order; or

(F) \$1,250, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than \$3 million but not more than \$5 million, as determined by the order. [FA46(2)]

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

No equivalent provision.

SECTION 2.\_\_. Section 41A.06(b), Tax Code, is amended to read as follows:

(b) To initially qualify to serve as an arbitrator under this chapter, a person must:

(1) meet the following requirements, as applicable:

(A) be licensed as an attorney in this state; or

(B) have:

(i) completed at least 30 hours of training in arbitration and alternative dispute resolution procedures from a university, college, or legal or real estate trade association; and

(ii) been licensed or certified continuously during the five years preceding the date the person agrees to serve as an arbitrator as:

(a) a real estate broker or sales agent [~~salesperson~~] under Chapter 1101, Occupations Code;

(b) a real estate appraiser under Chapter 1103, Occupations Code; or

(c) a certified public accountant under Chapter 901, Occupations Code; and

(2) agree to conduct an arbitration for a fee that is not more than:

(A) \$400, if the property qualifies as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is \$500,000 or less, as determined by the order;

(B) \$450, if the property qualifies as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than \$500,000, as determined by the order;

(C) \$450, if the property does not qualify as the owner's

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is \$1 million or less, as determined by the order;  
(D) \$750, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than \$1 million but not more than \$2 million, as determined by the order; ~~or~~  
(E) \$1,000, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than \$2 million but not more than \$3 million, as determined by the order; or  
(F) \$1,200, if the property does not qualify as the owner's residence homestead under Section 11.13 and the appraised or market value, as applicable, of the property is more than \$3 million but not more than \$5 million, as determined by the order. [FA46(2)]

SECTION 2.\_\_. Section 45.105(e), Education Code, is amended to read as follows:  
(e) The governing body of an independent school district that governs a junior college district under Subchapter B, Chapter 130, in a county with a population of more than two million may dedicate a specific percentage of the local tax levy to the use of the junior college district for facilities and equipment or for the maintenance and operating expenses of the junior college district. To be effective, the dedication must be made by the governing body on or before the date on which the governing body adopts its tax rate for a year. The amount of local tax funds derived from the percentage of the local tax

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

levy dedicated to a junior college district from a tax levy may not exceed the amount that would be levied by five percent of the ~~no-new-taxes~~ ~~[effective]~~ tax rate for the tax year calculated as provided by Section 26.04, Tax Code, on all property taxable by the school district. All real property purchased with these funds is the property of the school district, but is subject to the exclusive control of the governing body of the junior college district for as long as the junior college district uses the property for educational purposes. [FA46(2)]

No equivalent provision.

SECTION 2. \_\_. Section 130.016(b), Education Code, is amended to read as follows:

(b) If the board of trustees of an independent school district that divests itself of the management, control, and operation of a junior college district under this section or under Section 130.017 ~~[of this code]~~ was authorized by ~~[Subsection (e) of]~~ Section 45.105(e) or under former Section 20.48(e) ~~[20.48 of this code]~~ to dedicate a portion of its tax levy to the junior college district before the divestment, the junior college district may levy an ad valorem tax from and after the divestment. In the first two years in which the junior college district levies an ad valorem tax, the tax rate adopted by the governing body may not exceed the rate that, if applied to the total taxable value submitted to the governing body under Section 26.04, Tax Code, would impose an amount equal to the amount of taxes of the school district dedicated to the junior college under ~~[Subsection (e) of]~~ Section 45.105(e) or former Section 20.48(e) ~~[20.48 of this code]~~ in the last dedication before the divestment. In subsequent years, the tax rate of the junior college district is subject to Section 26.08 ~~[26.07]~~, Tax Code. [FA46(2)]

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
No equivalent provision.	<p>SECTION 2.__. Section 403.302(o), Government Code, is amended to read as follows:</p> <p>(o) The comptroller shall adopt rules governing the conduct of the study after consultation with the <u>comptroller's property tax administration advisory board</u> [<del>Comptroller's Property Value Study Advisory Committee</del>]. [FA46(2)]</p>	
No equivalent provision.	<p>SECTION 2.__. Sections 281.124(d) and (e), Health and Safety Code, are amended to read as follows:</p> <p>(d) If a majority of the votes cast in the election favor the proposition, the tax rate for the specified tax year is the rate approved by the voters, and that rate is not subject to [<del>a rollback election under</del>] Section <u>26.08</u> [<del>26.07</del>], Tax Code. The board shall adopt the tax rate as provided by Chapter 26, Tax Code.</p> <p>(e) If the proposition is not approved as provided by Subsection (c), the board may not adopt a tax rate for the district for the specified tax year that exceeds the rate that was not approved, and Section <u>26.08</u> [<del>26.07</del>], Tax Code, applies to the adopted rate if that rate exceeds the <u>district's</u> rollback tax rate. [FA46(2)]</p>	
No equivalent provision.	<p>SECTION 2.__. Section 102.007(d), Local Government Code, is amended to read as follows:</p> <p>(d) An adopted budget must contain a cover page that includes:</p> <p>(1) one of the following statements in 18-point or larger type that accurately describes the adopted budget:</p>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(A) "This budget will raise more revenue from property taxes than last year's budget by an amount of (insert total dollar amount of increase), which is a (insert percentage increase) percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).";

(B) "This budget will raise less revenue from property taxes than last year's budget by an amount of (insert total dollar amount of decrease), which is a (insert percentage decrease) percent decrease from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll)."; or

(C) "This budget will raise the same amount of revenue from property taxes as last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).";

(2) the record vote of each member of the governing body by name voting on the adoption of the budget;

(3) the municipal property tax rates for the preceding fiscal year, and each municipal property tax rate that has been adopted or calculated for the current fiscal year, including:

(A) the property tax rate;

(B) the no-new-taxes ~~[effective]~~ tax rate;

(C) the no-new-taxes ~~[effective]~~ maintenance and operations tax rate;

(D) the rollback tax rate; and

(E) the debt rate; and



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(4) the total amount of municipal debt obligations. [FA46(2)]

SECTION 2.\_\_. Section 111.008(d), Local Government Code, is amended to read as follows:

(d) An adopted budget must contain a cover page that includes:

(1) one of the following statements in 18-point or larger type that accurately describes the adopted budget:

(A) "This budget will raise more revenue from property taxes than last year's budget by an amount of (insert total dollar amount of increase), which is a (insert percentage increase) percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).";

(B) "This budget will raise less revenue from property taxes than last year's budget by an amount of (insert total dollar amount of decrease), which is a (insert percentage decrease) percent decrease from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll)."; or

(C) "This budget will raise the same amount of revenue from property taxes as last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).";

(2) the record vote of each member of the commissioners court by name voting on the adoption of the budget;

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

- (3) the county property tax rates for the preceding fiscal year, and each county property tax rate that has been adopted or calculated for the current fiscal year, including:
- (A) the property tax rate;
  - (B) the no-new-taxes ~~[effective]~~ tax rate;
  - (C) the no-new-taxes ~~[effective]~~ maintenance and operations tax rate;
  - (D) the rollback tax rate; and
  - (E) the debt rate; and
- (4) the total amount of county debt obligations. [FA46(2)]

SECTION 2.\_\_. Section 111.039(d), Local Government Code, is amended to read as follows:

(d) An adopted budget must contain a cover page that includes:

- (1) one of the following statements in 18-point or larger type that accurately describes the adopted budget:
  - (A) "This budget will raise more revenue from property taxes than last year's budget by an amount of (insert total dollar amount of increase), which is a (insert percentage increase) percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).";
  - (B) "This budget will raise less revenue from property taxes than last year's budget by an amount of (insert total dollar amount of decrease), which is a (insert percentage decrease) percent decrease from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

proposed tax rate by the value of new property added to the roll)."; or  
(C) "This budget will raise the same amount of revenue from property taxes as last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).";  
(2) the record vote of each member of the commissioners court by name voting on the adoption of the budget;  
(3) the county property tax rates for the preceding fiscal year, and each county property tax rate that has been adopted or calculated for the current fiscal year, including:  
(A) the property tax rate;  
(B) the no-new-taxes ~~[effective]~~ tax rate;  
(C) the no-new-taxes ~~[effective]~~ maintenance and operations tax rate;  
(D) the rollback tax rate; and  
(E) the debt rate; and  
(4) the total amount of county debt obligations. [FA46(2)]

SECTION 2.\_\_. Section 111.068(c), Local Government Code, is amended to read as follows:  
(c) An adopted budget must contain a cover page that includes:  
(1) one of the following statements in 18-point or larger type that accurately describes the adopted budget:  
(A) "This budget will raise more revenue from property taxes than last year's budget by an amount of (insert total dollar amount of increase), which is a (insert percentage increase) percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).";

(B) "This budget will raise less revenue from property taxes than last year's budget by an amount of (insert total dollar amount of decrease), which is a (insert percentage decrease) percent decrease from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll)."; or

(C) "This budget will raise the same amount of revenue from property taxes as last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is (insert amount computed by multiplying the proposed tax rate by the value of new property added to the roll).";

(2) the record vote of each member of the commissioners court by name voting on the adoption of the budget;

(3) the county property tax rates for the preceding fiscal year, and each county property tax rate that has been adopted or calculated for the current fiscal year, including:

(A) the property tax rate;

(B) the no-new-taxes ~~[effective]~~ tax rate;

(C) the no-new-taxes ~~[effective]~~ maintenance and operations tax rate;

(D) the rollback tax rate; and

(E) the debt rate; and

(4) the total amount of county debt obligations. [FA46(2)]

SECTION 2.\_\_. Section 1101.254(f), Special District Local Laws Code, is amended to read as follows:

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(f) This section does not affect the applicability of ~~[any rights district voters may have to petition for an election under]~~ Section 26.08 ~~[26.07]~~, Tax Code, to the district's tax rate, except that if district voters approve a tax rate increase under this section, ~~[the voters may not petition for an election under]~~ Section 26.08 ~~[26.07]~~, Tax Code, does not apply ~~[as]~~ to the tax rate for that year. [FA46(2)]

SECTION 2.\_\_. Sections 1122.2522, 3828.157, and 8876.152, Special District Local Laws Code, are amended to read as follows:

Sec. 1122.2522. ROLLBACK TAX RATE PROVISIONS APPLICABLE. ~~[(a)]~~ If in any year the board adopts a tax rate that exceeds the rollback tax rate calculated as provided by Chapter 26, Tax Code, ~~[the qualified voters of the district by petition may require that]~~ an election under Section 26.08 of that code must be held to determine whether or not to approve ~~[reduce]~~ the tax rate adopted by the board for that year ~~[to the rollback tax rate]~~.

~~[(b) To the extent a conflict exists between this section and a provision of the Tax Code, the provision of the Tax Code prevails.]~~

Sec. 3828.157. INAPPLICABILITY OF CERTAIN TAX CODE PROVISIONS. Sections 26.04, 26.05, and 26.08 ~~[26.07]~~, Tax Code, do not apply to a tax imposed under Section 3828.153 or 3828.156.

Sec. 8876.152. APPLICABILITY OF CERTAIN TAX PROVISIONS. (a) Sections 26.04, 26.05, 26.06, 26.061, and 26.08 ~~[26.07]~~, Tax Code, do not apply to a tax imposed by the district.

(b) Sections 49.236(a)(1) and (2) and (b) [Section 49.236],

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	Water Code, <u>apply</u> [ <del>as added by Chapter 248 (H.B. 1541), Acts of the 78th Legislature, Regular Session, 2003, applies</del> ] to the district. [FA46(2)]	
No equivalent provision.	SECTION 2.___. Section 49.107(g), Water Code, is amended to read as follows: (g) Sections 26.04, 26.05, <u>26.061</u> , and <u>26.08</u> [ <del>26.07</del> ], Tax Code, do not apply to a tax levied and collected under this section or an ad valorem tax levied and collected for the payment of the interest on and principal of bonds issued by a district. [FA46(2)]	
No equivalent provision.	SECTION 2.___. Section 49.108(f), Water Code, is amended to read as follows: (f) Sections 26.04, 26.05, <u>26.061</u> , and <u>26.08</u> [ <del>26.07</del> ], Tax Code, do not apply to a tax levied and collected for payments made under a contract approved in accordance with this section. [FA46(2)]	
No equivalent provision.	SECTION 2.___. Section 49.236, Water Code, as added by Chapter 335 (S.B. 392), Acts of the 78th Legislature, Regular Session, 2003, is amended by amending Subsections (a) and (d) and adding Subsections (e), (f), (g), (h), (i), (j), (k), and (l) to read as follows: (a) Before the board adopts an ad valorem tax rate for the district for debt service, operation and maintenance purposes, or contract purposes, the board shall give notice of each meeting of the board at which the adoption of a tax rate will be considered. The notice must:	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(1) contain a statement in substantially the following form:  
"NOTICE OF PUBLIC HEARING ON TAX RATE  
"The (name of the district) will hold a public hearing on a proposed tax rate for the tax year (year of tax levy) on (date and time) at (meeting place). Your individual taxes may increase or decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.  
"(Names of all board members and, if a vote was taken, an indication of how each voted on the proposed tax rate and an indication of any absences.)";  
(2) contain the following information:  
(A) the district's total adopted tax rate for the preceding year and the proposed tax rate, expressed as an amount per \$100;  
(B) the difference, expressed as an amount per \$100 and as a percent increase or decrease, as applicable, in the proposed tax rate compared to the adopted tax rate for the preceding year;  
(C) the average appraised value of a residence homestead in the district in the preceding year and in the current year; the district's total homestead exemption, other than an exemption available only to disabled persons or persons 65 years of age or older, applicable to that appraised value in each of those years; and the average taxable value of a residence homestead in the district in each of those years, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older;  
(D) the amount of tax that would have been imposed by the district in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in that year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older;

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(E) the amount of tax that would be imposed by the district in the current year on a residence homestead appraised at the average appraised value of a residence homestead in that year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older, if the proposed tax rate is adopted; ~~and~~

(F) the difference between the amounts of tax calculated under Paragraphs (D) and (E), expressed in dollars and cents and described as the annual percentage increase or decrease, as applicable, in the tax to be imposed by the district on the average residence homestead in the district in the current year if the proposed tax rate is adopted; and

(G) if the proposed combined debt service, operation and maintenance, and contract tax rate requires or authorizes an election in the district to ratify the tax rate, a description of the purpose of the proposed tax increase; and

(3) contain a statement in substantially the following form, as applicable:

(A) if there are not any new improvements in the district in the current tax year:  
"NOTICE OF VOTE ON TAX RATE [~~TAXPAYERS' RIGHT TO ROLLBACK ELECTION~~]  
"If taxes on the average residence homestead increase by more than five ~~eight~~ percent, ~~[the qualified voters of the district by petition may require that]~~ an election must be held to determine whether to ratify ~~[reduce]~~ the ~~[operation and maintenance]~~ tax rate ~~[to the rollback tax rate]~~ under Section 49.236(d), Water Code."; or

(B) if there are any new improvements in the district in the current tax year:  
"NOTICE OF TAXPAYERS' RIGHT TO ROLLBACK ELECTION



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

"If taxes on the average residence homestead increase by more than five percent, the qualified voters of the district by petition may require that an election be held to determine whether to ratify the tax rate under Section 49.236(e), Water Code."

(d) This subsection applies to a district only if there are not any new improvements in the district in the current tax year. If the board [governing body] of the [a] district adopts a combined debt service, operation and maintenance, and contract tax rate that would impose more than 1.05 [1.08] times the amount of tax imposed by the district in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in the district in that year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older, [the qualified voters of the district by petition may require that] an election must be held to determine whether [or not] to ratify [reduce] the tax rate adopted for the current year [to the rollback tax rate] in accordance with the procedures provided by Sections 26.08(b)-(d-2) [26.07(b) (g) and 26.081], Tax Code.

(e) This subsection and Subsections (f)-(i) apply to a district only if there are any new improvements in the district in the current tax year. If the board of the district adopts a combined debt service, operation and maintenance, and contract tax rate that would impose more than 1.05 times the amount of tax imposed by the district in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in the district in that year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older, the qualified voters of the district by petition may require that an election be held to determine whether to ratify the tax rate adopted for the current

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

year in accordance with the procedures provided by Subsections (f)-(i) of this section and Section 26.081, Tax Code.

(f) A petition is valid only if:

(1) it states that it is intended to require an election in the district on the question of ratifying the tax rate adopted for the current year;

(2) it is signed by a number of registered voters of the district equal to at least:

(A) seven percent of the number of registered voters of the district according to the most recent official list of registered voters if the tax rate adopted for the current tax year would impose taxes for operation and maintenance in an amount of at least \$5 million; or

(B) 10 percent of the number of registered voters of the district according to the most recent official list of registered voters if the tax rate adopted for the current tax year would impose taxes for operation and maintenance in an amount of less than \$5 million; and

(3) it is submitted to the board on or before the 90th day after the date on which the board adopted the tax rate for the current year.

(g) Not later than the 20th day after the day a petition is submitted, the board shall determine whether or not the petition is valid and pass a resolution stating its finding. If the board fails to act within the time allowed, the petition is treated as if it had been found valid.

(h) If the board finds that the petition is valid (or fails to act within the time allowed), it shall order that an election be held in the district on a date not less than 30 or more than 90 days after the last day on which it could have acted to approve or disapprove the petition. A state law requiring local elections

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

to be held on a specified date does not apply to the election unless a specified date falls within the time permitted by this section. At the election, the ballots shall be prepared to permit voting for or against the proposition: "Approving the ad valorem tax rate of \$ \_\_\_\_\_ per \$100 valuation in (name of district) for the current year, a rate that is \$ \_\_\_\_\_ higher per \$100 valuation than the district's rollback tax rate, for the purpose of (description of purpose of increase)." The ballot proposition must include the adopted tax rate and the difference between that rate and the rollback tax rate in the appropriate places.

(i) Sections 26.08(c), (d), (d-1), and (d-2), Tax Code, apply to an election under Subsection (e) of this section in the same manner as those subsections apply to an election under Section 26.08, Tax Code.

(j) For purposes of an election under Subsection (d) or (e), as applicable [Sections 26.07(b) (g) and this subsection], the rollback tax rate of a district is the sum of the following tax rates:

(1) the current year's debt service tax rate;

(2) the current year's [and] contract tax rate; and

(3) [rates plus] the operation and maintenance tax rate that would impose 1.05 [1.08] times the amount of the operation and maintenance tax imposed by the district in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in the district in that year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older.

(k) Notwithstanding any other provision of this section, the board may substitute "eight percent" for "five percent" in Subsection (a) and "1.08" for "1.05" in Subsection (d) or (e), as applicable, and Subsection (j) if any part of the district is

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	<u>located in an area declared a disaster area during the current tax year by the governor or by the president of the United States.</u> <u>(1) In this section, "improvement" has the meaning assigned by Section 1.04, Tax Code. [FA46(2)]</u>	
No equivalent provision.	SECTION 2.___. The following provisions are repealed: (1) Sections 403.302(m-1) and (n), Government Code; (2) Section 140.010, Local Government Code; (3) Section 1063.255, Special District Local Laws Code; (4) Section 26.07, Tax Code; (5) Section 41.44(b-1), Tax Code; (6) Section 49.236, Water Code, as added by Chapter 248 (H.B. 1541), Acts of the 78th Legislature, Regular Session, 2003; and (7) Section 49.2361, Water Code. [FA46(2)]	
No equivalent provision.	SECTION 2.___. The changes in law made by this article relating to the ad valorem tax rate of a taxing unit apply beginning with the 2018 tax year. [FA46(2)]	
No equivalent provision.	SECTION 2.___. Sections 5.05, 5.102, 5.13, and 23.01, Tax Code, as amended by this Act, apply only to the appraisal of property for ad valorem tax purposes for a tax year beginning on or after January 1, 2018. [FA46(2)]	
No equivalent provision.	SECTION 2.___. Section 6.41(d-9), Tax Code, as amended by this Act, and Section 6.41(d-10), Tax Code, as added by this	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	Act, apply only to the appointment of appraisal review board members to terms beginning on or after January 1, 2019. [FA46(2)]	
No equivalent provision.	SECTION 2.__. Section 6.42(d), Tax Code, as added by this Act, applies only to a recommendation, determination, decision, or other action by an appraisal review board or a panel of such a board on or after January 1, 2018. A recommendation, determination, decision, or other action by an appraisal review board or a panel of such a board before January 1, 2018, is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose. [FA46(2)]	
No equivalent provision.	SECTION 2.__. Sections 11.4391(a), 21.09(b), and 22.23, Tax Code, as amended by this Act, apply only to ad valorem taxes imposed for a tax year beginning on or after January 1, 2018. [FA46(2)]	
No equivalent provision.	SECTION 2.__. Section 25.19(b-3), Tax Code, as added by this Act, applies only to a notice of appraised value for a tax year beginning on or after January 1, 2019. A notice of appraised value for a tax year beginning before January 1, 2019, is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose. [FA46(2)]	
No equivalent provision.	SECTION 2.__. Section 41.03(a), Tax Code, as amended by	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	this Act, applies only to a challenge under Chapter 41, Tax Code, for which a challenge petition is filed on or after January 1, 2018. A challenge under Chapter 41, Tax Code, for which a challenge petition was filed before January 1, 2018, is governed by the law in effect on the date the challenge petition was filed, and the former law is continued in effect for that purpose. [FA46(2)]	
No equivalent provision.	SECTION 2.__. Sections 41.45 and 41.66, Tax Code, as amended by this Act, apply only to a protest filed under Chapter 41, Tax Code, on or after January 1, 2019. A protest filed under that chapter before January 1, 2019, is governed by the law in effect on the date the protest was filed, and the former law is continued in effect for that purpose. [FA46(2)]	
No equivalent provision.	SECTION 2.__. Section 41.71, Tax Code, as amended by this Act, applies only to a hearing on a protest under Chapter 41, Tax Code, that is scheduled on or after January 1, 2018. A hearing on a protest under Chapter 41, Tax Code, that is scheduled before January 1, 2018, is governed by the law in effect on the date the hearing was scheduled, and that law is continued in effect for that purpose. [FA46(2)]	
No equivalent provision.	SECTION 2.__. Sections 41A.01, 41A.03, and 41A.06, Tax Code, as amended by this Act, apply only to a request for binding arbitration under Chapter 41A, Tax Code, that is filed on or after January 1, 2018. A request for binding arbitration under Chapter 41A, Tax Code, that is filed before January 1, 2018, is governed by the law in effect on the date the request	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	is filed, and the former law is continued in effect for that purpose. [FA46(2)]	
No equivalent provision.	<p>SECTION 2.__. (a) Except as provided by Subsections (b) and (c) of this section, this article takes effect January 1, 2018.</p> <p>(b) The following provisions take effect September 1, 2017:</p> <p>(1) Sections 26.04(d-4) and (e-2), Tax Code; and</p> <p>(2) Section 26.16(d-3), Tax Code.</p> <p>(c) The following provisions take effect September 1, 2018:</p> <p>(1) Sections 6.41(b) and (d-9), Tax Code, as amended by this Act;</p> <p>(2) Sections 6.41(b-1), (b-2), and (d-10), Tax Code, as added by this Act;</p> <p>(3) Section 6.414(d), Tax Code, as amended by this Act;</p> <p>(4) Section 6.425, Tax Code, as added by this Act;</p> <p>(5) Section 25.19(b-3), Tax Code, as added by this Act;</p> <p>(6) Section 41.44(d), Tax Code, as amended by this Act;</p> <p>(7) Section 41.45(d), Tax Code, as amended by this Act;</p> <p>(8) Sections 41.45(d-1), (d-2), and (d-3), Tax Code, as added by this Act;</p> <p>(9) Section 41.66(k), Tax Code, as amended by this Act; and</p> <p>(10) Section 41.66(k-1), Tax Code, as added by this Act.</p> <p>[FA46(2)]</p>	
No equivalent provision.	ARTICLE 3. MISCELLANEOUS PROVISIONS	
No equivalent provision.	<p>SECTION 3.__. Subtitle B, Title 10, Local Government Code, is amended by adding Chapter 328 to read as follows:</p>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

CHAPTER 328. COUNTY WATER RECREATION  
SAFETY ZONE ALONG CERTAIN RIVERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 328.001. APPLICABILITY. This chapter applies only to a county that borders or includes all or part of a river with headwaters located on the campus of an institution of the Texas State University System.

Sec. 328.002. DEFINITIONS. In this chapter:

(1) "Fee" means a county water recreation safety zone fee authorized by Subchapter C.

(2) "Fund" means a county water recreation safety zone fund created under Subchapter C.

(3) "Water-oriented recreational equipment" means recreational equipment intended for use on a river or other body of water, including a canoe, tube, raft, boat, or kayak.

(4) "Zone" means a county water recreation safety zone designated under Subchapter B.

SUBCHAPTER B. DESIGNATION OF COUNTY WATER RECREATION SAFETY ZONE

Sec. 328.021. AUTHORITY TO DESIGNATE ZONE. (a) The commissioners court of a county may designate a contiguous geographic area located in the county that is adjacent to and includes all or part of a river described by Section 328.001 as a county water recreation safety zone.

(b) The commissioners court of a county may not designate a zone under this subchapter unless the commissioners court first complies with the requirements of Sections 328.023, 328.024, 328.025, and 328.026.

Sec. 328.022. PURPOSE OF ZONE. A county may designate a zone only for the purpose of improving the public health, safety, and welfare of:

(1) residents of the zone; and



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(2) individuals who engage in recreational activities in, on, or along a river described by Section 328.001 that is located in the zone.

Sec. 328.023. PROPOSAL TO DESIGNATE ZONE. (a) The commissioners court of a county:

(1) may propose the designation of a zone on the commissioners court's own motion; and

(2) shall propose the designation of a zone if the county clerk receives a written petition for the designation signed by a number of registered voters of the county equal to at least five percent of the votes received in the county in the most recent gubernatorial general election.

(b) A proposal described by Subsection (a) must describe the boundaries of the proposed zone with sufficient definiteness to identify with ordinary and reasonable certainty the area included in the zone.

Sec. 328.024. PRELIMINARY PLAN FOR FEES. Before conducting a public hearing under Section 328.025, the commissioners court must prepare a preliminary plan for the use of zone fees that the county may impose.

Sec. 328.025. PUBLIC HEARING. (a) A commissioners court that adopts a proposal to designate a zone must hold a public hearing on the proposal and the preliminary plan for fees at which members of the public are given the opportunity to be heard.

(b) The commissioners court must hold the hearing not earlier than the 20th day or later than the 40th day after the date the commissioners court adopts the proposal designating the zone.

(c) The county must publish notice of the public hearing in a newspaper of general circulation in the county at least once each week during the two weeks preceding the date of the hearing.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Sec. 328.026. ELECTION. (a) Following the public hearing held under Section 328.025, the commissioners court shall order an election on the question of designating the zone if the commissioners court finds that the designation will serve the purpose prescribed by Section 328.022.

(b) A commissioners court that orders an election under this section must order the election to be held on the first uniform election date that falls on or after the 78th day after the date the public hearing is held.

(c) The order calling the election must allow voters in the county to vote for or against the designation of the proposed zone.

(d) A county that holds an election under this section must hold the election in the same manner as a general election of the county.

Sec. 328.027. DESIGNATION OF ZONE. (a) The commissioners court of a county in which the voters approve the designation of the zone at an election held under this subchapter shall designate the area as a zone.

(b) Not later than the fifth day after the date the commissioners court adopts the order described by Section 328.026, the county must send notice of the designation to the commissioners court of each county authorized to designate a zone under this chapter.

SUBCHAPTER C. COUNTY WATER RECREATION SAFETY ZONE FEE

Sec. 328.041. COUNTY WATER RECREATION SAFETY ZONE FEE. (a) A commissioners court that has designated a zone under Subchapter B may impose a county water recreation safety zone fee in the zone as provided by this section.

(b) The commissioners court may impose the fee on:

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(1) the rental of water-oriented recreational equipment;  
(2) the provision of shuttle service related to water-oriented recreational activities;  
(A) in the zone; or  
(B) into or out of the zone; and  
(3) a service for ingress or egress to a river described by Section 328.001 that is located in the zone.  
(c) The commissioners court may impose different fee rates for different types of water-oriented recreational equipment or services for which the county is authorized to impose the fee. The commissioners court may not impose the fee at a rate greater than four dollars per person for each:  
(1) rental of water-oriented recreational equipment in the zone; or  
(2) if the person does not rent water-oriented recreational equipment in the zone:  
(A) use of a shuttle service described by Subsection (b)(2); or  
(B) service for ingress or egress to a river described by Section 328.001 that is located in the zone.  
(d) The commissioners court by order shall establish:  
(1) procedures and deadlines for a person who collects a fee under this subchapter to report and remit the fee;  
(2) penalties and interest for failure to timely remit a fee collected under this subchapter; and  
(3) any other requirement necessary for the administration of the fee imposed under this section.  
Sec. 328.042. EXEMPTION. A county may not impose the fee authorized by this subchapter on a transaction to which the United States or this state is a party.  
Sec. 328.043. COLLECTION AND REMITTANCE OF FEE. (a) A person who rents water-oriented recreational equipment under Section 328.041(b)(1) to another person or

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

who provides a service described by Section 328.041(b)(2) or (3) to that person shall collect the fee imposed under this subchapter from the other person and shall report and remit the fee to the county in the manner prescribed by the county.

(b) A person responsible for collecting the fee is liable to the county for the amount of the fee required to be collected under this section.

Sec. 328.044. COUNTY WATER RECREATION SAFETY ZONE FUND. (a) A county in which the commissioners court has designated a zone under Subchapter B must create and maintain a county water recreation safety zone fund as a separate account in a depository authorized to accept deposits of county public funds.

(b) The county shall deposit all fee revenue remitted to the county under this subchapter to the credit of the fund.

(c) A county may not use fee revenue deposited to the credit of the fund for a purpose other than the purpose prescribed by Section 328.045.

Sec. 328.045. USE OF FEE REVENUE. A county may use fee revenue deposited in the fund only to employ or contract with additional peace officers, as defined by Article 2.12, Code of Criminal Procedure, to provide law enforcement in the zone.

SUBCHAPTER D. DISSOLUTION OF ZONE

Sec. 328.061. DISSOLUTION OF ZONE. (a) The commissioners court of a county that has designated a zone under Subchapter B:

(1) may propose the dissolution of the zone on the commissioners court's own motion; and

(2) shall propose the dissolution of the zone if the county clerk receives a written petition for the dissolution of the zone signed by a number of the registered voters of the county

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

equal to at least 10 percent of the votes received in the county in the most recent gubernatorial general election.  
(b) A commissioners court that adopts a proposal for the dissolution of a zone must hold a public hearing on the proposal in the manner prescribed by Section 328.025.  
(c) After the public hearing, the commissioners court shall order the dissolution of the zone if the commissioners court finds that the dissolution is in the best interest of the county.  
SUBCHAPTER E. EXPIRATION OF AUTHORITY TO DESIGNATE ZONE  
Sec. 328.081. EXPIRATION OF AUTHORITY TO DESIGNATE ZONE. A commissioners court may not designate a zone under this chapter after August 31, 2019, if the commissioners court has not designated a zone before that date. [FA2]

SECTION 3.\_\_\_\_. Section 775.0751(c-1), Health and Safety Code, is amended to read as follows:  
(c-1) A district that otherwise would be precluded from adopting a sales and use tax under Subsection (c) may adopt a sales and use tax, change the rate of its sales and use tax, or abolish its sales and use tax at an election held as provided by Section 775.0752, if the board:  
(1) excludes from the ~~[election and the]~~ applicability of any proposed sales and use tax any territory in the district where the sales and use tax is then at two percent; and  
(2) not later than the 30th day after the date on which the board issues the election order, gives, for informational purposes, written or oral notice on the proposed imposition, increase, or abolition of the sales and use tax, including the reasons for the proposed change, to the commissioners court

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

of each county in which the district is located. [FA3]

SECTION 3.\_\_. Section 775.0752, Health and Safety Code, is amended by adding Subsection (f) to read as follows:  
(f) At an election described by Section 775.0751(c-1) to adopt the tax, the ballot shall be prepared to permit voting for or against the proposition: "The adoption of a local sales and use tax in (name of district) at a rate not to exceed (proposed tax rate) percent in any location in the district." [FA3]

SECTION 3.\_\_. The acts and proceedings of an emergency services district relating to an election described by Section 775.0751(c-1), Health and Safety Code, to impose a sales and use tax that was held November 3, 2015, and at which the ballot proposition used language from Section 775.0752, Health and Safety Code, and was approved by a majority of the voters voting on the proposition are validated as of the dates they occurred. The validation includes the preparation and wording of the ballot proposition, any action taken by the district in calling, holding, and canvassing the tax election, and any other action taken by the district before the effective date of this Act in connection with the imposition of the tax approved in the tax election. A district may take any further action or conduct any further proceeding necessary to complete the imposition of the tax approved at the tax election. [FA3]

SECTION 3.\_\_.Effective September 1, 2017, Section 234.132, Local Government Code, as amended by Chapters

No equivalent provision.

No equivalent provision.

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

623 (S.B. 1210) and 1170 (S.B. 866), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

Sec. 234.132. APPLICABILITY. This subchapter applies only to:

- (1) a county that has a population of less than 25,000, is adjacent to the Gulf of Mexico, and is within 50 miles of an international border;
- (2) a county that has a population of four million or more;
- (3) a county that is adjacent to the Gulf of Mexico and to a county that has a population of four million or more; ~~[and]~~
- (4) a county located on the Texas-Mexico border that has a population of less than 300,000 and contains a municipality with a population of 200,000 or more;
- (5) ~~(3)~~ a county that has a population of 550,000 or more and is adjacent to a county described by Subdivision (2);
- (6) a county that is located in the Permian Basin within 25 miles of this state's border with another state of the United States and has a population of more than 130,000;
- (7) a county that is located on this state's border with Louisiana, has a population of more than 65,000, and is within 50 miles of a municipality in Louisiana with a population of more than 150,000;
- (8) a county that has a population of more than 200,000 and less than 220,000; and
- (9) a county that has a population of more than 1.8 million and that is adjacent to a county with a population of more than 2.2 million. [FA4]

SECTION 3.\_\_. Section 158.001, Local Government Code, is amended by adding Subdivision (4) to read as follows:

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	<p>(4) <u>"Supplemental commission" means a supplemental commission established under Section 158.0085. [FA6]</u></p>	
<p>No equivalent provision.</p>	<p>SECTION 3.__. Subchapter A, Chapter 158, Local Government Code, is amended by adding Section 158.0085 to read as follows: <u>Sec. 158.0085. SUPPLEMENTAL COMMISSION IN CERTAIN COUNTIES. (a) This section applies only to a county:</u> <u>(1) with a population of more than two million that is adjacent to a county with a population of more than one million; and</u> <u>(2) in which a civil service system has been created under this subchapter.</u> <u>(b) The commissioners court of a county may establish one or more supplemental commissions to assist the commission in administering the system.</u> <u>(c) The commissioners court shall appoint three individuals to serve as members of each supplemental commission and shall designate one of the members as chair of the supplemental commission.</u> <u>(d) Sections 158.008(b)-(e) apply to the appointment of a member of a supplemental commission in the same manner that those provisions apply to the appointment of a member of the commission. [FA6]</u></p>	
<p>No equivalent provision.</p>	<p>SECTION 3.__. Section 158.009, Local Government Code, is amended to read as follows: <u>Sec. 158.009. POWERS OF THE COMMISSION AND SUPPLEMENTAL COMMISSIONS. (a) Except as provided</u></p>	



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

by Subsection (a-1) and Section 158.010, the commission shall adopt, publish, and enforce rules regarding the following categories of matters:

- (1) the definition of a county employee;
- (2) selection and classification of county employees;
- (3) competitive examinations;
- (4) promotions, seniority, and tenure;
- (5) layoffs and dismissals;
- (6) disciplinary actions;
- (7) grievance procedures; and
- (8) other matters relating to the selection of county employees and the procedural and substantive rights, advancement, benefits, and working conditions of county employees.

(a-1) Notwithstanding any other provision of this subchapter, a supplemental commission shall adopt, publish, or enforce a rule regarding a category of matters listed under Subsection (a) if the adoption, publication, or enforcement of the rule is specifically delegated by category to the supplemental commission by the commissioners court. If the commissioners court has established more than one supplemental commission, the commissioners court may not delegate the authority to adopt, publish, or enforce a rule regarding a category of matters listed under Subsection (a) to more than one of the supplemental commissions. The commission may not adopt, publish, or enforce a rule regarding a category of matters listed under Subsection (a) if the commissioners court has delegated that authority to a supplemental commission.

(b) The commission or a supplemental commission may adopt or use as a guide any civil service law or rule of the United States, this state, or a political subdivision in this state to the extent that the law or rule promotes the purposes of this

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

subchapter and serves the needs of the county.  
(c) The commission or a supplemental commission may not adopt or enforce a rule requiring a county employee to retire because of age. The commission or a supplemental commission may adopt a rule requiring a county employee, on reaching an age set by the commission, to submit annually to the commission an affidavit from a physician stating that the employee is physically and mentally capable of continuing employment. [FA6]

SECTION 3.\_\_. Sections 158.0095(a) and (b), Local Government Code, are amended to read as follows:  
(a) In a proceeding before the commission or a supplemental commission under this subchapter, the chair [~~chairman~~] of the commission or of the supplemental commission, as applicable, shall, on request of a person described by Subsection (b):  
(1) administer oaths; and  
(2) issue subpoenas and subpoenas duces tecum for the attendance of witnesses and for the production of documentary material.  
(b) The affected employee, the county attorney, or a designee of the employee or county attorney may request the chair [~~chairman~~] of the commission or of the supplemental commission, as applicable, to subpoena any books, records, documents, papers, accounts, or witnesses that the requestor considers relevant to the case. The request must be made before the 15th day before the date the applicable [~~a~~] commission or supplemental commission proceeding will be held. [FA6]

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
No equivalent provision.	<p>SECTION 3.___. Section 158.010(e), Local Government Code, is amended to read as follows:</p> <p>(e) The rules adopted by the commission <u>or a supplemental commission</u> under Section 158.009 relating to the selection and classification of county employees and to competitive examinations for selection apply to the initial hiring of personnel under this section. [FA6]</p>	
No equivalent provision.	<p>SECTION 3.___. Section 158.011, Local Government Code, is amended to read as follows:</p> <p>Sec. 158.011. COMPENSATION AND STAFF. The members of the commission <u>and of a supplemental commission</u> serve without compensation, but the commissioners court shall reimburse each member for all necessary expenses incurred in performing the member's duties. The commissioners court shall provide the commission with adequate office space <u>for the commission and each supplemental commission</u> and sufficient funds to employ an adequate staff and to purchase necessary supplies and equipment. [FA6]</p>	
No equivalent provision.	<p>SECTION 3.___. Section 158.012(a), Local Government Code, is amended to read as follows:</p> <p>(a) A county employee who, on a final decision by the commission <u>or a supplemental commission</u>, is demoted, suspended, or removed from the employee's position may appeal the decision by filing a petition in a district court in the county within 30 days after the date of the decision. [FA6]</p>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
No equivalent provision.	<p>SECTION 3.__. Section 158.0121, Local Government Code, is amended to read as follows:</p> <p>Sec. 158.0121. REVIEW UNDER SUBSTANTIAL EVIDENCE RULE. In an appeal under Section 158.012, the district court may not substitute its judgment for the judgment of the commission <u>or a supplemental commission</u> on the weight of the evidence on questions committed to the <u>commission or supplemental</u> commission's discretion but:</p> <p>(1) may affirm the <u>commission or supplemental</u> commission's decision in whole or in part; and</p> <p>(2) shall reverse or remand the case for further proceedings if substantial rights of the petitioner have been prejudiced because the <u>commission or supplemental</u> commission's findings, inferences, conclusions, or decisions are:</p> <p>(A) in violation of a constitutional or statutory provision;</p> <p>(B) in excess of the <u>commission or supplemental</u> commission's authority;</p> <p>(C) made through unlawful procedure;</p> <p>(D) affected by other error of law;</p> <p>(E) not reasonably supported by substantial evidence considering the reliable and probative evidence in the record as a whole; or</p> <p>(F) arbitrary or capricious, characterized by abuse of discretion, or clearly an unwarranted exercise of discretion.</p> <p>[FA6]</p>	
No equivalent provision.	<p>SECTION 3.__. Section 158.0122, Local Government Code, is amended to read as follows:</p> <p>Sec. 158.0122. PROCEDURES FOR REVIEW UNDER SUBSTANTIAL EVIDENCE RULE. (a) After service of the petition on the commission <u>or a supplemental commission</u> and</p>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

within the time permitted for filing an answer or within additional time allowed by the court, the commission or supplemental commission, as applicable, shall send to the reviewing court the original or a certified copy of the entire record of the proceeding under review. The record shall be filed with the clerk of the court. The record may be shortened by stipulation of all parties to the review proceedings. The court may assess additional costs against a party who unreasonably refuses to stipulate to limit the record, unless the party pays all costs of record preparation. The court may require or permit later corrections or additions to the record.

(b) A party may apply to the court to present additional evidence. If the court is satisfied that the additional evidence is material and that there were good reasons for the failure to present it in the proceeding before the commission or supplemental commission, the court may order that the additional evidence be taken before the commission or supplemental commission, as applicable, on conditions determined by the court. The commission or supplemental commission, as applicable, may change its findings and decisions by reason of the additional evidence and shall file the additional evidence and any changes, new findings, or decisions with the reviewing court.

(c) The party seeking judicial review shall offer, and the reviewing court shall admit, the commission or supplemental commission record, as applicable, into evidence as an exhibit.

(d) The court shall conduct the review sitting without a jury and is confined to the commission or supplemental commission record, as applicable, except that the court may receive evidence of procedural irregularities alleged to have occurred before the commission or supplemental commission that are not reflected in the record. [FA6]

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
No equivalent provision.	SECTION 3.__. The heading to Section 158.0123, Local Government Code, is amended to read as follows: Sec. 158.0123. COST OF PREPARING [ <del>COMMISSION</del> ] RECORD OF PROCEEDING. [FA6]	
No equivalent provision.	SECTION 3.__. Section 158.0123(a), Local Government Code, is amended to read as follows: (a) The commission <u>or supplemental commission, as applicable,</u> may require a party who appeals a final decision under Section 158.012 to pay one-half of the cost of preparation of the original or a certified copy of the record of the [ <del>commission</del> ] proceeding that is required to be sent to the reviewing court. [FA6]	
No equivalent provision.	SECTION 3.__. (a) Each county board of education, board of county school trustees, and office of county school superintendent in a county with a population of 2.2 million or more and that is adjacent to a county with a population of more than 800,000 is abolished effective November 15, 2017, unless the continuation of the county board of education, board of county school trustees, and office of county school superintendent is approved by a majority of voters at an election held on the November 2017 uniform election date in the county in which the county board of education, board of county school trustees, and office of county school superintendent are located. Subsections (b)-(q) of this section do not take effect in a county if the continuation of the county board of education, board of county school trustees, and office	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

of county school superintendent is approved at the election held in the county under this subsection.

(b) Not later than November 15, 2017, a dissolution committee shall be formed for each county board of education or board of county school trustees to be abolished as provided by Subsection (a) of this section. The dissolution committee is responsible for all financial decisions for each county board of education or board of county school trustees abolished by this Act, including asset distribution and payment of all debt obligations.

(c) A dissolution committee required by this Act shall be appointed by the comptroller and include:

- (1) one financial advisor;
- (2) the superintendent of the participating component school district with the largest number of students in average daily attendance or the superintendent's designee;
- (3) one certified public accountant;
- (4) one auditor who holds a license or other professional credential; and
- (5) one bond counsel who holds a license or other professional credential.

(d) A dissolution committee created under this Act is subject to the open meetings requirements under Chapter 551, Government Code, and public information requirements under Chapter 552, Government Code.

(e) Members of a dissolution committee may not receive compensation but are entitled to reimbursement for actual and necessary expenses incurred in performing the functions of the dissolution committee.

(f) Subject to the other requirements of this Act, the dissolution committee shall determine the manner in which all assets, liabilities, contracts, and services of the county board

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

of education or board of county school trustees abolished by this Act are divided, transferred, or discontinued. The dissolution committee shall create a sinking fund to deposit all money received in the abolishment of each county board of education or board of county school trustees for the payment of all debts of the county board of education or board of county school trustees.

(g) The dissolution committee shall continue providing transportation services to participating component school districts for the 2017-2018 school year. The dissolution committee shall maintain current operations and personnel needed to provide the transportation services.

(h) At the end of the 2017-2018 school year all school buses, vehicles, and bus service centers shall be transferred to participating component school districts in proportionate shares equal to the proportion that the membership in each district bears to total membership in the county as of September 1, 2018, at no cost to the districts.

(i) The dissolution committee may employ for the 2017-2018 school year one person to assist in the abolishment of the county board of education or board of county school trustees.

(j) On September 1, 2017, the participating component school district with the largest number of students in average daily attendance has the right of first refusal to buy, at fair market value, the administrative building of the county board of education or board of county school trustees.

(k) An ad valorem tax assessed by a county board of education or board of county school trustees shall continue to be assessed by the county on behalf of the board for the purpose of paying the principal of and interest on any bonds issued by the county board of education or board of county school trustees until all bonds are paid in full. This subsection



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

applies only to a bond issued before the effective date of this Act for which the tax receipts were obligated. On payment of all bonds issued by the county board of education or board of county school trustees the ad valorem tax may not be assessed.

(l) In the manner provided by rule of the commissioner of education, the county shall collect and use any delinquent taxes imposed by or on behalf of the county board of education or board of county school trustees.

(m) The dissolution committee shall distribute the assets remaining after discharge of the liabilities of the county board of education or board of county school trustees to the component school districts in the county in proportionate shares equal to the proportion that the membership in each district bears to total membership in the county as of September 1, 2017. The dissolution committee shall liquidate board assets as necessary to discharge board liabilities and facilitate the distribution of assets. A person authorized by the dissolution committee shall execute any documents necessary to complete the transfer of assets, liabilities, or contracts.

(n) The dissolution committee shall encourage the component school districts to:

(1) continue sharing services received through the county board of education or board of county school trustees; and

(2) give preference to private sector contractors to continue services provided by the county board of education or board of county school trustees.

(o) The chief financial officer and financial advisor for the county board of education or board of county school trustees shall provide assistance to the dissolution committee in abolishing the county board of education or board of county school trustees.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	<p>(p) The Texas Education Agency shall provide assistance to a dissolution committee in the distribution of assets, liabilities, contracts, and services of a county board of education or board of county school trustees abolished by this Act.</p> <p>(q) Any dissolution committee created as provided by this Act is abolished on the date all debt obligations of the county board of education or board of county school trustees are paid in full and all assets distributed to component school districts.</p> <p>(r) In an election held in a county as provided by Subsection (a) of this section, the ballot must include the following proposition: "Authorizing the continued operation of the county board of education, board of county school trustees, and office of county school superintendent in ____ County and collection of the ____ County School Equalization ad valorem tax." [FA7]</p>	
No equivalent provision.	SECTION 3.___. Chapter 266 (S.B. 394), Acts of the 40th Legislature, Regular Session, 1927 (Article 2700a, Vernon's Texas Civil Statutes), is repealed. [FA7]	
No equivalent provision.	<p>SECTION 3.___. Subtitle D, Title 4, Health and Safety Code, is amended by adding Chapter 298B to read as follows:</p> <p><u>CHAPTER 298B. TARRANT COUNTY HOSPITAL DISTRICT HEALTH CARE PROVIDER PARTICIPATION PROGRAM</u></p> <p><u>SUBCHAPTER A. GENERAL PROVISIONS</u></p> <p><u>Sec. 298B.001. DEFINITIONS. In this chapter:</u></p> <p><u>(1) "Board" means the board of hospital managers of the district.</u></p> <p><u>(2) "District" means the Tarrant County Hospital District.</u></p>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(3) "Institutional health care provider" means a nonpublic hospital located in the district that provides inpatient hospital services.

(4) "Paying provider" means an institutional health care provider required to make a mandatory payment under this chapter.

(5) "Program" means the health care provider participation program authorized by this chapter.

Sec. 298B.002. APPLICABILITY. This chapter applies only to the Tarrant County Hospital District.

Sec. 298B.003. HEALTH CARE PROVIDER PARTICIPATION PROGRAM; PARTICIPATION IN PROGRAM. The board may authorize the district to participate in a health care provider participation program on the affirmative vote of a majority of the board, subject to the provisions of this chapter.

Sec. 298B.004. EXPIRATION OF AUTHORITY. (a) Subject to Sections 298B.153(d) and 298B.154, the authority of the district to administer and operate a program under this chapter expires December 31, 2019.

(b) Subsection (a) does not affect the authority of the district to require and collect a mandatory payment under Section 298B.154 after December 31, 2019, if necessary.

SUBCHAPTER B. POWERS AND DUTIES OF BOARD

Sec. 298B.051. LIMITATION ON AUTHORITY TO REQUIRE MANDATORY PAYMENT. The board may require a mandatory payment authorized under this chapter by an institutional health care provider in the district only in the manner provided by this chapter.

Sec. 298B.052. RULES AND PROCEDURES. The board may adopt rules relating to the administration of the program, including collection of the mandatory payments, expenditures,

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

audits, and any other administrative aspects of the program.  
Sec. 298B.053. INSTITUTIONAL HEALTH CARE PROVIDER REPORTING. If the board authorizes the district to participate in a program under this chapter, the board shall require each institutional health care provider to submit to the district a copy of any financial and utilization data required by and reported to the Department of State Health Services under Sections 311.032 and 311.033 and any rules adopted by the executive commissioner of the Health and Human Services Commission to implement those sections.  
SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS  
Sec. 298B.101. HEARING. (a) In each year that the board authorizes a program under this chapter, the board shall hold a public hearing on the amounts of any mandatory payments that the board intends to require during the year and how the revenue derived from those payments is to be spent.  
(b) Not later than the fifth day before the date of the hearing required under Subsection (a), the board shall publish notice of the hearing in a newspaper of general circulation in the district and provide written notice of the hearing to each institutional health care provider in the district.  
Sec. 298B.102. DEPOSITORY. (a) If the board requires a mandatory payment authorized under this chapter, the board shall designate one or more banks as a depository for the district's local provider participation fund.  
(b) All funds collected under this chapter shall be secured in the manner provided for securing other district funds.  
Sec. 298B.103. LOCAL PROVIDER PARTICIPATION FUND; AUTHORIZED USES OF MONEY. (a) If the district requires a mandatory payment authorized under this chapter, the district shall create a local provider participation

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

fund.

(b) The local provider participation fund consists of:

(1) all revenue received by the district attributable to mandatory payments authorized under this chapter;

(2) money received from the Health and Human Services Commission as a refund of an intergovernmental transfer under the program, provided that the intergovernmental transfer does not receive a federal matching payment; and

(3) the earnings of the fund.

(c) Money deposited to the local provider participation fund of the district may be used only to:

(1) fund intergovernmental transfers from the district to the state to provide the nonfederal share of Medicaid payments for:

(A) uncompensated care payments to nonpublic hospitals affiliated with the district, if those payments are authorized under the Texas Healthcare Transformation and Quality Improvement Program waiver issued under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315);

(B) uniform rate enhancements for nonpublic hospitals in the Medicaid managed care service area in which the district is located;

(C) payments available under another waiver program authorizing payments that are substantially similar to Medicaid payments to nonpublic hospitals described by Paragraph (A) or (B); or

(D) any reimbursement to nonpublic hospitals for which federal matching funds are available;

(2) subject to Section 298B.151(d), pay the administrative expenses of the district in administering the program, including collateralization of deposits;

(3) refund a mandatory payment collected in error from a

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

paying provider;

(4) refund to paying providers a proportionate share of the money that the district:

(A) receives from the Health and Human Services Commission that is not used to fund the nonfederal share of Medicaid supplemental payment program payments; or

(B) determines cannot be used to fund the nonfederal share of Medicaid supplemental payment program payments;

(5) transfer funds to the Health and Human Services Commission if the district is legally required to transfer the funds to address a disallowance of federal matching funds with respect to programs for which the district made intergovernmental transfers described by Subdivision (1); and

(6) reimburse the district if the district is required by the rules governing the uniform rate enhancement program described by Subdivision (1)(B) to incur an expense or forego Medicaid reimbursements from the state because the balance of the local provider participation fund is not sufficient to fund that rate enhancement program.

(d) Money in the local provider participation fund may not be commingled with other district funds.

(e) Notwithstanding any other provision of this chapter, with respect to an intergovernmental transfer of funds described by Subsection (c)(1) made by the district, any funds received by the state, district, or other entity as a result of that transfer may not be used by the state, district, or any other entity to:

(1) expand Medicaid eligibility under the Patient Protection and Affordable Care Act (Pub. L. No. 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152); or

(2) fund the nonfederal share of payments to nonpublic hospitals available through the Medicaid disproportionate

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

share hospital program or the delivery system reform incentive payment program.

SUBCHAPTER D. MANDATORY PAYMENTS

Sec. 298B.151. MANDATORY PAYMENTS BASED ON PAYING PROVIDER NET PATIENT REVENUE. (a)

Except as provided by Subsection (e), if the board authorizes a health care provider participation program under this chapter, the board may require an annual mandatory payment to be assessed on the net patient revenue of each institutional health care provider located in the district. The board may provide for the mandatory payment to be assessed quarterly. In the first year in which the mandatory payment is required, the mandatory payment is assessed on the net patient revenue of an institutional health care provider as determined by the data reported to the Department of State Health Services under Sections 311.032 and 311.033 in the most recent fiscal year for which that data was reported. If the institutional health care provider did not report any data under those sections, the provider's net patient revenue is the amount of that revenue as contained in the provider's Medicare cost report submitted for the previous fiscal year or for the closest subsequent fiscal year for which the provider submitted the Medicare cost report. If the mandatory payment is required, the district shall update the amount of the mandatory payment on an annual basis.

(b) The amount of a mandatory payment authorized under this chapter must be uniformly proportionate with the amount of net patient revenue generated by each paying provider in the district as permitted under federal law. A health care provider participation program authorized under this chapter may not hold harmless any institutional health care provider, as required under 42 U.S.C. Section 1396b(w).

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(c) If the board requires a mandatory payment authorized under this chapter, the board shall set the amount of the mandatory payment, subject to the limitations of this chapter. The aggregate amount of the mandatory payments required of all paying providers in the district may not exceed six percent of the aggregate net patient revenue from hospital services provided by all paying providers in the district.

(d) Subject to Subsection (c), if the board requires a mandatory payment authorized under this chapter, the board shall set the mandatory payments in amounts that in the aggregate will generate sufficient revenue to cover the administrative expenses of the district for activities under this chapter and to fund an intergovernmental transfer described by Section 298B.103(c)(1). The annual amount of revenue from mandatory payments that shall be paid for administrative expenses by the district is \$150,000, plus the cost of collateralization of deposits, regardless of actual expenses.

(e) A paying provider may not add a mandatory payment required under this section as a surcharge to a patient.

(f) A mandatory payment assessed under this chapter is not a tax for hospital purposes for purposes of Section 4, Article IX, Texas Constitution, or Section 281.045.

Sec. 298B.152. ASSESSMENT AND COLLECTION OF MANDATORY PAYMENTS. (a) The district may designate an official of the district or contract with another person to assess and collect the mandatory payments authorized under this chapter.

(b) The person charged by the district with the assessment and collection of mandatory payments shall charge and deduct from the mandatory payments collected for the district a collection fee in an amount not to exceed the person's usual and customary charges for like services.



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(c) If the person charged with the assessment and collection of mandatory payments is an official of the district, any revenue from a collection fee charged under Subsection (b) shall be deposited in the district general fund and, if appropriate, shall be reported as fees of the district.

Sec. 298B.153. PURPOSE; CORRECTION OF INVALID PROVISION OR PROCEDURE; LIMITATION OF AUTHORITY. (a) The purpose of this chapter is to authorize the district to establish a program to enable the district to collect mandatory payments from institutional health care providers to fund the nonfederal share of a Medicaid supplemental payment program or the Medicaid managed care rate enhancements for nonpublic hospitals to support the provision of health care by institutional health care providers to district residents in need of health care.

(b) This chapter does not authorize the district to collect mandatory payments for the purpose of raising general revenue or any amount in excess of the amount reasonably necessary to fund the nonfederal share of a Medicaid supplemental payment program or Medicaid managed care rate enhancements for nonpublic hospitals and to cover the administrative expenses of the district associated with activities under this chapter.

(c) To the extent any provision or procedure under this chapter causes a mandatory payment authorized under this chapter to be ineligible for federal matching funds, the board may provide by rule for an alternative provision or procedure that conforms to the requirements of the federal Centers for Medicare and Medicaid Services. A rule adopted under this section may not create, impose, or materially expand the legal or financial liability or responsibility of the district or an institutional health care provider in the district beyond the

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

provisions of this chapter. This section does not require the board to adopt a rule.  
(d) The district may only assess and collect a mandatory payment authorized under this chapter if a waiver program, uniform rate enhancement, or reimbursement described by Section 298B.103(c)(1) is available to the district.  
Sec. 298B.154. FEDERAL DISALLOWANCE.  
Notwithstanding any other provision of this chapter, if the Centers for Medicare and Medicaid Services issues a disallowance of federal matching funds for a purpose for which intergovernmental transfers described by Section 298B.103(c)(1) were made and the Health and Human Services Commission demands repayment from the district of federal funds paid to the district for that purpose, the district may require and collect mandatory payments from each paying provider that received those federal funds in an amount sufficient to satisfy the repayment demand made by the commission. The percentage limitation prescribed by Section 298B.151(c) does not apply to a mandatory payment required under this section. [FA8]

SECTION 3.\_\_. As soon as practicable after the expiration of the authority of the Tarrant County Hospital District to administer and operate a health care provider participation program under Chapter 298B, Health and Safety Code, as added by this Act, the board of hospital managers of the Tarrant County Hospital District shall transfer to each institutional health care provider in the district that provider's proportionate share of any remaining funds in any local provider participation fund created by the district under Section 298B.103, Health and Safety Code, as added by this

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	Act. [FA8]	
No equivalent provision.	SECTION 3.__. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted. [FA8]	
No equivalent provision.	SECTION 3.__. Effective September 1, 2017, Section 4.003(f), Election Code, is amended to read as follows: (f) A debt obligation election order required under Section 3.009 shall be posted: (1) on election day and during early voting by personal appearance, in a prominent location at each polling place; (2) not later than the 21st day before the election, in three public places in the boundaries of the political subdivision holding the election; and (3) during the 21 days before the election, on the political subdivision's Internet website, prominently and together with the notice of the election, <del>[and]</del> the contents of the proposition, <u>and any sample ballot prepared for the election</u> , if the political subdivision maintains an Internet website. [FA9]	
No equivalent provision.	SECTION 3.__. Effective September 1, 2017, Section 85.062, Election Code, is amended by adding Subsection (h) to read as follows: <u>(h) In an election at which a political subdivision submits a proposition to the voters to approve the issuance of general</u>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

obligation bonds, the entity that establishes early voting polling places under this section may not establish the polling places with the intent to affect the outcome of the election.  
[FA9]

SECTION 3.\_\_. Effective September 1, 2017, Subtitle C, Title 9, Government Code, is amended by adding Chapter 1253 to read as follows:  
CHAPTER 1253. GENERAL OBLIGATION BONDS ISSUED BY POLITICAL SUBDIVISIONS  
Sec. 1253.001. DEFINITION. In this chapter, "political subdivision" means a county, municipality, school district, junior college district, other special district, or other subdivision of state government.  
Sec. 1253.002. LIMITATION ON AUTHORITY TO ISSUE GENERAL OBLIGATION BONDS. (a) In this section, "improvement" and "personal property" have the meanings assigned by Section 1.04, Tax Code.  
(b) Notwithstanding any other provision of law, a political subdivision may not issue general obligation bonds to purchase, improve, or construct improvements or to purchase personal property if the weighted average maturity of the issue of bonds to finance the improvements or personal property exceeds 120 percent of the reasonably expected weighted average economic life of the improvements or personal property financed with the issue of bonds.  
Sec. 1253.003. USE OF UNSPENT GENERAL OBLIGATION BOND PROCEEDS. (a) A political subdivision may use the unspent proceeds of issued general obligation bonds only:  
(1) for the specific purposes for which the bonds were

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	<p><u>authorized;</u></p> <p><u>(2) to retire the bonds; or</u></p> <p><u>(3) for a purpose other than the specific purposes for which the bonds were authorized if:</u></p> <p><u>(A) the specific purposes are accomplished or abandoned;</u></p> <p><u>and</u></p> <p><u>(B) a majority of the votes cast in an election held in the political subdivision approve the use of the proceeds for the proposed purpose.</u></p> <p><u>(b) The election order and the notice of election for an election described by Subsection (a)(3)(B) must state the proposed purpose for which the bond proceeds are to be used.</u></p> <p><u>(c) A political subdivision must hold an election described by Subsection (a)(3)(B) in the same manner as an election to issue bonds in the political subdivision. [FA9]</u></p>	
No equivalent provision.	SECTION 3.__. Effective September 1, 2017, Chapter 1332, Government Code, is repealed. [FA9]	
No equivalent provision.	SECTION 3.__. Section 1253.002, Government Code, as added by this Act, applies only to a general obligation bond authorized to be issued at an election held on or after September 1, 2017. [FA9]	
No equivalent provision.	SECTION 3.__. Effective September 1, 2017, Chapter 344, Health and Safety Code, is amended by designating Sections 344.001 through 344.007 as Subchapter A and adding a subchapter heading to read as follows: <u>SUBCHAPTER A. ESTABLISHMENT, OPERATION,</u>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

AND DISSOLUTION OF MOSQUITO CONTROL DISTRICTS [FA10]

SECTION 3.\_\_. Effective September 1, 2017, Chapter 344, Health and Safety Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. ESTABLISHMENT OF URGENT PUBLIC HEALTH MOSQUITO CONTROL DISTRICTS AND URGENT PUBLIC HEALTH CENTERS

Sec. 344.051. DEFINITION. In this subchapter, "department" means the Department of State Health Services.

Sec. 344.052. LEGISLATIVE FINDINGS. The legislature finds that:

(1) scientists have concluded the Zika virus is a cause for microcephaly and other severe fetal brain defects;

(2) the department has reported that counties in the Gulf Coast region and on the international border with Mexico are at the highest risk in this state of developing localized cases of the Zika virus;

(3) Cameron County, which is located on the international border with Mexico, has had as of December 2016 at least five documented cases of locally transmitted Zika virus;

(4) the powers of a mosquito control district may be effective in combating the increased risk of transmission of the Zika virus; and

(5) there is an urgent public health purpose for establishing a mosquito control district in Cameron and Hidalgo Counties and other high-risk counties to contain, eradicate, and treat problems associated with communicable diseases, including the Zika virus, the dengue virus, and the chikungunya virus, that are carried by mosquitoes.

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Sec. 344.053. APPLICABILITY. (a) This subchapter applies only to a county located on the international border with Mexico:

(1) for which the department has documented a locally transmitted case of the Zika virus; or

(2) that is adjacent to a county described by Subdivision (1).

(b) Except as otherwise provided by this subchapter, Subchapter A applies to an urgent public health mosquito control district established under this subchapter.

Sec. 344.054. ESTABLISHMENT. The commissioners court of or the county judge of a county described by Section 344.053 may order an election under Section 344.001 for the establishment of an urgent public health mosquito control district on a resolution by the commissioners court or an order by the county judge stating that an urgent public health purpose requires establishment of the district.

Sec. 344.055. DUTIES OF COUNTY ESTABLISHING DISTRICT. A county that establishes an urgent public health mosquito control district under this subchapter shall:

(1) conduct surveillance of vectors carrying communicable disease;

(2) address the capacity of the county public health infrastructure, including by:

(A) establishing and operating communicable disease and illness identification laboratories;

(B) training and hiring public health personnel and research fellows;

(C) matching state, federal, and private initiatives and efforts aimed at addressing and mitigating health and environmental conditions that contribute to the breeding, development, and spread of vectors carrying communicable disease;

(D) testing county residents for communicable diseases and

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

providing medical treatment to county residents who have communicable diseases; and  
(E) funding prevention measures and initiatives to protect county residents from vectors carrying communicable disease; and  
(3) address the prevention and spread of vectors carrying communicable disease by funding efforts to inform people about the prevention and spread through community campaigns and regional information efforts.  
Sec. 344.056. SPECIAL PUBLIC HEALTH ADVISORY COMMITTEE. (a) In this section, "committee" means the special public health advisory committee established under this section.  
(b) Notwithstanding Section 344.004, the commissioners court of a county that establishes an urgent public health mosquito control district under this subchapter shall establish a special public health advisory committee.  
(c) The commissioners court shall appoint seven members to the committee as follows:  
(1) one member who is the county public health administrator;  
(2) three members who are public health administrators at the executive director level in the most populated municipalities in the county; and  
(3) three members who are property taxpaying voters of the county.  
(d) The commissioner of state health services shall appoint one delegate to serve as a nonvoting, ex officio member of the committee.  
(e) The county judge shall designate one committee member appointed under Subsection (c) as the presiding officer of the committee. The committee meets at the call of the presiding



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

officer.

(f) A committee member serves without compensation.

(g) A committee member must take an oath of office prescribed by the commissioners court.

(h) The committee shall:

(1) make written recommendations to the commissioners court that the committee considers necessary to:

(A) address the urgent public health purpose of the mosquito control district established under this subchapter; and

(B) implement the district's duties; and

(2) perform any other duty assigned to the committee by the commissioners court.

Sec. 344.057. MOSQUITO CONTROL PERSONNEL. The commissioners court of a county that establishes an urgent public health mosquito control district under this subchapter may appoint:

(1) a mosquito control engineer as provided by Section 344.005; or

(2) any other public health professional the commissioners court determines is necessary to carry out the duties of the district and to address the recommendations of the special public health advisory committee established under Section 344.056.

Sec. 344.058. URGENT PUBLIC HEALTH CENTER. (a) The department may establish an urgent public health center in a county that has established an urgent public health mosquito control district under this subchapter if:

(1) the county has at least one locally transmitted case of the Zika virus;

(2) the department determines that federal funds are available to assist local communities in controlling communicable diseases, including diseases caused by vectors that carry the

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Zika virus;

(3) the county or a municipality wholly or partly located in the county donates land to the department for the purpose of establishing the center; and

(4) the county or a municipality wholly or partly located in the county provides matching funds for the purpose of establishing the center.

(b) The department may establish only one urgent public health center for each public health region containing an urgent public health mosquito control district established under this subchapter.

(c) An urgent public health center established under this section for a county with an urgent public health mosquito control district established under this subchapter may:

(1) assist the county in fulfilling the county's duties under Section 344.055;

(2) provide a central repository of vector control resources for municipalities wholly or partly located in the county or a county adjacent to the county;

(3) develop local surveillance, outreach, and response campaigns to address communicable disease and potential vectors carrying communicable disease;

(4) provide local, regional, and international health-related briefings;

(5) cooperate with local, regional, state, and international officials to:

(A) increase environmental awareness to reduce sources for vector development; and

(B) develop recommendations for implementing nuisance abatement policies;

(6) with the assistance of appropriate authorities, facilitate any necessary method of vector control, including trapping.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

adulthood, and larviciding of vector populations along the international border;  
(7) provide to health care professionals current information, including health advisories and guidance with communicable disease case management, regarding communicable disease and potential vectors carrying communicable disease;  
(8) in cooperation with state, federal, and international partners, educate and provide health care screenings to populations at high risk of contracting a communicable disease and that are traditionally difficult to contact; and  
(9) facilitate information sharing between local, state, and international entities. [FA10]

SECTION 3.\_\_. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.123 to read as follows:  
Sec. 225.123. NAVARRO COUNTY VIETNAM MEMORIAL LOOP. (a) The portion of State Highway 31 under construction as of September 1, 2017, as a relief route around Corsicana, in Navarro County is designated as the Navarro County Vietnam Memorial Loop.  
(b) Subject to Section 225.021(c), the department shall:  
(1) design and construct markers indicating the designation as the Navarro County Vietnam Memorial Loop and any other appropriate information; and  
(2) erect a marker at each end of the highway and at appropriate intermediate sites along the highway. [FA11]

SECTION 3.\_\_. Section 46.15, Penal Code, is amended by adding Subsection (h) to read as follows:

No equivalent provision.

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(h) The provisions of Sections 46.02 and 46.03 prohibiting the possession or carrying of a club do not apply to a code enforcement officer who:  
(1) holds a certificate of registration issued under Chapter 1952, Occupations Code; and  
(2) possesses or carries an instrument used specifically for deterring the bite of an animal while the officer is:  
(A) performing official duties; or  
(B) traveling to or from a place of duty. [FA12]

SECTION 3.\_\_. Section 1952.051, Occupations Code, as effective September 1, 2017, is amended by adding Subsection (c) to read as follows:  
(c) The education requirements adopted under Subsection (b) must include education regarding the principles and procedures to be followed when possessing or carrying an instrument used specifically for deterring the bite of an animal. [FA12]

SECTION 3.\_\_. Effective January 1, 2018, Section 25.25(e), Tax Code, is amended to read as follows:  
(e) If the chief appraiser and the property owner do not agree to the correction before the 15th day after the date the motion is filed, a party bringing a motion under Subsection (c) or (d) is entitled on request to a hearing on and a determination of the motion by the appraisal review board. A party bringing a motion under this section must describe the error or errors that the motion is seeking to correct. Not later than 15 days before the date of the hearing, the board shall deliver written notice of the date, time, and place of the hearing to the chief

No equivalent provision.

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	appraiser, the property owner, and the presiding officer of the governing body of each taxing unit in which the property is located. The chief appraiser, the property owner, and each taxing unit are entitled to present evidence and argument at the hearing and to receive written notice of the board's determination of the motion. <u>The property owner is entitled to elect to present the owner's evidence and argument before, after, or between the cases presented by the chief appraiser and each taxing unit.</u> A property owner who files the motion must comply with the payment requirements of Section 25.26 or forfeit the right to a final determination of the motion. [FA13]	
No equivalent provision.	SECTION 3.__. Effective January 1, 2018, Section 41.66(b), Tax Code, is amended to read as follows: (b) Hearing procedures to the greatest extent practicable shall be informal. Each party to a hearing is entitled to offer evidence, examine or cross-examine witnesses or other parties, and present argument on the matters subject to the hearing. <u>A property owner who is a party to a protest is entitled to elect to present the owner's case at a hearing on the protest either before or after the appraisal district presents the district's case.</u> [FA13]	
No equivalent provision.	SECTION 3.__. Section 25.25, Tax Code, as amended by this Act, applies only to a motion to correct an appraisal roll filed on or after January 1, 2018. [FA13]	
No equivalent provision.	SECTION 3.__. Section 41.66, Tax Code, as amended by this	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Act, applies only to a protest for which the notice of protest was filed by a property owner or the designated agent of the owner with the appraisal review board established for an appraisal district on or after January 1, 2018. [FA13]

No equivalent provision.

SECTION 3.\_\_. Section 3.009, Election Code, is amended to read as follows:  
Sec. 3.009. CONTENTS OF DEBT OBLIGATION ELECTION ORDER. (a) In this section, "debt obligation" means an issued public security, as defined by Section 1201.002, Government Code, that is secured by and payable from ad valorem taxes. The term does not include public securities that are designated as self-supporting by the political subdivision issuing the securities.  
(b) The document ordering an election to authorize a political subdivision to issue debt obligations must distinctly state:  
(1) the proposition language that will appear on the ballot;  
(2) the purpose for which the debt obligations are to be authorized;  
(3) the principal amount of the debt obligations to be authorized;  
(4) that taxes sufficient to pay the [~~annual~~] principal of and interest on the debt obligations may be imposed;  
(5) a statement of the estimated tax rate if the debt obligations are authorized or of the maximum interest rate of the debt obligations or any series of the debt obligations, based on the market conditions at the time of the election order;  
(6) the maximum maturity date of the debt obligations to be authorized or that the debt obligations may be issued to mature over a specified number of years not to exceed the maximum number of years authorized by law [40];

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

- (7) the aggregate amount of the outstanding principal of the political subdivision's debt obligations as of the date ~~[beginning of the political subdivision's fiscal year in which]~~ the election is ordered;
- (8) the aggregate amount of the outstanding interest on debt obligations of the political subdivision as of the date ~~[beginning of the political subdivision's fiscal year in which]~~ the election is ordered, which may be based on the expectations of the political subdivision as it relates to variable rate debt obligations; and
- (9) the ad valorem debt service tax rate for the political subdivision at the time the election is ordered, expressed as an amount per \$100 valuation of taxable property. [FA14]

SECTION 3.\_\_. Section 52.072, Election Code, is amended by amending Subsection (e) and adding Subsection (f) to read as follows:

(e) In addition to any other requirement imposed by law for a proposition, including a provision prescribing the proposition language, a proposition submitted to the voters for approval of ~~[the issuance of bonds or]~~ the imposition, increase, or reduction of a tax shall specifically state, as applicable:

(1) ~~[with respect to a proposition seeking voter approval of the issuance of bonds:~~

~~[(A) the total principal amount of the bonds to be authorized, if approved; and~~

~~[(B) a general description of the purposes for which the bonds are to be authorized, if approved;~~

~~[(2)]~~ with respect to a proposition that only seeks voter approval of the imposition or increase of a tax, the amount of or maximum tax rate of the tax or tax increase for which

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	<p>approval is sought; or</p> <p><u>(2) [(3)] with respect to a proposition that only seeks voter approval of the reduction of a tax, the amount of tax rate reduction or the tax rate for which approval is sought.</u></p> <p><u>(f) A political subdivision that submits to the voters a proposition for the approval of the issuance of debt obligations shall prescribe the wording of the proposition that is to appear on the ballot in accordance with the requirements of Subchapter B, Chapter 1251, Government Code. In this subsection, "debt obligation" and "political subdivision" have the meanings assigned by Section 1251.051, Government Code. [FA14]</u></p>	
No equivalent provision.	<p>SECTION 3.__. Chapter 1251, Government Code, is amended by designating Sections 1251.001, 1251.003, 1251.004, 1251.005, and 1251.006 as Subchapter A and adding a subchapter heading to read as follows:</p> <p><u>SUBCHAPTER A. PROVISIONS RELATING GENERALLY TO BOND ELECTIONS [FA14]</u></p>	
No equivalent provision.	<p>SECTION 3.__. Chapter 1251, Government Code, is amended by adding Subchapter B to read as follows:</p> <p><u>SUBCHAPTER B. BALLOT FOR DEBT OBLIGATIONS ISSUED BY POLITICAL SUBDIVISION</u></p> <p><u>Sec. 1251.051. DEFINITIONS. In this subchapter:</u></p> <p><u>(1) "Debt obligation" means a public security as defined by Section 1201.002 secured by and payable from ad valorem taxes. The term does not include public securities that are designated as self-supporting by the political subdivision issuing the securities.</u></p>	



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(2) "Debt obligation election order" means the order, ordinance, or resolution ordering an election to authorize the issuance of debt obligations.

(3) "Political subdivision" means a municipality, county, school district, or special taxing district.

Sec. 1251.052. FORM. (a) The ballot for a measure seeking voter approval of the issuance of debt obligations by a political subdivision shall specifically state:

(1) a general description of the purposes for which the debt obligations are to be authorized;

(2) the total principal amount of the debt obligations to be authorized; and

(3) that taxes sufficient to pay the principal of and interest on the debt obligations will be imposed.

(b) In addition to the requirements of Subsection (a), the ballot for a measure seeking voter approval of the issuance of debt obligations by a political subdivision with at least 250 registered voters on the date the governing body of the political subdivision adopts the debt obligation election order shall specifically state the estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead in the political subdivision with an appraised value of \$100,000 to repay the debt obligations to be authorized, if approved, based upon assumptions made by the governing body of the political subdivision.

(c) The governing body of the political subdivision shall identify in the debt obligation election order the major assumptions made in connection with the statement required by Subsection (b), including:

(1) the amortization of the political subdivision's debt obligations, including outstanding debt obligations and the proposed debt obligations;

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(2) changes in estimated future appraised values within the political subdivision; and  
(3) the assumed interest rate on the proposed debt obligations.  
(d) A political subdivision with at least 250 registered voters on the date the governing body of the political subdivision adopts the debt obligation election order must prepare a voter information document for each proposition to be voted on at the election. The political subdivision shall post the voter information document in the same manner as a debt obligation election order is required to be posted under Section 4.003(f), Election Code, and may include the voter information document in the debt obligation election order. The voter information document must distinctly state:  
(1) the language that will appear on the ballot;  
(2) the following information formatted as a table:  
(A) the principal of the debt obligations to be authorized;  
(B) the estimated interest for the debt obligations to be authorized;  
(C) the estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized;  
and  
(D) as of the date the political subdivision adopts the debt obligation election order:  
(i) the principal of all outstanding debt obligations of the political subdivision;  
(ii) the estimated remaining interest on all outstanding debt obligations of the political subdivision, which may be based on the expectations of the political subdivision as it relates to the interest due on any variable rate debt obligations; and  
(iii) the estimated combined principal and interest required to pay on time and in full all outstanding debt obligations of the political subdivision, which may be based on the expectations

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

of the political subdivision as it relates to the interest due on any variable rate debt obligations; and  
(3) any other information that the political subdivision considers relevant or necessary to explain the information required by this subsection.  
(e) A political subdivision that maintains an Internet website shall provide the information described by Subsection (d) on its website in an easily accessible manner beginning not later than the 21st day before election day and ending on the day after the date of the debt obligation election.  
(f) This section provides the ballot proposition language for an election to authorize the issuance of debt obligations by a political subdivision. To the extent of a conflict between this section and another law, this section controls. [FA14]

SECTION 3.\_\_. Section 271.049, Local Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (e) to read as follows:  
(a) Regardless of the sources of payment of certificates, certificates may not be issued unless the issuer publishes notice of its intention to issue the certificates. The notice must be published:  
(1) once a week for two consecutive weeks in a newspaper, as defined by Subchapter C, Chapter 2051, Government Code, that is of general circulation in the area of the issuer, with the date of the first publication to be before the 45th [30th] day before the date tentatively set for the passage of the order or ordinance authorizing the issuance of the certificates; and  
(2) if the issuer maintains an Internet website, continuously on the issuer's website for at least 45 days before the date tentatively set for the passage of the order or ordinance

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

authorizing the issuance of the certificates.

(b) The notice must state:

(1) the time and place tentatively set for the passage of the order or ordinance authorizing the issuance of the certificates;

(2) the ~~[maximum amount and]~~ purpose of the certificates to be authorized; ~~[and]~~

(3) the manner in which the certificates will be paid for, whether by taxes, revenues, or a combination of the two;

(4) the following:

(A) the then-current principal of all outstanding debt obligations of the issuer;

(B) the then-current combined principal and interest required to pay all outstanding debt obligations of the issuer on time and in full, which may be based on the expectations of the issuer as it relates to the interest due on any variable rate debt obligations;

(C) the maximum principal amount of the certificates to be authorized; and

(D) the estimated combined principal and interest required to pay the certificates to be authorized on time and in full;

(5) the estimated interest rate for the certificates to be authorized or that the maximum interest rate for the certificates may not exceed the maximum legal interest rate; and

(6) the maximum maturity date of the certificates to be authorized.

(e) In this section, "debt obligation" means a public security, as defined by Section 1201.002, Government Code, secured by and payable from ad valorem taxes. The term does not include public securities that are designated as self-supporting by the political subdivision issuing the securities. [FA14]

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
No equivalent provision.	SECTION 3.__. Section 1251.002, Government Code, is repealed. [FA14]	
No equivalent provision.	SECTION 3.__. (a) The changes in law made by this Act to Chapter 1251, Government Code, apply only to a ballot for an election ordered on or after the effective date of this Act. An election ordered before the effective date of this Act is governed by the law in effect when the election was ordered, and the former law is continued in effect for that purpose. (b) The changes in law made by this Act to Section 271.049, Local Government Code, apply only to a certificate of obligation for which the first notice of intention to issue the certificate is made on or after the effective date of this Act. A certificate of obligation for which the first notice of intention to issue the certificate is made before the effective date of this Act is governed by the law in effect when the notice of intention is made, and the former law is continued in effect for that purpose. [FA14]	
No equivalent provision.	SECTION 3.__. (a) The heading to Chapter 7913, Special District Local Laws Code, is amended to read as follows: CHAPTER 7913. <u>HIGHWAY 71</u> [ <del>BURNET COUNTY</del> ] MUNICIPAL UTILITY DISTRICT [ <del>NO. 1</del> ] (b) Section 7913.001(4), Special District Local Laws Code, is amended to read as follows: (4) "District" means the <u>Highway 71</u> [ <del>Burnet County</del> ] Municipal Utility District [ <del>No. 1</del> ]. (c) The legislature validates and confirms the creation of the Highway 71 Municipal Utility District and all acts and proceedings of the district under that name or as the Burnet	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	<p>County Municipal Utility District No. 1 that were taken before the effective date of this Act, including all elections conducted by the district.</p> <p>(d) Subsection (c) of this section does not apply to any matter that on the effective date of this Act:</p> <p>(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court; or</p> <p>(2) has been held invalid by a final judgment of a court.</p> <p>(e) A reference in law to the Burnet County Municipal Utility District No. 1 means the Highway 71 Municipal Utility District. [FA15]</p>	
No equivalent provision.	<p>SECTION 3.__.Effective January 1, 2018, Section 232.008(h), Local Government Code, is amended to read as follows:</p> <p>(h) Regardless of the date land is subdivided or a plat is filed for a subdivision, the commissioners court may deny a cancellation under this section if the commissioners court determines the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development as defined by Section <u>232.0395</u> [<del>232.0085</del>]. [FA16]</p>	
No equivalent provision.	<p>SECTION 3.__.Effective January 1, 2018, Section 232.0085, Local Government Code, is transferred to Subchapter B, Chapter 232, Local Government Code, redesignated as Section 232.0395, Local Government Code, and amended to read as follows:</p> <p>Sec. <u>232.0395</u> [<del>232.0085</del>]. CANCELLATION OF</p>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

CERTAIN SUBDIVISIONS IF LAND REMAINS UNDEVELOPED. (a) This section applies only to real property located in the unincorporated area of:  
~~[(1) outside municipalities and the extraterritorial jurisdiction of municipalities, as determined under Chapter 42; and~~  
~~[(2) in]~~ an affected county, as defined by Section 16.341, Water Code, that:  
(1) has adopted the model rules developed under Section 16.343, Water Code;<sup>1</sup> and  
(2) is located along an international border.  
(b) The commissioners court of a county may cancel, after notice and a hearing as required by this section, a subdivision for which the plat was filed and approved before September 1, 1989, if:  
(1) the development of or the making of improvements in the subdivision was not begun before June 5, 1995 ~~[the effective date of this section]~~; and  
(2) the commissioners court by resolution has made a finding that the land in question is likely to be developed as a colonia.  
(c) The commissioners court must publish notice of a proposal to cancel a subdivision under this section and the time and place of the required hearing in a newspaper of general circulation in the county for at least 21 days immediately before the date a cancellation order is adopted under this section. The county tax assessor-collector shall, not later than the 14th day before the date of the hearing, deposit with the United States Postal Service a similar notice addressed to each owner of land in the subdivision, as determined by the most recent county tax roll.  
(d) At the hearing, the commissioners court shall permit any interested person to be heard. At the conclusion of the hearing, the court shall adopt an order on whether to cancel

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

the subdivision. The commissioners court may adopt an order canceling a subdivision if the court determines the cancellation is in the best interest of the public. The court may not adopt an order canceling a subdivision if:

(1) the cancellation interferes with the established rights of a person who is a nondeveloper owner and owns any part of the subdivision, unless the person agrees to the cancellation; or

(2) the owner of the entire subdivision is able to show that:

(A) the owner of the subdivision is able to comply with the minimum state standards and model political subdivision rules developed under Section 16.343, Water Code, including any bonding requirements; or

(B) the land was developed or improved within the period described by Subsection (b).

(e) The commissioners court shall file the cancellation order for recording in the deed records of the county. After the cancellation order is filed and recorded, the property shall be treated as if it had never been subdivided, and the county chief appraiser shall assess the property accordingly. Any liens against the property shall remain against the property as it was previously subdivided.

(f) In this section:

(1) "Development" means the making, installing, or constructing of buildings and improvements.

(2) "Improvements" means water supply, treatment, and distribution facilities; wastewater collection and treatment facilities; and other utility facilities. The term does not include roadway facilities.

(3) "Nondeveloper owner" means a person who:

(A) owns one or more lots in a subdivision to be occupied as the owner's personal residence; and

(B) has not participated and does not participate in the



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

marketing, promotion, or offering of lots for sale or lease as part of a common promotional plan in the ordinary course of business. [FA16]

No equivalent provision.

SECTION 3.\_\_.Effective January 1, 2018, Subchapter B, Chapter 232, Local Government Code, is amended by adding Section 232.045 to read as follows:  
Sec. 232.045. APPLICABILITY OF INFRASTRUCTURE REQUIREMENTS TO LOTS UNDEVELOPED FOR 25 YEARS OR MORE. (a) This section applies only to a county with a population of more than 800,000 that is adjacent to an international border.  
(b) A commissioners court by order may implement a process:  
(1) applicable to a subdivision in which 50 percent or more of the lots are undeveloped or unoccupied on or after the 25th anniversary of the date the plat for the subdivision was recorded with the county; and  
(2) through which the county, to the extent practicable, may apply to the subdivision more current street, road, drainage, and other infrastructure requirements.  
(c) A regulation or standard adopted by a county under this section must be no less stringent than the minimum standards and other requirements under the model rules for safe and sanitary water supply and sewer services adopted under Section 16.343, Water Code, and any other minimum public safety standards that would otherwise be applicable to the subdivision.  
(d) A regulation or standard adopted by a county under this section applies only to a lot that is owned by an individual, firm, corporation, or other legal entity that directly or

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

indirectly offers lots for sale or lease as part of a common promotional plan in the ordinary course of business, and each regulation or standard must expressly state that limitation. For the purposes of this subsection, "common promotional plan" means a plan or scheme of operation undertaken by a person or a group acting in concert, either personally or through an agent, to offer for sale or lease more than two lots when the land is:  
(1) contiguous or part of the same area of land; or  
(2) known, designated, or advertised as a common unit or by a common name. [FA16]

SECTION 3.\_\_. A county may not apply an order adopted under Section 232.045, Local Government Code, as added by this Act, to a subdivision that is the subject of a judicial proceeding pending on May 1, 2017, to determine whether the subdivision is subject to a valid and existing subdivision plat. [FA16]

SECTION 3.\_\_. Article 47.01a, Code of Criminal Procedure, is amended by amending Subsections (a) and (d) and adding Subsection (e) to read as follows:  
(a) If a criminal action relating to allegedly stolen property is not pending, a district judge, county court judge, statutory county court judge, or justice of the peace having jurisdiction as a magistrate in the county in which the property is held or in which the property was alleged to have been stolen or a municipal judge having jurisdiction as a magistrate in the municipality in which the property is being held or in which the property was alleged to have been stolen may hold a

No equivalent provision.

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

hearing to determine the right to possession of the property, upon the petition of an interested person, a county, a city, or the state. Jurisdiction under this article ~~[section]~~ is based solely on jurisdiction as a criminal magistrate under this code and not jurisdiction as a civil court. The court shall:

(1) order the property delivered to whoever has the superior right to possession, without conditions; ~~[or]~~

(2) on the filing of a written motion before trial by an attorney representing the state, order the property delivered to whoever has the superior right to possession, subject to the condition that the property be made available to the prosecuting authority should it be needed in future prosecutions; or

(3) order the property awarded to the custody of the peace officer, pending resolution of criminal investigations regarding the property.

(d) Venue for a hearing under this article is in any justice, county, statutory county, or district court in the county in which the property is seized or in which the property was alleged to have been stolen or in any municipal court in any municipality in which the property is seized or in which the property was alleged to have been stolen, except that the court may transfer venue to a court in another county on the motion of any interested party.

(e) The person who has the superior right to possession of the property, as determined in a hearing under Subsection (a), is responsible for any transportation necessary to deliver the property to the person as ordered under that subsection.

[FA17]

SECTION 3.\_\_. Article 47.02, Code of Criminal Procedure,

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) On written consent of the prosecuting attorney and following an order described by Subsection (a), any magistrate having jurisdiction in the county in which the property was alleged to have been stolen or, if the [a] criminal action for theft or any other offense involving the illegal acquisition of property is pending in another county, the county in which the action is pending may hold a hearing to determine the right to possession of the property. If it is proved to the satisfaction of the magistrate that any person is a true owner of the property alleged to have been stolen, and the property is under the control of a peace officer, the magistrate may, by written order, direct the property to be restored to that person.

(c) The owner of the property is responsible for any transportation necessary to restore the property to the owner as ordered under this article. [FA17]

SECTION 3.\_\_. Chapter 654, Acts of the 71st Legislature, Regular Session, 1989, is amended by adding Section 6A to read as follows:

Sec. 6A. ABANDONED, DETERIORATED, OPEN, OR UNCOVERED WATER WELLS. (a) In this section:

(1) "Abandoned well" and "deteriorated well" have the meanings assigned by Section 1901.255, Occupations Code.

(2) "Open or uncovered well" has the meaning assigned by Section 36.118, Water Code.

(b) The district may enter into a contract with a licensed water well driller to or a district employee may:

(1) cap an open, uncovered, or abandoned well; or

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(2) plug and permanently close a deteriorated well.  
(c) A district employee may plug a well under Subsection (b) only if the employee has received training in the proper method of plugging a well located in a karst topographic area.  
(d) The district may require the owner or lessee of land on which an open or uncovered well is located to keep the well permanently closed or capped as provided by Section 36.118, Water Code.  
(e) The district may use any money available to the district, including money from grants, fees, or tax revenues, to pay reasonable expenses incurred by the district in plugging or capping wells on land in the district under this section of this Act. The reasonable expenses constitute a lien on the land on which the well is located in accordance with Section 36.118(e), Water Code.  
(f) The district may enforce this section against any person by injunction, mandatory injunction, or other appropriate remedy in a court of competent jurisdiction as provided by Section 36.102, Water Code. [FA18]

SECTION 3.\_\_. Subchapter Z, Chapter 341, Local Government Code, is amended by adding Section 341.906 to read as follows:  
Sec. 341.906. LIMITATIONS ON REGISTERED SEX OFFENDERS IN GENERAL-LAW MUNICIPALITIES. (a) In this section:  
(1) "Child safety zone" means premises where children commonly gather. The term includes a school, day-care facility, playground, public or private youth center, public swimming pool, video arcade facility, or other facility that regularly holds events primarily for children. The term does

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

not include a church, as defined by Section 544.251, Insurance Code.

(2) "Playground," "premises," "school," "video arcade facility," and "youth center" have the meanings assigned by Section 481.134, Health and Safety Code.

(3) "Registered sex offender" means an individual who is required to register as a sex offender under Chapter 62, Code of Criminal Procedure.

(b) To provide for the public safety, the governing body of a general-law municipality by ordinance may restrict a registered sex offender from going in, on, or within a specified distance of a child safety zone in the municipality.

(c) It is an affirmative defense to prosecution of an offense under the ordinance that the registered sex offender was in, on, or within a specified distance of a child safety zone for a legitimate purpose, including transportation of a child that the registered sex offender is legally permitted to be with, transportation to and from work, and other work-related purposes.

(d) The ordinance may establish a distance requirement described by Subsection (b) at any distance of not more than 1,000 feet.

(e) The ordinance shall establish procedures for a registered sex offender to apply for an exemption from the ordinance.

(f) The ordinance must exempt a registered sex offender who established residency in a residence located within the specified distance of a child safety zone before the date the ordinance is adopted. The exemption must apply only to:

(1) areas necessary for the registered sex offender to have access to and to live in the residence; and

(2) the period the registered sex offender maintains residency in the residence. [FA19]

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

No equivalent provision.

SECTION 3.\_\_. Section 41.45, Tax Code, is amended by amending Subsections (h) and (o) and adding Subsection (p) to read as follows:

(h) Before the hearing on a protest or immediately after the hearing begins, the chief appraiser and the property owner or the owner's agent shall each provide the other with a copy of any written material or material preserved on a ~~any~~ portable device designed to maintain a ~~an electronic, magnetic, or digital~~ reproduction of a document or image that the person intends to offer or submit to the appraisal review board at the hearing. Each person must provide the copy of material in the manner and form prescribed by comptroller rule.

(o) If the chief appraiser uses audiovisual equipment at a hearing on a protest, the appraisal office shall provide audiovisual equipment of the same general type, kind, and character, as prescribed by comptroller rule, for use during the hearing by the property owner or the property owner's agent.

(p) The comptroller by rule shall prescribe:

(1) the manner and form, including security requirements, in which a person must provide a copy of material under Subsection (h), which must allow the appraisal review board to retain the material as part of the board's hearing record; and

(2) specifications for the audiovisual equipment provided by an appraisal district for use by a property owner or the property owner's agent under Subsection (o). [FA20]

No equivalent provision.

SECTION 3.\_\_. Section 41A.061(c), Tax Code, is amended to read as follows:

(c) The comptroller shall remove a person from the registry

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

if:  
(1) the person fails or declines to renew the person's agreement to serve as an arbitrator in the manner required by this section; ~~or~~  
(2) the comptroller determines by clear and convincing evidence that there is good cause to remove the person from the registry, including evidence of repeated bias or misconduct by the person while acting as an arbitrator.  
[FA20]

SECTION 3.\_\_. Section 41A.07, Tax Code, is amended by amending Subsection (a) and adding Subsections (e), (f), and (g) to read as follows:  
(a) On receipt of the request and deposit under Section 41A.05, the comptroller shall:  
(1) appoint an eligible arbitrator who is listed in the comptroller's registry; and  
(2) send notice to the appointed arbitrator requesting the individual to conduct the hearing on the arbitration ~~[send the property owner and the appraisal district a copy of the comptroller's registry of qualified arbitrators and request that the parties select an arbitrator from the registry. The comptroller may send a copy of the registry to the parties by regular mail in paper form or may send the parties written notice of the Internet address of a website at which the registry is maintained and may be accessed. The parties shall attempt to select an arbitrator from the registry].~~  
(e) To be eligible for appointment as an arbitrator under Subsection (a), the arbitrator must reside:  
(1) in the county in which the property that is the subject of the appeal is located; or

No equivalent provision.



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	<p><u>(2) in this state if no available arbitrator on the registry resides in that county.</u></p> <p><u>(f) A person is not eligible for appointment as an arbitrator under Subsection (a) if at any time during the preceding five years, the person has:</u></p> <p><u>(1) represented a person for compensation in a proceeding under this title in the appraisal district in which the property that is the subject of the appeal is located;</u></p> <p><u>(2) served as an officer or employee of that appraisal district;</u></p> <p><u>or</u></p> <p><u>(3) served as a member of the appraisal review board for that appraisal district.</u></p> <p><u>(g) The comptroller may not appoint an arbitrator under Subsection (a) if the comptroller determines that there is good cause not to appoint the arbitrator, including information or evidence indicating repeated bias or misconduct by the person while acting as an arbitrator. [FA20]</u></p>	
No equivalent provision.	SECTION 3.__. Sections 41A.07(b) and (c), Tax Code, are repealed. [FA20]	
No equivalent provision.	SECTION 3.__. The comptroller shall adopt rules as provided by Section 41.45(p), Tax Code, as added by this Act, not later than January 1, 2018. [FA20]	
No equivalent provision.	SECTION 3.__. The changes in law made by this Act to Section 41.45, Tax Code, apply only to a protest for which the notice of protest was filed by a property owner with the appraisal review board established for an appraisal district on	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	or after January 1, 2018. [FA20]	
No equivalent provision.	SECTION 3.__. The changes in law made by this Act to Section 41A.07, Tax Code, apply only to a request for binding arbitration received by the comptroller from an appraisal district on or after the effective date of this Act. [FA20]	
No equivalent provision.	SECTION 3.__. Section 75.001(3), Civil Practice and Remedies Code, is amended to read as follows: (3) "Recreation" means an activity such as: (A) hunting; (B) fishing; (C) swimming; (D) boating; (E) camping; (F) picnicking; (G) hiking; (H) pleasure driving, including off-road motorcycling and off-road automobile driving and the use of all-terrain vehicles and recreational off-highway vehicles; (I) nature study, including bird-watching; (J) cave exploration; (K) waterskiing and other water sports; (L) any other activity associated with enjoying nature or the outdoors; (M) bicycling and mountain biking; (N) disc golf; (O) on-leash and off-leash walking of dogs; [ <del>or</del> ] (P) radio control flying and related activities; <u>or</u> (Q) <u>rock climbing</u> . [FA21]	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

No equivalent provision.

SECTION 3.\_\_. Section 75.001(3), Civil Practice and Remedies Code, as amended by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrued before the effective date of this Act is governed by the law applicable to the cause of action immediately before the effective date of this Act, and that law is continued in effect for that purpose. [FA21]

No equivalent provision.

SECTION 3.\_\_. (a) In this section, "task force" means the task force on flood control infrastructure established under this section.

(b) Subject to Subsection (i) of this section, the task force is established to conduct a comprehensive flood control infrastructure study for Harris County. The study must:

- (1) assess the existing infrastructure in Harris County with respect to flood control; and
- (2) identify infrastructure improvements necessary to mitigate flooding in that county.

(c) The task force is composed of 11 members as follows:

- (1) one person appointed by the governor;
- (2) one person appointed by the lieutenant governor;
- (3) one person appointed by the speaker of the house of representatives;
- (4) two representatives of the University of Houston's Hobby School of Public Affairs or Cullen College of Engineering, one of whom is appointed by the author of this Act and one of whom is appointed by the sponsor of this Act;
- (5) two representatives of Texas Southern University's Barbara Jordan-Mickey Leland School of Public Affairs or

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Department of Transportation Studies, one of whom is appointed by the author of this Act and one of whom is appointed by the sponsor of this Act;

(6) one representative of the mayor of the City of Houston, appointed by the mayor;

(7) one representative of the Harris County Commissioners Court, appointed by the commissioners court;

(8) one other person appointed by the author of this Act; and

(9) one other person appointed by the sponsor of this Act.

(d) One member appointed under Subsection (c)(4) of this section serves as the presiding officer of the task force, and one member appointed under Subsection (c)(5) of this section serves as the assistant presiding officer.

(e) The Hobby School of Public Affairs and the Cullen College of Engineering of the University of Houston shall provide necessary staff and administrative support to the task force.

(f) The Harris County Flood Control District shall serve as an advisor to the task force by reviewing task force work products and providing data and other information necessary to conduct the study.

(g) The task force shall prepare a report that includes:

(1) a description of the activities of the task force;

(2) the findings and recommendations of the task force, including any proposed policy recommendations; and

(3) any proposals for legislation or other matters the task force considers appropriate.

(h) Not later than December 1, 2018, the task force shall submit the report prepared under this section to:

(1) the governor;

(2) the lieutenant governor;

(3) the speaker of the house of representatives; and

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(4) the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over issues relating to flood control infrastructure.

(i) This section does not make an appropriation. Subsections (b)-(h) of this section are not mandatory unless:

(1) the legislature makes a specific appropriation to implement this section; or

(2) grants or private donations are made for the purpose of implementing this section.

(j) If a study is not conducted under Subsection (b) of this section, the University of Houston's Hobby School of Public Affairs and Cullen College of Engineering jointly may prepare a comprehensive flood control infrastructure study plan for Harris County. A plan prepared under this subsection must identify potential infrastructure improvements that should be the subject of a comprehensive study regarding flood mitigation in Harris County.

(k) The University of Houston's Hobby School of Public Affairs and Cullen College of Engineering shall submit a plan prepared under Subsection (j) of this section to the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over issues relating to flood control infrastructure.

(l) This section expires and the task force is abolished January 1, 2019. [FA22]

No equivalent provision.

SECTION 3.\_\_. Section 2206.154, Government Code, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(a) Except as provided by Subsections ~~[Subsection]~~ (b) and (b-1), not later than February 1 of each year, an entity

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

described by Section 2206.151 shall submit to the comptroller a report containing records and other information specified by this subchapter for the purpose of providing the comptroller with information to maintain the eminent domain database under Section 2206.153. The entity shall submit the report in a form and in the manner prescribed by the comptroller.

(b-1) A public school district located in a county with a population of less than 25,000 is required to file an annual report under Subsection (a) only if the district's eminent domain authority information has changed from the information reported in the most recent report filed by the district under this section. If for the current annual reporting period the district's eminent domain authority information is the same as the information reflected for the district in the eminent domain database for the previous annual reporting period, the district, not later than February 1 of the current annual reporting period, shall confirm the accuracy of the information by electronically updating the district's previously filed report with the comptroller in the manner prescribed by the comptroller. [FA23]

SECTION 3. Effective September 1, 2017, Sections 62.001(a), (b), (c), (f), (g), and (h), Government Code, are amended to read as follows:

(a) The jury wheel must be reconstituted by using, as the source:

- (1) the names of all persons on the current statewide voter registration list maintained as required under Section 18.061, Election Code, [lists] from all the precincts in the county; and
- (2) all names on a current list to be furnished by the Department of Public Safety as required by Subsection (f),

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

showing the residents [~~citizens~~] of the county who:

(A) hold a valid Texas driver's license or a valid personal identification card or certificate issued by the department; and  
(B) are not disqualified from jury service under Section 62.102(1), (2), (3), or (8) [~~(7)~~].

(b) Notwithstanding Subsection (a), the following names [~~of persons listed on a register of persons exempt from jury service~~] may not be placed in the jury wheel:

(1) the names of persons listed on a registrar of persons exempt from jury service [;] as provided by Sections 62.108 and 62.109; and

(2) the names of persons on the suspense list maintained by the voter registrar under Section 15.081, Election Code.

(c) Each year not later than the third Tuesday in November or the date provided by Section 16.032, Election Code, for the cancellation of voter registrations, whichever is earlier, the voter registrar of each county shall furnish to the secretary of state a list of people exempted from jury service under Subsection (b) [~~current voter registration list from all the precincts in the county that, except as provided by Subsection (d), includes:~~

~~[(1) the complete name, mailing address, date of birth, voter registration number, and precinct number for each voter;~~

~~[(2) if available, the Texas driver's license number or personal identification card or certificate number and social security number for each voter; and~~

~~[(3) any other information included on the voter registration list of the county].~~

(f) The Department of Public Safety shall furnish a list to the secretary of state that shows the names required under Subsection (a)(2) and that contains any [~~of the~~] information [~~enumerated in Subsection (c) that is~~] available to the

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

department regarding a person's residential address, mailing address, date of birth, Texas driver's license number or personal identification card or certificate number, social security number, [including] citizenship status, and county of residence. The list shall exclude the names of convicted felons, persons who are not citizens of the United States, persons residing outside the county, and the duplicate name of any registrant. The department shall furnish the list to the secretary of state on or before the first Monday in October of each year.

(g) The secretary of state shall accept the lists furnished as provided by Subsections (c) and [(e) through] (f). The secretary of state shall combine the list furnished under Subsection (f) with the information on the statewide voter registration list maintained by the voter registrar as required under Section 18.061, Election Code, eliminate duplicate names and names of exempt persons on the list provided to the secretary of state under Subsection (c) [lists, eliminate duplicate names], and send the combined list to each county on or before December 31 of each year or as may be required under a plan developed in accordance with Section 62.011. The district clerk or bailiff designated as the officer in charge of the jury selection process for a county that has adopted a plan under Section 62.011 shall give the secretary of state notice not later than the 90th day before the date the list is required. The list furnished the county ~~[must be in a format, electronic or printed copy, as requested by the county and]~~ must be certified by the secretary of state stating that the list contains the names required by Subsection (a) and excludes the names of exempt persons provided to the secretary of state under Subsection ~~[Subsections (e) through]~~ (f), eliminating duplications. The secretary of state shall furnish the electronic



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
---------------	---------------------	------------

list free of charge.

(h) If the secretary of state is unable to furnish the list as provided in this section because of the failure of the voter registrar to furnish the information necessary to maintain the statewide voter registration list as required under Section 18.061, Election Code ~~[county voter registration list to the secretary of state]~~, the county tax assessor-collector, sheriff, county clerk, and district clerk in the county shall meet at the county courthouse between January 1 and January 15 of the following year and shall reconstitute the jury wheel for the county, except as provided under a plan adopted under Section 62.011. The deadlines included in the plan control for preparing the list and reconstituting the wheel. The secretary of state shall send the list furnished by the Department of Public Safety as provided by Subsection (f) to the voter registrar, who shall combine the lists as described in this section for use as the juror source and certify the combined list as required of the secretary of state under Subsection (g). [FA24]

SECTION 3.\_\_\_\_. Effective September 1, 2017, Section 62.011, Government Code, is amended by amending Subsection (d) and adding Subsection (e) to read as follows:

(d) A state agency or the secretary of state may not charge a fee for furnishing an electronic [a] list of names required by Section 62.001.

(e) The commissioners court of a county that has adopted a jury selection plan must file with the Office of Court Administration of the Texas Judicial System a copy of the plan and any modification to the plan. [FA24]

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
No equivalent provision.	<p>SECTION 3.___. Effective September 1, 2017, Section 62.113, Government Code, is amended by adding Subsection (b-1) and amending Subsection (e) to read as follows:</p> <p><u>(b-1) The list of persons excused or disqualified because of citizenship as required by Subsection (b) may not be combined with or submitted simultaneously with any other list required to be submitted to the voter registrar of the county, including a list submitted under Section 62.114.</u></p> <p>(e) The information required to be filed with the secretary of state under this section must be filed electronically <u>in the format prescribed by the secretary of state</u>. The secretary of state may waive this requirement on application for a waiver submitted by the clerk. [FA24]</p>	
No equivalent provision.	<p>SECTION 3.___. Effective September 1, 2017, Section 62.114, Government Code, is amended by adding Subsection (e) to read as follows:</p> <p><u>(e) The list compiled under this section of persons excused or disqualified because the person is not a resident of the county may not be combined with or submitted simultaneously with any other list required to be submitted to the voter registrar of the county, including a list submitted under Section 62.113.</u> [FA24]</p>	
No equivalent provision.	<p>SECTION 3.___. Effective September 1, 2017, Sections 62.001(d) and (e), Government Code, are repealed. [FA24]</p>	
No equivalent provision.	<p>SECTION 3.___. Effective September 1, 2017, Subtitle F, Title 2, Health and Safety Code, is amended by adding</p>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Chapter 120 to read as follows:

CHAPTER 120. TASK FORCE OF BORDER HEALTH OFFICIALS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 120.001. DEFINITIONS. In this chapter:

(1) "Border region" means the area consisting of the counties immediately adjacent to the international boundary between the United States and Mexico.

(2) "Task force" means the Task Force of Border Health Officials.

Sec. 120.002. SUNSET PROVISION. The task force is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the task force is abolished and this chapter expires September 1, 2029.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 120.051. TASK FORCE; DUTIES. (a) The department shall establish the Task Force of Border Health Officials to advise the commissioner:

(1) on policy priorities addressing major issues affecting the border region residents' health and health conditions;

(2) on raising public awareness of the issues described by Subdivision (1); and

(3) on other health issues impacting the border region as determined by the commissioner, including:

(A) barriers to accessing health care;

(B) health problems affecting the region, including:

(i) diabetes;

(ii) infant mortality;

(iii) heart disease and stroke;

(iv) obesity;

(v) cervical cancer; and

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(vi) communicable diseases, including tuberculosis;  
(C) factors that impede access to health care, including:  
(i) socioeconomic conditions;  
(ii) linguistic and cultural barriers;  
(iii) low population density; and  
(iv) lack of health insurance;  
(D) surveillance and tracking of communicable diseases,  
environmental factors, and other factors negatively  
influencing health;  
(E) standardization of data to ensure compatibility with data  
collected by border states on both sides of the international  
border with Mexico;  
(F) public health infrastructure that includes education and  
research institutions to train culturally competent health care  
providers;  
(G) establishment of local and regional public health  
programs that build on local resources and maximize the use  
of public dollars to address the needs of the indigent  
population; and  
(H) collaboration and cooperation with Mexican counterparts  
of the task force at the state and federal level, and  
collaboration with federal counterparts in the United States.  
(b) The task force shall study and make recommendations  
relating to the health problems, conditions, challenges, and  
needs of the population in the border region.  
(c) The task force shall submit a report of recommendations  
to the commissioner for short-term and long-term border  
plans, as described by Subchapter C, not later than November  
1 of each even-numbered year.  
Sec. 120.052. COLLABORATION WITH OFFICE OF  
BORDER HEALTH. The Office of Border Health  
established under Section 12.071 shall provide staff support to

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

the task force and any other assistance as needed or required by the task force, if practicable.

Sec. 120.053. COMPOSITION; TERMS. (a) The task force is composed of:

(1) the health department directors appointed under Section 121.033 from:

(A) each county in the border region; and

(B) each municipality in the border region that has a sister city in Mexico;

(2) two ex officio nonvoting members who are members of the legislature:

(A) one of whom is appointed by the lieutenant governor; and

(B) one of whom is appointed by the speaker of the house of representatives; and

(3) additional members appointed by the commissioner.

(b) The commissioner shall designate a chair and vice chair of the task force from among the task force members.

(c) The members appointed by the lieutenant governor and the speaker of the house of representatives serve three-year terms.

Sec. 120.054. MEETINGS. (a) The task force shall meet at least quarterly each fiscal year. Members may hold meetings by conference calls and through videoconference in accordance with Section 551.127, Government Code.

(b) Section 551.125, Government Code, applies to a meeting held by conference call under this section, except that Section 551.125(b), Government Code, does not apply.

Sec. 120.055. COMPENSATION AND REIMBURSEMENT. A task force member is not entitled to compensation or reimbursement for expenses incurred in performing the member's duties.

SUBCHAPTER C. BORDER HEALTH IMPROVEMENT

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

PLAN

Sec. 120.101. SHORT-TERM AND LONG-TERM PLANS.

(a) The task force shall make recommendations to the commissioner for short-term and long-term border health improvement plans. The short-term plan shall identify health objectives proposed to be accomplished before the fourth anniversary of the date the plan is adopted. The long-term plan shall identify health objectives proposed to be accomplished before the ninth anniversary of the date the plan is adopted.

(b) The commissioner shall review the task force's recommendations and, based on those recommendations, recommend short-term and long-term border health improvement plans to the executive commissioner, identifying specific health objectives that may be implemented under existing law.

(c) The executive commissioner shall adopt short-term and long-term border health improvement plans and direct the department to implement the portions of the plans that may be implemented within existing appropriations under existing law.

(d) Not later than September 1 of each even-numbered year, the executive commissioner shall submit a report detailing the actions taken by the task force. The report must include:

(1) the status of all projects and activities involving the health issues described under Section 120.051(a)(3);

(2) the funding for the expenditures; and

(3) recommendations for legislation necessary to implement the short-term and long-term border health improvement plans.

Sec. 120.102. APPLICATION OF OTHER LAW. Chapter 2110, Government Code, does not apply to the task force.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
---------------	---------------------	------------

Sec. 120.103. ASSISTANCE FROM STATE AGENCIES AND POLITICAL SUBDIVISIONS. At the request of the task force, a state agency or political subdivision of this state may cooperate with the task force to the greatest extent practicable to fully implement the task force's statutory duties.  
[FA25]

SECTION 3.\_\_. Effective September 1, 2017, Chapter 344, Health and Safety Code, is amended by designating Sections 344.001 through 344.007 as Subchapter A and adding a subchapter heading to read as follows:  
SUBCHAPTER A. ESTABLISHMENT, OPERATION, AND DISSOLUTION OF MOSQUITO CONTROL DISTRICTS [FA25]

SECTION 3.\_\_. Effective September 1, 2017, Chapter 344, Health and Safety Code, is amended by adding Subchapter B to read as follows:  
SUBCHAPTER B. ESTABLISHMENT OF URGENT PUBLIC HEALTH MOSQUITO CONTROL DISTRICTS AND URGENT PUBLIC HEALTH CENTERS  
Sec. 344.051. DEFINITION. In this subchapter, "department" means the Department of State Health Services.  
Sec. 344.052. LEGISLATIVE FINDINGS. The legislature finds that:  
(1) scientists have concluded the Zika virus is a cause for microcephaly and other severe fetal brain defects;  
(2) the department has reported that counties in the Gulf Coast region and on the international border with Mexico are at the highest risk in this state of developing localized cases of

No equivalent provision.

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

the Zika virus;

(3) Cameron County, which is located on the international border with Mexico, has had as of December 2016 at least five documented cases of locally transmitted Zika virus;

(4) the powers of a mosquito control district may be effective in combating the increased risk of transmission of the Zika virus; and

(5) there is an urgent public health purpose for establishing a mosquito control district in Cameron and Hidalgo Counties and other high-risk counties to contain, eradicate, and treat problems associated with communicable diseases, including the Zika virus, the dengue virus, and the chikungunya virus, that are carried by mosquitoes.

Sec. 344.053. APPLICABILITY. (a) This subchapter applies only to a county located on the international border with Mexico:

(1) for which the department has documented a locally transmitted case of the Zika virus; or

(2) that is adjacent to a county described by Subdivision (1).

(b) Except as otherwise provided by this subchapter, Subchapter A applies to an urgent public health mosquito control district established under this subchapter.

Sec. 344.054. ESTABLISHMENT. The commissioners court of or the county judge of a county described by Section 344.053 may order an election under Section 344.001 for the establishment of an urgent public health mosquito control district on a resolution by the commissioners court or an order by the county judge stating that an urgent public health purpose requires establishment of the district.

Sec. 344.055. DUTIES OF COUNTY ESTABLISHING DISTRICT. A county that establishes an urgent public health mosquito control district under this subchapter shall:



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(1) conduct surveillance of vectors carrying communicable disease;  
(2) address the capacity of the county public health infrastructure, including by:  
(A) establishing and operating communicable disease and illness identification laboratories;  
(B) training and hiring public health personnel and research fellows;  
(C) matching state, federal, and private initiatives and efforts aimed at addressing and mitigating health and environmental conditions that contribute to the breeding, development, and spread of vectors carrying communicable disease;  
(D) testing county residents for communicable diseases and providing medical treatment to county residents who have communicable diseases; and  
(E) funding prevention measures and initiatives to protect county residents from vectors carrying communicable disease; and  
(3) address the prevention and spread of vectors carrying communicable disease by funding efforts to inform people about the prevention and spread through community campaigns and regional information efforts.  
Sec. 344.056. SPECIAL PUBLIC HEALTH ADVISORY COMMITTEE. (a) In this section, "committee" means the special public health advisory committee established under this section.  
(b) Notwithstanding Section 344.004, the commissioners court of a county that establishes an urgent public health mosquito control district under this subchapter shall establish a special public health advisory committee.  
(c) The commissioners court shall appoint seven members to the committee as follows:

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(1) one member who is the county public health administrator;  
(2) three members who are public health administrators at the executive director level in the most populated municipalities in the county; and  
(3) three members who are property taxpaying voters of the county.  
(d) The commissioner of state health services shall appoint one delegate to serve as a nonvoting, ex officio member of the committee.  
(e) The county judge shall designate one committee member appointed under Subsection (c) as the presiding officer of the committee. The committee meets at the call of the presiding officer.  
(f) A committee member serves without compensation.  
(g) A committee member must take an oath of office prescribed by the commissioners court.  
(h) The committee shall:  
(1) make written recommendations to the commissioners court that the committee considers necessary to:  
(A) address the urgent public health purpose of the mosquito control district established under this subchapter; and  
(B) implement the district's duties; and  
(2) perform any other duty assigned to the committee by the commissioners court.  
Sec. 344.057. MOSQUITO CONTROL PERSONNEL. The commissioners court of a county that establishes an urgent public health mosquito control district under this subchapter may appoint:  
(1) a mosquito control engineer as provided by Section 344.005; or  
(2) any other public health professional the commissioners

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

court determines is necessary to carry out the duties of the district and to address the recommendations of the special public health advisory committee established under Section 344.056.

Sec. 344.058. URGENT PUBLIC HEALTH CENTER. (a) The department may establish an urgent public health center in a county that has established an urgent public health mosquito control district under this subchapter if:

(1) the county has at least one locally transmitted case of the Zika virus;

(2) the department determines that federal funds are available to assist local communities in controlling communicable diseases, including diseases caused by vectors that carry the Zika virus;

(3) the county or a municipality wholly or partly located in the county donates land to the department for the purpose of establishing the center; and

(4) the county or a municipality wholly or partly located in the county provides matching funds for the purpose of establishing the center.

(b) The department may establish only one urgent public health center for each public health region containing an urgent public health mosquito control district established under this subchapter.

(c) An urgent public health center established under this section for a county with an urgent public health mosquito control district established under this subchapter may:

(1) assist the county in fulfilling the county's duties under Section 344.055;

(2) provide a central repository of vector control resources for municipalities wholly or partly located in the county or a county adjacent to the county;

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(3) develop local surveillance, outreach, and response campaigns to address communicable disease and potential vectors carrying communicable disease;  
(4) provide local, regional, and international health-related briefings;  
(5) cooperate with local, regional, state, and international officials to:  
(A) increase environmental awareness to reduce sources for vector development; and  
(B) develop recommendations for implementing nuisance abatement policies;  
(6) with the assistance of appropriate authorities, facilitate any necessary method of vector control, including trapping, adulticiding, and larviciding of vector populations along the international border;  
(7) provide to health care professionals current information, including health advisories and guidance with communicable disease case management, regarding communicable disease and potential vectors carrying communicable disease;  
(8) in cooperation with state, federal, and international partners, educate and provide health care screenings to populations at high risk of contracting a communicable disease and that are traditionally difficult to contact; and  
(9) facilitate information sharing between local, state, and international entities. [FA25]

SECTION 3.\_\_. (a) The commissioner of state health services, lieutenant governor, and speaker of the house of representatives shall appoint the members of the Task Force of Border Health Officials established by Section 120.051, Health and Safety Code, as added by this Act, not later than

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

October 1, 2017.

(b) The initial short-term border health improvement plan adopted under Section 120.101, Health and Safety Code, as added by this Act, must include a border health improvement plan for implementation beginning not later than September 1, 2018. The Department of State Health Services shall implement the initiatives in the short-term border health improvement plan, as directed by the executive commissioner of the Health and Human Services Commission, not later than September 1, 2022.

(c) The initial long-term border health improvement plan adopted under Section 120.101, Health and Safety Code, as added by this Act, must include a border health improvement plan for implementation beginning not later than September 1, 2020. The Department of State Health Services shall implement the initiatives in the long-term border health improvement plan, as directed by the executive commissioner of the Health and Human Services Commission, not later than September 1, 2027. [FA25]

SECTION 3.\_\_\_\_. (a) The county department of education in a county with a population of four million or more according to the most recent federal decennial census is subject to review under Chapter 325, Government Code (Texas Sunset Act), as if the department were a state agency, but the department may not be abolished under that chapter. The review shall be conducted as if the department were scheduled to be abolished September 1, 2019.

(b) The review must assess the department's governance, management, and operating structure, and the department's compliance with legislative requirements.

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

- (c) The department shall pay the cost incurred by the Sunset Advisory Commission in performing a review of the department under this section. The Sunset Advisory Commission shall determine the cost, and the department shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost.
- (d) This Section expires September 1, 2021. [FA26]

No equivalent provision.

SECTION 3.\_\_. Subchapter D, Chapter 43, Local Government Code, is amended by adding Section 43.0755 to read as follows:

Sec. 43.0755. PROCEDURES FOR INCORPORATION OR ESTABLISHMENT OF ANOTHER FORM OF LOCAL GOVERNMENT FOR CERTAIN AREAS SUBJECT TO REGIONAL PARTICIPATION AGREEMENT. (a) In this section, "district," "eligible municipality," and "regional participation agreement" have the meanings assigned by Section 43.0754.

(b) This section applies only to a district and an eligible municipality that have entered into a regional participation agreement under Section 43.0754 that authorizes any of the actions described by Section 43.0754(c)(6), (7), or (8).

(c) Notwithstanding any other law, including laws prescribing population or territorial requirements for incorporation under Section 5.901, 6.001, 7.001, or 8.001, the governing body of a district may order an election as provided by this subsection to be held on a uniform election date prescribed by Section 41.001, Election Code. An election under this subsection may, consistent with the regional participation agreement, be ordered for the purpose of:

(1) submitting to the qualified voters of the district the

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

question of whether the territory of the district should be incorporated as a municipality;

(2) submitting to the qualified voters of a designated area of the district the question of whether that designated area should be incorporated as a municipality;

(3) submitting to the qualified voters of the district the question of whether the territory of the district should adopt a specific alternate form of local government other than a municipality; or

(4) submitting to the qualified voters of a designated area of the district the question of whether that designated area should adopt a specific alternate form of local government other than a municipality.

(d) Notwithstanding any other law:

(1) the authority of the governing body of a district to order an election under Subsection (c) is separate and independent and is the exclusive means of ordering any such election;

(2) all or any part of the territory of a district may be incorporated as a Type A, Type B, or Type C municipality, as determined by the governing body of the district ordering the incorporation election under Subsection (c)(1) or (2); and

(3) the requirements of Sections 7.002 and 8.002 do not apply to an election ordered under Subsection (c)(1) or (2).

(e) In an election ordered under Subsection (c)(2) or (4), the governing body of the district may order elections in multiple designated areas on the same date or order elections in designated areas periodically on a uniform election date.

(f) In any election ordered under Subsection (c), the governing body of the district shall also submit for confirmation to the voters voting in the election the proposed initial property tax rate determined for the municipality or alternate form of government, as applicable, which may not

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

exceed the maximum rate authorized by law. The ballot in an election held under Subsection (c) shall be printed to permit voting for or against the proposition: "Authorizing the (specify the incorporation of or the adoption of an alternate form of local government for) (insert name of local government) and the adoption of an initial property tax rate of not more than (specify the maximum rate determined)."

(g) In any election ordered under Subsection (c), the governing body of the district may also submit to the voters voting in the election any other measure the governing body considers necessary and convenient to effectuate the transition to a municipal or alternate form of local government, including a measure on the question of whether, on incorporation as a municipality or establishment of an alternate form of local government, any rights, powers, privileges, duties, purposes, functions, or responsibilities of the district or the district's authority to issue bonds and impose a tax is transferred to the municipality or alternate form of local government.

(h) If a majority of the voters voting in an election under Subsection (c)(2) or (4) approve the proposition submitted on the form of local government, the county judge of the county in which the municipality or alternate form of local government is located shall order an election for the governing body of the municipality or alternate form of local government to be held on a date that complies with the provisions of the Election Code, except that Section 41.001(a), Election Code, does not apply. A municipality or alternate form of local government resulting from an election described by this subsection is incorporated or established on the date a majority of the members of the governing body qualify and take office.



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(i) If a majority of the voters voting in an election under Subsection (c)(1) or (3) approve the proposition submitted on the form of local government, the district is dissolved and the governing body of the district will serve as the temporary governing body of the municipality or alternate form of local government until a permanent governing body is elected as provided by Subsection (j).

(j) The temporary governing body under Subsection (i) shall order an election to elect the permanent governing body of the municipality or alternate form of local government to occur on a date that complies with the provisions of the Election Code, except that Section 41.001(a), Election Code, does not apply.

(k) An election ordered under Subsection (h) or (j) to elect members of the governing body of a municipality must be held under the applicable provisions of Chapter 22, 23, or 24, to the extent consistent with this section. An election for members of the governing body of an alternate form of government must be held under the law applicable to that form of government, to the extent consistent with this section.

(l) If a majority of the voters voting in an election under Subsection (c)(1) or (3) approve the proposition submitted on the form of local government for the territory of the district, the assets, liabilities, and obligations of the district are transferred to the form of government approved at the election.

(m) If a majority of the voters voting in an election under Subsection (c)(2) or (4) approve the proposition submitted on the form of local government in a designated area of the district and if, on the date of the election approving the form of local government, the district owes any debts, by bond or otherwise, the designated area is not released from its pro rata share of the indebtedness.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	<p><u>(n) For purposes of determining the initial tax rate of a municipality or an alternate form of local government, the tax rate of the district when the territory incorporated or established as an alternate form of government was part of the district is not considered for purposes of the calculations required by Section 26.04(c), Tax Code. [FA27]</u></p>	
No equivalent provision.	<p>SECTION 3.__. Section 79.014(b), Government Code, is amended to read as follows:</p> <p>(b) The board members serve staggered terms of <u>six</u> <del>[two]</del> years, with <u>one</u> or two members' terms expiring February 1 of each odd-numbered year <del>[and three members' terms expiring February 1 of each even-numbered year]</del>. [FA28]</p>	
No equivalent provision.	<p>SECTION 3.__. The members of the board of the Texas Indigent Defense Commission serving on the effective date of this Act may draw lots or use another method to determine the members who shall serve terms that expire on February 1, 2023, the members who shall serve terms that expire on February 1, 2021, and the members who shall serve terms that expire on February 1, 2019. The members of the board appointed to succeed the members serving on the effective date of this Act shall serve six-year terms. [FA28]</p>	
No equivalent provision.	<p>SECTION 3.__. The heading to Chapter 251, Agriculture Code, is amended to read as follows:</p> <p>CHAPTER 251. EFFECT OF NUISANCE ACTIONS AND GOVERNMENTAL REQUIREMENTS ON <u>CERTAIN</u> <del>[PREEXISTING]</del> AGRICULTURAL OPERATIONS [FA29]</p>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
---------------	---------------------	------------

No equivalent provision.

SECTION 3.\_\_. Chapter 251, Agriculture Code, is amended by adding Section 251.007 to read as follows:  
Sec. 251.007. SIX CHICKENS ALLOWED. (a) Notwithstanding any other law and except as provided by Subsection (b), a political subdivision may not impose a governmental requirement that prohibits an individual from raising or keeping six or fewer chickens in the boundaries of the political subdivision.  
(b) A municipality may impose reasonable governmental requirements on the raising or keeping of poultry in the boundaries of the municipality that do not have the effect of prohibiting the raising or keeping of six or fewer chickens, including:  
(1) a limit on the number of chickens an individual may raise or keep in excess of six;  
(2) a prohibition on breeding poultry;  
(3) a prohibition on raising or keeping roosters; or  
(4) the minimum distance an individual must maintain between a chicken coop and a residential structure.  
(c) A governmental requirement adopted by a political subdivision that violates Subsection (a) is void. [FA29]

No equivalent provision.

SECTION 3.\_\_. Section 251.007, Agriculture Code, as added by this Act, applies to a governmental requirement adopted before, on, or after the effective date of this Act. [FA29]

No equivalent provision.

SECTION 3.\_\_.(a) Effective September 1, 2017, Sections 54.016(a), (b), and (f), Water Code, are amended to read as

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

follows:

(a) No land within the corporate limits of a city or within the extraterritorial jurisdiction of a city, shall be included in a district unless the city grants its written consent, by resolution or ordinance, to the inclusion of the land within the district in accordance with Section 42.042, Local Government Code, and this section. The request to a city for its written consent to the creation of a district, shall be signed by a majority in value of the holders of title of the land within the proposed district as indicated by the county tax rolls or, if there are more than 50 persons holding title to the land in the proposed district as indicated by the county tax rolls, the request to the city will be sufficient if it is signed by 50 holders of title to the land in the district. A petition for the written consent of a city to the inclusion of land within a district shall describe the boundaries of the land to be included in the district by metes and bounds or by lot and block number, if there is a recorded map or plat and survey of the area, and state the general nature of the work proposed to be done, the necessity for the work, and the cost of the project as then estimated by those filing the petition. If, at the time a petition is filed with a city for creation of a district, the district proposes to connect to a city's water or sewer system or proposes to contract with a regional water and wastewater provider which has been designated as such by the commission as of the date such petition is filed, to which the city has made a capital contribution for the water and wastewater facilities serving the area, the proposed district shall be designated as a "city service district." If such proposed district does not meet the criteria for a city service district at the time the petition seeking creation is filed, such district shall be designated as a "noncity service district." The city's consent shall not place any restrictions or conditions on

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

the creation of a noncity service district as defined by this chapter [~~Chapter 54 of the Texas Water Code~~] other than those expressly provided in Subsection (e) of this section and shall specifically not limit the amounts of the district's bonds. A city may not require annexation as a consent to creation of any district. A city shall not refuse to approve a district bond issue for any reason except that the district is not in compliance with valid consent requirements applicable to the district. If a city grants its written consent without the concurrence of the applicant to the creation of a noncity service district containing conditions or restrictions that the petitioning land owner or owners reasonably believe exceed the city's powers, such land owner or owners may petition the commission to create the district and to modify the conditions and restrictions of the city's consent. The commission may declare any provision of the consent to be null and void. The commission may approve the creation of a district that includes any portion of the land covered by the city's consent to creation of the district. The legislature may create and may validate the creation of a district that includes any portion of the land covered by the city's consent to the creation of the district.

(b) If the governing body of a city fails or refuses to grant permission for the inclusion of land within its extraterritorial jurisdiction in a district, including a district created by a special act of the legislature, within 90 days after receipt of a written request, a majority of the electors in the area proposed to be included in the district or the owner or owners of 50 percent or more of the land to be included may petition the governing body of the city and request the city to make available to the land the water or sanitary sewer service contemplated to be provided by the district.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(f) A city may provide in its written consent for the inclusion of land in a district that is initially located wholly or partly outside the corporate limits of the city that a contract ("allocation agreement") between the district and the city be entered into prior to the first issue of bonds, notes, warrants, or other obligations of the district. The allocation agreement shall contain the following provisions:

(1) a method by which the district shall continue to exist following the annexation of all territory within the district by the city, if the district is ~~initially~~ located outside the corporate limits of the city at the time the creation of the district is approved by the district's voters;

(2) an allocation of the taxes or revenues of the district or the city which will assure that, following the date of the inclusion of all the district's territory within the corporate limits of the city, the total annual ad valorem taxes collected by the city and the district from taxable property within the district does not exceed an amount greater than the city's ad valorem tax upon such property;

(3) an allocation of governmental services to be provided by the city or the district following the date of the inclusion of all of the district's territory within the corporate limits of the city; and

(4) such other terms and conditions as may be deemed appropriate by the city.

(b) The change in law made to Section 54.016(f), Water Code, as amended by this section, applies only to an agreement entered into on or after the effective date of this section. An agreement entered into before the effective date of this section is governed by the law in effect on the date the agreement was entered into, and the former law is continued in effect for that purpose. [FA30]

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
---------------	---------------------	------------

No equivalent provision.

SECTION 3.\_\_. Section 52.072, Election Code, is amended by adding Subsection (f) to read as follows:  
(f) A ballot proposition proposing an amendment to a home-rule city charter or a voter-initiated initiative or referendum as requested by petition must substantially submit the question with such definiteness and certainty in identifying the proposition's chief features that the voters are not misled.  
[FA31]

No equivalent provision.

SECTION 3.\_\_. Chapter 233, Election Code, is amended by adding Section 233.0115 to read as follows:  
Sec. 233.0115. BALLOT LANGUAGE MANDAMUS ACTION. If a court orders a new election under Section 233.011, a person may seek from the court a writ of mandamus to compel the governing body of a city to comply with the requirement that a ballot proposition must substantially submit the question with such definiteness and certainty that the voters are not misled, as provided by Section 273.102. [FA31]

No equivalent provision.

SECTION 3.\_\_. Section 253.094(b), Election Code, is amended to read as follows:  
(b) A corporation or labor organization may not make a political contribution in connection with a recall election, including the circulation and submission of a petition to call an election. This subsection does not prohibit a religious organization from circulating or submitting a petition in connection with a recall election. [FA31]

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

No equivalent provision.

SECTION 3.\_\_\_\_. Chapter 273, Election Code, is amended by adding Subchapter F to read as follows:  
SUBCHAPTER F. BALLOT PROPOSITION LANGUAGE ENFORCEMENT PROVISIONS  
Sec. 273.101. REVIEW BY SECRETARY OF STATE. (a) Not later than the seventh day after the date on which a home-rule city publishes in the election order or by other means ballot proposition language proposing an amendment to the city charter or a voter-initiated initiative or referendum as requested by petition, a registered voter eligible to vote in the election may submit the proposition for review by the secretary of state.  
(b) The secretary of state shall review the proposition not later than the seventh day after the date the secretary receives the submission to determine whether the proposition substantially submits the question with such definiteness and certainty that the voters are not misled.  
(c) If the secretary of state determines that the proposition fails to substantially submit the question with such definiteness and certainty that the voters are not misled, the city shall draft a proposition to cure the defects and give notice of the new proposition using the method of giving notice prescribed for notice of an election under Section 4.003.  
(d) A proposition drafted by a city under Subsection (c) to cure the defects may be submitted to the secretary of state under Subsection (a). If the secretary of state determines that the city has on its third attempt drafted a proposition that fails to substantially submit the question with such definiteness and certainty that the voters are not misled, the secretary of state



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

shall draft the ballot proposition.

Sec. 273.102. MANDAMUS ACTIONS. (a) In an action in a court of competent jurisdiction seeking a writ of mandamus to compel the city's governing body to comply with the requirement that a ballot proposition must substantially submit the question with such definiteness and certainty that the voters are not misled, the court shall make its determination without delay and may order the city to use ballot proposition language drafted by the court.

(b) The court may award a plaintiff or relator who substantially prevails in a mandamus action described by Subsection (a) the party's reasonable attorney's fees, expenses, and court costs.

(c) Governmental immunity to suit is waived and abolished only to the extent of the liability created by Subsection (b).

Sec. 273.103. MANDATORY SUBMISSION TO SECRETARY OF STATE. Following a final nonappealable judgment containing a finding by a court that a ballot proposition drafted by a city failed to substantially submit the question with such definiteness and certainty that the voters are not misled, the city shall submit to the secretary of state for approval any proposition to be voted on at an election held by the city before the fourth anniversary of the court's finding.

Sec. 273.104. CITY REQUIRED TO PAY FOR LEGAL SERVICES. Notwithstanding a home-rule city charter provision to the contrary, a city may not accept legal services relating to a proceeding under this subchapter without paying fair market value for those services.

Sec. 273.105. RULES. The secretary of state may adopt rules as necessary to implement this subchapter. [FA31]

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
No equivalent provision.	SECTION 3.__. Sections 277.001, 277.002, 277.0021, 277.0022, 277.0023, 277.0024, and 277.003, Election Code, are designated as Subchapter A, Chapter 277, Election Code, and a heading is added to Subchapter A to read as follows: <u>SUBCHAPTER A. PROVISIONS RELATING TO SIGNATURES, VALIDITY, AND VERIFICATION OF PETITIONS</u> [FA31]	
No equivalent provision.	SECTION 3.__. Section 277.001, Election Code, is amended to read as follows: Sec. 277.001. APPLICABILITY OF <u>SUBCHAPTER</u> [ <del>CHAPTER</del> ]. This <u>subchapter</u> [ <del>chapter</del> ] applies to a petition authorized or required to be filed under a law outside this code in connection with an election. [FA31]	
No equivalent provision.	SECTION 3.__. Section 277.002, Election Code, is amended by adding Subsection (f) to read as follows: <u>(f) The illegibility of a signature on a petition submitted to a home-rule city is not a valid basis for invalidating the signature if the information provided with the signature as required by this section and other applicable law legibly provides enough information to demonstrate that the signer:</u> <u>(1) is eligible to have signed the petition; and</u> <u>(2) signed the petition on or after the 180th day before the date the petition was filed.</u> [FA31]	
No equivalent provision.	SECTION 3.__. Subchapter A, Chapter 277, Election Code, as added by this Act, is amended by adding Sections 277.005 and 277.006 to read as follows:	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Sec. 277.005. PETITION FORM; USE BY CITY AND OTHER PERSONS. (a) The secretary of state shall prescribe the form and content for a petition related to a city charter amendment or city initiative or referendum election.  
(b) A home-rule city that uses a form that is different from the official form prescribed under Subsection (a) may not invalidate a petition because the petition does not contain information that the petition form failed to provide for or to require to be provided.  
(c) A person who circulates or submits a petition is not required to use a petition form prescribed by the secretary of state or a home-rule city. A petition that does not use a prescribed form must contain the substantial elements required to be provided on the prescribed form.  
Sec. 277.006. RULES. The secretary of state may adopt rules as necessary to implement this subchapter. [FA31]

SECTION 3.\_\_. Chapter 277, Election Code, is amended by adding Subchapter B to read as follows:  
SUBCHAPTER B. SUBMISSION OF CERTAIN CITY PETITIONS  
Sec. 277.031. APPLICABILITY OF SUBCHAPTER. This subchapter applies to a home-rule city that has a procedure requiring the governing body of the city to hold an election on receipt of a petition requesting the election that complies with the applicable requirements.  
Sec. 277.032. CONFLICTS WITH CITY CHARTER OR OTHER LAW. The provisions of this subchapter apply notwithstanding any city charter provision or other law.  
Sec. 277.033. DETERMINATION OF VALIDITY. The city secretary shall determine the validity of a petition submitted

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

under this subchapter, including by verifying the petition signatures, not later than the 30th day after the date the city receives the petition.  
Sec. 277.034. COLLECTOR REQUIREMENTS PROHIBITED. (a) Except as provided by Subsection (b), a city may not restrict who may collect petition signatures.  
(b) A city may require a person who collects petition signatures to be a resident of the city. This subsection does not authorize a city to require a person who collects petition signatures to be a registered voter. A city requirement authorized under this subsection does not apply to a petition relating to a local option election under Chapter 501. [FA31]

SECTION 3.\_\_\_. Sections 9.004(a) and (c), Local Government Code, are amended to read as follows:  
(a) The governing body of a municipality on its own motion may submit a proposed charter amendment to the municipality's qualified voters for their approval at an election. The governing body shall submit a proposed charter amendment to the voters for their approval at an election if the submission is supported by a petition signed by a number of registered ~~[qualified]~~ voters of the municipality equal to at least five percent of the number of registered ~~[qualified]~~ voters of the municipality on the date of the most recent election held throughout the municipality or 20,000, whichever number is the smaller.  
(c) Notice of the election shall be published in a newspaper of general circulation published in the municipality. The notice must:  
(1) include a substantial copy of the proposed amendment in which language sought to be deleted by the amendment is

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

bracketed and stricken through and language sought to be added by the amendment is underlined;  
(2) include an estimate of the anticipated fiscal impact to the municipality if the proposed amendment is approved at the election; and  
(3) be published on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election. [FA31]

SECTION 3.\_\_. Subchapter E, Chapter 51, Local Government Code, is amended by adding Section 51.080 to read as follows:  
Sec. 51.080. PUBLICATION OF INITIATIVE OR REFERENDUM BALLOT PROPOSALS. (a) This section applies to a municipality for which a petition may be submitted requesting an election on an amendment to the municipality's charter or a voter-initiated initiative or referendum.  
(b) In addition to any other notice or publication requirements, a municipality shall publish the ballot proposition language to be voted on at an election described by Subsection (a) not later than the 109th day before the date of the election.  
(c) The municipality must provide on its website in an easily accessible location a clear and concise explanation of the process used to submit a petition requesting an election on an amendment to the municipality's charter or a voter-initiated initiative or referendum. [FA31]

SECTION 3.\_\_. Section 277.004, Election Code, is repealed.

No equivalent provision.

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	[FA31]	
No equivalent provision.	SECTION 3.__. Not later than January 1, 2018, the secretary of state shall adopt a petition form as required by Section 277.005, Election Code, as added by this Act. [FA31]	
No equivalent provision.	SECTION 3.__. The changes in law made by this Act apply only to a petition submitted on or after January 1, 2018. [FA31]	
No equivalent provision.	SECTION 3.__. (a) Effective September 1, 2017, Section 152.905, Local Government Code, is amended by adding Subsection (e) to read as follows: <u>(e) This subsection applies only to a county auditor or assistant auditor appointed to serve a county located on an international border that has a population of less than 300,000 and contains one or more municipalities with a population of 200,000 or more. In setting the compensation for a county auditor or assistant auditor considered at a hearing under this section, the district judge or judges may not set the amount of compensation in an amount that is inconsistent with a wage and position classification plan adopted by the county.</u> (b) For a county auditor or assistant auditor appointed before the September 1, 2017, whose compensation does not conform to the person's position classification as provided by a wage and position classification plan adopted by the county that the person serves, the district judge or judges, in subsequent hearings setting the person's annual compensation, shall, without reducing the person's annual compensation, align the	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

person's compensation with the wage and position classification plan adopted by the county. [FA32]

SECTION 3.\_\_. (a) Effective January 1, 2018, Section 23.51(1), Tax Code, is amended to read as follows:

(1) "Qualified open-space land" means land that is currently devoted principally to agricultural use to the degree of intensity generally accepted in the area and that has been devoted principally to agricultural use or to production of timber or forest products for five of the preceding seven years or land that is used principally as an ecological laboratory by a public or private college or university. Qualified open-space land includes all appurtenances to the land. For the purposes of this subdivision, appurtenances to the land means private roads, dams, reservoirs, water wells, canals, ditches, terraces, and other reshapings of the soil, fences, and riparian water rights. Notwithstanding the other provisions of this subdivision:

(A) [;] land that is currently devoted principally to wildlife management as defined by Subdivision (7)(B) or (C) to the degree of intensity generally accepted in the area qualifies for appraisal as qualified open-space land under this subchapter regardless of the manner in which the land was used in any preceding year; and

(B) land that is used principally as an ecological laboratory by a public or private college or university does not qualify for appraisal as qualified open-space land under this subchapter on the basis of that use unless the land was appraised as qualified open-space land under this subchapter on the basis of that use for the 2017 tax year.

(b) Section 23.51(1), Tax Code, as amended by this section,

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

applies only to the appraisal of land for ad valorem tax purposes for a tax year that begins on or after January 1, 2018.  
[FA33]

No equivalent provision.

SECTION 3.\_\_. Section 253.001, Local Government Code, is amended by adding Subsection (m) to read as follows:  
(m) Subsection (b) does not apply to a conveyance of park land owned by a home-rule municipality that:  
(1) is wholly located in a county with a population of more than three million; and  
(2) has a population of more than 100,000. [FA34]

No equivalent provision.

SECTION 3.\_\_. Subchapter A, Chapter 222, Transportation Code, is amended by adding Section 222.007 to read as follows:  
Sec. 222.007. ALLOCATION OF MONEY FROM TRANSPORTATION PROJECT DELAYS. (a) The department shall establish a system to track liquidated damages, including road user costs, retained by the department associated with delayed transportation project contracts.  
(b) The system must allow the department to correlate the liquidated damages with:  
(1) the project that was the subject of the damages; and  
(2) each department district in which the project that was the subject of the damages is located.  
(c) Each year, the department shall:  
(1) for each department district, determine the amount of money described by Subsection (a) retained in the previous year that is attributable to projects located in the district; and



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(2) in addition to other amounts, allocate to each department district an amount of money equal to the amount determined for the district under Subdivision (1) to be used for transportation projects located in that district.  
(d) If a transportation project that was the subject of liquidated damages is located in more than one department district, the department may reasonably allocate the amount of the liquidated damages from that project among the districts in which project is located. [FA35]

No equivalent provision.

SECTION 3.\_\_. (a) Effective January 1, 2018, Section 7201.052, Special District Local Laws Code, is amended by amending Subsections (a), (b), (c), and (l) and adding Subsection (m) to read as follows:  
(a) Except as provided by Subsection (l), the district shall be governed by a board of seven directors, elected as follows:  
(1) one director elected by the voters of the part of the City of Mission inside the district to represent that part of the city;  
(2) one director elected by the voters of the City of Palmview to represent that city;  
(3) one director elected by the voters of the City of Penitas to represent that city;  
(4) one director elected by the voters of the City of Sullivan City to represent that city; ~~and~~  
(5) one director elected by the voters of the part of the City of La Joya within the district to represent that part of the city;  
and  
(6) two ~~three~~ directors elected at-large to numbered positions on the board by the district voters who do not reside in any of the municipalities listed in Subdivisions (1)-(5) ~~(1)-(4)~~ ~~(4)~~ to represent the part of the district that is not included in

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

those municipalities, unless the number of at-large directors is increased under Subsection (1).

(b) A candidate for one of the numbered director positions:

(1) must reside in the part of the service area of the district that is not included in any of the municipalities listed in Subsections (a)(1)-(5) [~~(a)(1)-(4)~~]; and

(2) must be eligible to hold office under Section 141.001, Election Code.

(c) A candidate for one of the director positions representing a municipality listed in Subsection (a)(1), (2), (3), [~~(4)~~], or (5):

(1) must reside in the municipality the candidate seeks to represent; and

(2) must be eligible to hold office under Section 141.001, Election Code.

(1) If, before the expiration of the term of a director elected to represent a municipality under Subsection (a)(1), (2), (3), [~~(4)~~], or (5), the district determines that all of the incorporated territory of the municipality is outside the boundaries of the district, the position immediately becomes an at-large numbered position to be filled at the next general election of the district in accordance with Subsections (a)(6) [~~(a)(5)~~] and (b).

(m) The board may not employ as an employee, as a consultant, or on a contract basis:

(1) an elected official of the largest public employer in the service area of the district; or

(2) a person related to an elected official described by Subdivision (1) within the third degree by consanguinity or affinity as determined under Chapter 573, Government Code.

(b) The position of director of the Agua Special Utility District elected at-large for a term that expires in 2018

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
---------------	---------------------	------------

becomes the position for the director elected from the City of La Joya on the election date in 2018 when the district elects new directors. The director of the Agua Special Utility District elected at-large to a term that expires in 2018 shall serve until a director elected from the City of La Joya has qualified following the director's election held in 2018. This subsection expires September 1, 2020.

(c) The legal notice of the intention to introduce a bill relating to the Agua Special Utility District, setting forth the general substance of this section, has been published as provided by law, and the notice and a copy of a bill relating to the Agua Special Utility District have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(d) The governor, one of the required recipients, has submitted the notice and a bill relating to the Agua Special Utility District to the Texas Commission on Environmental Quality.

(e) The Texas Commission on Environmental Quality has filed its recommendations relating to the substance of this section with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(f) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of the substance of this section are fulfilled and accomplished. [FA36]

SECTION 3.\_\_. Subchapter B, Chapter 623, Transportation Code, is amended by adding Section 623.0172 to read as

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

follows:

Sec. 623.0172. PERMIT FOR INTERMODAL SHIPPING CONTAINER. (a) In this section, "intermodal shipping container" means an enclosed, standardized, reusable container that:

(1) is used to pack, ship, move, or transport cargo;

(2) is designed to be carried on a semitrailer and loaded onto or unloaded from:

(A) a ship or vessel for international transportation; or

(B) a rail system for international transportation; and

(3) when combined with vehicles transporting the container, has a gross weight or axle weight that exceeds the limits allowed by law to be transported over a state highway or county or municipal road.

(b) The department shall issue an annual permit for the international transportation of an intermodal shipping container moving by a truck-tractor and semitrailer combination that has six total axles and is equipped with a roll stability support safety system and truck blind spot systems only if:

(1) the gross weight of the combination does not exceed 93,000 pounds;

(2) the distance between the front axle of the truck-tractor and the last axle of the semitrailer, measured longitudinally, is approximately 647 inches;

(3) the truck-tractor is configured as follows:

(A) one single axle that does not exceed 13,000 pounds;

(B) one two-axle group that does not exceed 37,000 pounds, in which no axle in the group exceeds 18,500 pounds; and

(C) the distance between the individual axles on the two-axle group of the truck-tractor, measured longitudinally, is not less than 51 inches and not more than 52 inches; and

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(4) the semitrailer is configured as follows:  
(A) one three-axle group that does not exceed 49,195 pounds,  
in which no axle in the group exceeds 16,400 pounds; and  
(B) the distance between the individual axles in the three-axle  
group of the semitrailer, measured longitudinally, is 60 inches.  
(c) The department shall restrict vehicles operating under a  
permit issued under this section to routes that are:  
(1) located in a county with a population of more than  
90,000;  
(2) on highways in the state highway system; and  
(3) not more than five miles from the border between this  
state and Arkansas.  
(d) An intermodal shipping container being moved under a  
permit issued under this section must be continuously sealed  
from the point of origin to the point of destination with a seal  
that is required by:  
(1) the United States Customs and Border Protection;  
(2) the United States Food and Drug Administration; or  
(3) federal law or regulation.  
(e) A permit issued under this section does not authorize the  
operation of a vehicle combination described by Subsection  
(b) on:  
(1) load-restricted roads or bridges, including a road or bridge  
for which a maximum weight and load limit has been  
established and posted by the Texas Department of  
Transportation under Section 621.102; or  
(2) routes for which the Texas Department of Transportation  
has not authorized the operation of a vehicle combination  
described by Subsection (b).  
(f) A permit issued under this subchapter does not authorize  
the transportation of a material designated as of January 1,  
2017, as a hazardous material by the United States secretary

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

of transportation under 49 U.S.C. Section 5103(a).

(g) An applicant for a permit under this section must designate each Texas Department of Transportation district in which the permit will be used.

(h) The department shall initially set the fee for a permit issued under this section in an amount not to exceed \$2,000. Beginning in 2022, on September 1 of each even-numbered year the department shall set the fee for a permit issued under this section in an amount based on a reasonable estimate of the costs associated with the operation of vehicles issued a permit under this section over routes described by Subsection (c), including any increase in the costs necessary to maintain or repair those highways. The estimate shall be based on the results of the study conducted under Subsection (l).

(i) Of the fee collected under this section for a permit:

(1) 90 percent shall be deposited to the credit of the state highway fund;

(2) 5 percent shall be deposited to the credit of the Texas Department of Motor Vehicles fund; and

(3) 5 percent shall be deposited to the appropriate county road and bridge fund.

(j) A fee deposited under Subsection (i)(1) may only be used for transportation projects in the Texas Department of Transportation district designated in the permit application for which the fee was assessed.

(k) The department may suspend a permit issued under this section if the department receives notice from the Federal Highway Administration that the operation of a vehicle under a permit authorized by this section would result in the loss of federal highway funding.

(l) Beginning in 2022, not later than September 1 of each even-numbered year, the Texas Department of Transportation

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

shall conduct a study concerning vehicles operating under a permit issued under this section and publish the results of the study. In conducting the study, the Texas Department of Transportation shall collect and examine the following information:

(1) the weight and configuration of vehicles operating under a permit under this section that are involved in a motor vehicle accident;

(2) the types of vehicles operating under a permit issued under this section;

(3) traffic volumes and variations of vehicles operating under a permit issued under this section;

(4) weigh-in-motion data for highways located in and around the area described by Subsection (c);

(5) impacts to state and local bridges, including long-term bridge performance, for bridges located in and around the area described by Subsection (c); and

(6) impacts to state and local roads, including changes in pavement design standards, construction specification details, maintenance frequency and types, and properties of pavement and underlying soils resulting from or necessitated by vehicles operating under a permit issued under this section. [FA37]

SECTION 3.\_\_. Title 3, Labor Code, is amended by adding Chapter 106 to read as follows:

CHAPTER 106. CRIMINAL HISTORY RECORD  
INFORMATION OF EMPLOYMENT APPLICANT OR  
EMPLOYEE

Sec. 106.001. DEFINITIONS. In this chapter:

(1) "Applicant" means a person who has made an oral or written application with a private employer, or has sent a

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

resume or other correspondence to a private employer, indicating an interest in employment.  
(2) “Criminal history record information” means information collected by a criminal justice agency about a person’s arrests, detentions, and criminal charges and the dispositions of those criminal charges.  
Sec. 106.002. CERTAIN LOCAL REGULATION OF PRIVATE EMPLOYERS PROHIBITED. A political subdivision of this state may not adopt or enforce any ordinance or other local regulation that prohibits, limits, delays, or otherwise regulates a private employer’s ability to inquire about, request, consider, or take employment action based on the criminal history record information of an applicant or employee or criminal history provided by an applicant or employee.  
Sec. 106.003. NONAPPLICABILITY. This chapter does not prevent a political subdivision of this state from adopting or enforcing an ordinance or other local regulation relating to the access to or consideration of the criminal history record information of an individual or criminal history provided by an individual:  
(1) entering into a contract or other agreement with the political subdivision as it relates to hiring within the scope of performance of duties under that contract or agreement; or  
(2) receiving a grant from the political subdivision as it relates to hiring within the scope of performance of duties under the grant. [FA38]

SECTION 3.\_\_. The following provisions are repealed:  
(1) Section 54.04011(f), Family Code; and  
(2) Sections 152.0016(l) and 261.101(f), Human Resources

No equivalent provision.



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Code. [FA39]

SECTION 3.\_\_. Effective September 1, 2017, Chapter 103, Code of Criminal Procedure, is amended by adding Article 103.0081 to read as follows:

Art. 103.0081. UNCOLLECTIBLE FEES. (a) Any officer authorized by this chapter to collect a fee or item of cost may request the trial court in which a criminal action or proceeding was held to make a finding that a fee or item of cost imposed in the action or proceeding is uncollectible if the officer believes:

(1) the defendant is deceased;

(2) the defendant is serving a sentence for imprisonment for life or life without parole; or

(3) the fee has been unpaid for at least 15 years.

(b) On a finding by a court that any condition described by Subsections (a)(1)-(3) is true, the court may order the officer to designate the fee or item of cost as uncollectible in the fee record. The officer shall attach a copy of the court's order to the fee record.

(c) This article applies only to a county with a population of more than 780,000 but less than 790,000. [FA40]

SECTION 3.\_\_. Chapter 411, Government Code, is amended by adding Subchapter P to read as follows:

SUBCHAPTER P. CAMO ALERT FOR MISSING MILITARY MEMBERS

Sec. 411.441. DEFINITIONS. In this subchapter:

(1) "Alert" means the statewide camo alert for missing military members that is developed and implemented under

No equivalent provision.

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

this subchapter.

(2) "Law enforcement agency" means a law enforcement agency with jurisdiction over the investigation of a missing military member.

(3) "Military member" means a person who is a current or former member of the United States armed forces, including the National Guard or a reserve or auxiliary unit of any branch of the armed forces.

Sec. 411.442. CAMO ALERT FOR MISSING MILITARY MEMBERS. With the cooperation of the Texas Department of Transportation, the office of the governor, and other appropriate law enforcement agencies in this state, the department shall develop and implement a statewide camo alert to be activated on behalf of a missing military member who suffers from a mental illness, including post-traumatic stress disorder, or a traumatic brain injury.

Sec. 411.443. ADMINISTRATION. (a) The director is the statewide coordinator of the alert.

(b) The director shall adopt rules and issue directives as necessary to ensure proper implementation of the alert. The rules and directives must include:

(1) the procedures to be used by a law enforcement agency to verify whether a military member:

(A) is missing; and

(B) suffers from a mental illness, including post-traumatic stress disorder, or a traumatic brain injury;

(2) a description of the circumstances under which a law enforcement agency is required to report a missing military member to the department;

(3) the procedures to be used by an individual or entity to report information about a missing military member to designated media outlets in this state;

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(4) guidelines for protecting the privacy of a missing military member for whom an alert has been issued; and

(5) the procedures to be used by a military member to opt out of any activation of the alert system with respect to the member.

(c) The director shall prescribe forms for use by law enforcement agencies in requesting activation of the alert system.

Sec. 411.444. DEPARTMENT TO RECRUIT PARTICIPANTS. The department shall recruit public and commercial television and radio broadcasters, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the alert system.

Sec. 411.445. STATE AGENCIES. (a) A state agency participating in the alert system shall:

(1) cooperate with the department and assist in developing and implementing the alert system; and

(2) establish a plan for providing relevant information to its officers, investigators, or employees, as appropriate, once the alert system has been activated.

(b) In addition to its duties as a state agency under Subsection (a), the Texas Department of Transportation shall establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across the state.

Sec. 411.446. NOTIFICATION TO DEPARTMENT OF MISSING MILITARY MEMBER. (a) A law enforcement agency shall notify the department if the agency:

(1) receives notice of a missing military member;

(2) verifies that at the time the military member is reported missing;

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(A) the person reported missing is a military member;  
(B) the military member's location is unknown;  
(C) the military member's domicile is in this state; and  
(D) the military member suffers from a mental illness,  
including post-traumatic stress disorder, or a traumatic brain  
injury; and  
(3) determines that the military member's disappearance  
poses a credible threat to the military member's health and  
safety or the health and safety of another.  
(b) The law enforcement agency shall:  
(1) require the family or legal guardian of the missing  
military member to provide documentation of the military  
member's mental illness to verify the condition as required by  
Subsection (a)(2)(D); and  
(2) as soon as practicable, determine whether the military  
member's disappearance poses a credible threat to the military  
member's health and safety or the health and safety of another  
for purposes of Subsection (a)(3).  
Sec. 411.447. ACTIVATION OF CAMO ALERT. (a) When  
a law enforcement agency notifies the department under  
Section 411.446, the department shall confirm the accuracy of  
the information and, if confirmed, immediately issue an alert  
under this subchapter in accordance with department rules.  
(b) In issuing the alert, the department shall send the alert to  
designated media outlets in this state. Following receipt of the  
alert, participating radio stations and television stations and  
other participating media outlets may issue the alert at  
designated intervals to assist in locating the missing military  
member.  
Sec. 411.448. CONTENT OF CAMO ALERT. The alert  
must include:  
(1) all appropriate information that is provided by the law

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

enforcement agency under Section 411.446 and that may lead to the safe recovery of the missing military member; and  
(2) a statement instructing any person with information related to the missing military member to contact a law enforcement agency.  
Sec. 411.449. TERMINATION OF CAMO ALERT. (a) The director shall terminate any activation of the alert with respect to a particular missing military member not later than the earlier of the date on which:  
(1) the missing military member is located or the situation is otherwise resolved; or  
(2) the notification period ends, as determined by department rule.  
(b) A law enforcement agency that locates a missing military member who is the subject of an alert under this subchapter shall notify the department as soon as possible that the missing military member has been located. [FA41]

No equivalent provision.

SECTION 3.\_\_\_\_. Section 615.121(a), Government Code, is amended to read as follows:  
(a) The state shall pay the following benefits to an eligible surviving spouse of a peace officer, a jailer, a county jailer or guard, or an employee of the Texas Department of Criminal Justice, as described by Section 615.003(1), (4), ~~[(6)]~~ (6), or (7), who was killed in the line of duty and who had not qualified for an annuity under an employees' retirement plan:  
(1) funeral expenses related to the deceased person ~~[officer or employee]~~; and  
(2) monthly payments that equal the greater of:  
(A) the monthly annuity payment the deceased person ~~[officer or employee]~~ would have received if the deceased

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

person ~~[officer or employee]~~ had survived, had retired on the last day of the month in which the person ~~[officer or employee]~~ died, and had been eligible to receive an annuity under an employees' retirement plan; or  
(B) the minimum monthly annuity payment the deceased person ~~[officer or employee]~~ would have received if the person ~~[officer or employee]~~ had been employed by the state for 10 years, had been paid a salary at the lowest amount provided by the General Appropriations Act for a position of peace officer, jailer, county jailer or guard, or employee of the Texas Department of Criminal Justice, as described by Section 615.003(1), (4), [or] (6), or (7), and had been eligible to retire under the Employees Retirement System of Texas.  
[FA42]

SECTION 3.\_\_\_\_. Sections 2158.004(a), (b), (c), and (d), Government Code, are amended to read as follows:  
(a) A state agency operating a fleet of more than 15 vehicles, excluding law enforcement and emergency vehicles, may not purchase or lease a motor vehicle unless that vehicle uses compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, ethanol or ethanol/gasoline blends of 85 percent or greater, biodiesel or biodiesel/diesel blends of 20 percent or greater, hydrogen fuel cells, or electricity, including electricity to power a plug-in hybrid motor vehicle.  
(b) A state agency may obtain equipment or refueling facilities necessary to operate vehicles using compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, ethanol or ethanol/gasoline blends of 85 percent or

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

greater, biodiesel or biodiesel/diesel blends of 20 percent or greater, hydrogen fuel cells, or electricity, including electricity to power a plug-in hybrid motor vehicle:

- (1) by purchase or lease as authorized by law;
- (2) by gift or loan of the equipment or facilities; or
- (3) by gift or loan of the equipment or facilities or by another arrangement under a service contract for the supply of compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, ethanol or ethanol/gasoline blends of 85 percent or greater, biodiesel or biodiesel/diesel blends of 20 percent or greater, hydrogen fuel cells, or electricity, including electricity to power a plug-in hybrid motor vehicle.

(c) If the equipment or facilities are donated, loaned, or provided through another arrangement with the supplier of compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, ethanol or ethanol/gasoline blends of 85 percent or greater, biodiesel or biodiesel/diesel blends of 20 percent or greater, hydrogen fuel cells, or electricity, including electricity to power a plug-in hybrid motor vehicle, the supplier is entitled to recoup its actual cost of donating, loaning, or providing the equipment or facilities through its fuel charges under the supply contract.

(d) The commission may waive the requirements of this section for a state agency on receipt of certification supported by evidence acceptable to the commission that:

- (1) the agency's vehicles will be operating primarily in an area in which neither the agency nor a supplier has or can reasonably be expected to establish adequate refueling for compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

percent or greater, ethanol or ethanol/gasoline blends of 85 percent or greater, biodiesel or biodiesel/diesel blends of 20 percent or greater, hydrogen fuel cells, or electricity, including electricity to power a plug-in hybrid motor vehicle; or  
(2) the agency is unable to obtain equipment or refueling facilities necessary to operate vehicles using compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, ethanol or ethanol/gasoline blends of 85 percent or greater, biodiesel or biodiesel/diesel blends of 20 percent or greater, hydrogen fuel cells, or electricity, including electricity to power a plug-in hybrid motor vehicle, at a projected cost that is reasonably expected to be no greater than the net costs of continued use of conventional gasoline or diesel fuels, measured over the expected useful life of the equipment or facilities supplied. [FA43]

SECTION 3.\_\_. Subchapter A, Chapter 2158, Government Code, is amended by adding Section 2158.0051 to read as follows:  
Sec. 2158.0051. ALTERNATIVE FUEL FLEETS. (a) In this section, "political subdivision" has the meaning assigned by Section 395.001, Health and Safety Code.  
(b) Notwithstanding the purchase requirements of Section 2158.004:  
(1) the vehicle fleet of a state agency that operates a fleet of more than 15 motor vehicles, subject to the availability of funds, may be replaced with motor vehicles that use compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen fuel cells, or electricity, including both fully electric motor vehicles and plug-in hybrid motor

No equivalent provision.



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

vehicles;  
(2) a political subdivision that operates a vehicle fleet of more than 15 motor vehicles is authorized, but is not required, to replace the fleet with motor vehicles that use compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen fuel cells, or electricity, including both fully electric motor vehicles and plug-in hybrid motor vehicles; and  
(3) motor vehicles of a state agency or political subdivision described by Subdivisions (1) and (2) that are capable of using fuels described by those subdivisions shall be primarily operated with those fuels.  
(b) In complying with Subsection (a), a state agency to which this section applies shall prioritize:  
(1) the purchase or lease of new motor vehicles, including new motor vehicles that are converted to operate on an alternative fuel described by Subsection (a)(1), when replacing vehicles or adding vehicles to the fleet;  
(2) the purchase of new motor vehicles, including new motor vehicles that are converted to operate on an alternative fuel described by Subsection (a)(1), to replace vehicles that have the highest total mileage and do not use a fuel described by Subsection (a)(1); and  
(3) to the extent feasible, obtaining, whether by purchase, purchase and conversion, or lease, motor vehicles that use compressed natural gas, liquefied natural gas, or liquefied petroleum gas.  
(c) Subsection (a)(1) does not apply to law enforcement or emergency vehicles. [FA43]

SECTION 3. Subchapter B, Chapter 382, Health and Safety Code, is amended by adding Section 382.037 to read as

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

follows:

Sec. 382.037. NOTICE IN TEXAS REGISTER REGARDING NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE. (a) This section applies only if:

(1) with respect to each active or revoked national ambient air quality standard for ozone referenced in 40 C.F.R. Section 81.344, the United States Environmental Protection Agency has, for each designated area referenced in that section:

(A) designated the area as attainment or unclassifiable/attainment; or

(B) approved a redesignation substitute making a finding of attainment for the area; and

(2) for each designated area described by Subdivision (1), with respect to an action of the United States Environmental Protection Agency described by Subdivision (1)(A) or (B):

(A) the action has been fully and finally upheld following judicial review or the limitations period to seek judicial review of the action has expired; and

(B) the rules under which the action was approved by the agency have been fully and finally upheld following judicial review or the limitations period to seek judicial review of those rules has expired.

(b) Not later than the 30th day after the date the conditions described by Subsection (a) have been met, the commission shall publish notice in the Texas Register that, with respect to each active or revoked national ambient air quality standard for ozone referenced in 40 C.F.R. Section 81.344, the United States Environmental Protection Agency has, for each designated area referenced in that section:

(1) designated the area as attainment or unclassifiable/attainment; or

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	<u>(2) approved a redesignation substitute making a finding of attainment for the area.</u> [FA43]	
No equivalent provision.	SECTION 3.__. Section 386.001(3), Health and Safety Code, is amended to read as follows: (3) "Commission" means the Texas <del>[Natural Resource Conservation]</del> Commission <u>on Environmental Quality</u> . [FA43]	
No equivalent provision.	SECTION 3.__. Section 386.002, Health and Safety Code, is amended to read as follows: Sec. 386.002. EXPIRATION. This chapter expires <u>on the last day of the state fiscal biennium during which the commission publishes in the Texas Register the notice required by Section 382.037</u> <del>[August 31, 2019]</del> . [FA43]	
No equivalent provision.	SECTION 3.__. Section 386.051(b), Health and Safety Code, is amended to read as follows: (b) Under the plan, the commission and the comptroller shall provide grants or other funding for: (1) the diesel emissions reduction incentive program established under Subchapter C, including for infrastructure projects established under that subchapter; (2) the motor vehicle purchase or lease incentive program established under Subchapter D; (3) the air quality research support program established under Chapter 387; (4) the clean school bus program established under Chapter 390;	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

- (5) the new technology implementation grant program established under Chapter 391;
- (6) the regional air monitoring program established under Section 386.252(a);
- (7) a health effects study as provided by Section 386.252(a);
- (8) air quality planning activities as provided by Section 386.252(d) [~~386.252(a)~~];
- (9) a contract with the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station for computation of creditable statewide emissions reductions as provided by Section 386.252(a) [~~386.252(a)(14)~~];
- (10) the clean fleet program established under Chapter 392;
- (11) the alternative fueling facilities program established under Chapter 393;
- (12) the natural gas vehicle grant program [~~and clean transportation triangle program~~] established under Chapter 394;
- (13) other programs the commission may develop that lead to reduced emissions of nitrogen oxides, particulate matter, or volatile organic compounds in a nonattainment area or affected county;
- (14) other programs the commission may develop that support congestion mitigation to reduce mobile source ozone precursor emissions; [~~and~~]
- (15) the seaport and rail yard areas emissions reduction [~~drayage truck incentive~~] program established under Subchapter D-1;
- (16) conducting research and other activities associated with making any necessary demonstrations in the state's air quality state implementation plan submitted to the United States Environmental Protection Agency that account for the impact of foreign emissions or an exceptional event;

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(17) studies of or pilot programs for incentives for port authorities located in nonattainment areas or affected counties as provided by Section 386.252(a); and  
(18) the governmental alternative fuel fleet grant program established under Chapter 395. [FA43]

No equivalent provision.

SECTION 3.\_\_\_\_. Sections 386.0515(a) and (c), Health and Safety Code, are amended to read as follows:

(a) In this section:

(1) "Agricultural"~~["agricultural"]~~ product transportation" means the transportation of a raw agricultural product from the place of production using a heavy-duty truck to:

(A) [(1)] a nonattainment area;

(B) [(2)] an affected county;

(C) [(3)] a destination inside the clean transportation zone ~~[triangle]~~; or

(D) [(4)] a county adjacent to a county described by Paragraph (B) ~~[Subdivision (2)]~~ or that contains an area described by Paragraph (A) or (C) ~~[Subdivision (1) or (3)]~~.

(2) "Clean transportation zone" has the meaning assigned by Section 393.001.

(c) The determining factor for eligibility for participation in a program established under Chapter 392 or ~~[Chapter] 394~~~~[-as added by Chapter 892 (Senate Bill No. 385), Acts of the 82nd Legislature, Regular Session, 2011,]~~ for a project relating to agricultural product transportation is the overall accumulative net reduction in emissions of oxides of nitrogen in a nonattainment area, an affected county, or the clean transportation zone ~~[triangle]~~. [FA43]

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
No equivalent provision.	SECTION 3.___. Section 386.103, Health and Safety Code, is amended by adding Subsection (c) to read as follows: <u>(c) To reduce the administrative burden for the commission and applicants, the commission may streamline the application process by:</u> <u>(1) reducing data entry and the copying and recopying of applications; and</u> <u>(2) developing, maintaining, and periodically updating a system to accept applications electronically through the commission's Internet website.</u> [FA43]	
No equivalent provision.	SECTION 3.___. Section 386.104(j), Health and Safety Code, is amended to read as follows: (j) The executive director <u>may</u> <del>shall</del> waive any eligibility requirements established under this section on a finding of good cause, which may include a waiver for short lapses in registration or operation attributable to economic conditions, seasonal work, or other circumstances. [FA43]	
No equivalent provision.	SECTION 3.___. Sections 386.116(a), (b), and (c), Health and Safety Code, are amended to read as follows: (a) In this section, "small business" means a business owned by a person who: (1) owns and operates not more than <u>five</u> <del>two</del> vehicles, one of which is: (A) an on-road diesel <del>[with a pre-1994 engine model]</del> ; or (B) a non-road diesel <del>[with an engine with uncontrolled emissions]</del> ; and (2) has owned the vehicle described by Subdivision (1)(A) or (B) for more than <u>two years</u> <del>[one year]</del> .	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(b) The commission [~~by rule~~] shall develop a method of providing fast and simple access to grants under this subchapter for a small business. The method must:  
(1) create a separate small business grant program; or  
(2) require the commission to give special consideration to small businesses when implementing another program established under this subchapter.  
(c) The commission shall publicize and promote the availability of grants under this subchapter for small businesses [~~section~~] to encourage the use of vehicles that produce fewer emissions. [FA43]

SECTION 3.\_\_\_\_. Chapter 386, Health and Safety Code, is amended by adding Subchapter D to read as follows:  
SUBCHAPTER D. MOTOR VEHICLE PURCHASE OR LEASE INCENTIVE PROGRAM  
Sec. 386.151. DEFINITIONS. In this subchapter:  
(1) "Light-duty motor vehicle" means a motor vehicle with a gross vehicle weight rating of less than 10,000 pounds.  
(2) "Motor vehicle" means a self-propelled device designed for transporting persons or property on a public highway that is required to be registered under Chapter 502, Transportation Code.  
Sec. 386.152. APPLICABILITY. The provisions of this subchapter relating to a lessee do not apply to a person who rents or leases a light-duty motor vehicle for a term of 30 days or less.  
Sec. 386.153. COMMISSION DUTIES REGARDING LIGHT-DUTY MOTOR VEHICLE PURCHASE OR LEASE INCENTIVE PROGRAM. (a) The commission shall develop a purchase or lease incentive program for new light-duty

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

motor vehicles and shall adopt rules necessary to implement the program.

(b) The program shall authorize statewide incentives for the purchase or lease of new light-duty motor vehicles powered by compressed natural gas, liquefied petroleum gas, or hydrogen fuel cell or other electric drives for a purchaser or lessee who agrees to register and operate the vehicle in this state for a minimum period of time to be established by the commission.

(c) Only one incentive will be provided for each new light-duty motor vehicle. The incentive shall be provided to the lessee and not to the purchaser if the motor vehicle is purchased for the purpose of leasing the vehicle to another person.

(d) The commission by rule may revise the standards for the maximum unloaded vehicle weight rating and gross vehicle weight rating of an eligible vehicle to ensure that all of the vehicle weight configurations available under one general vehicle model may be eligible for an incentive.

Sec. 386.154. LIGHT-DUTY MOTOR VEHICLE PURCHASE OR LEASE INCENTIVE REQUIREMENTS.

(a) A new light-duty motor vehicle powered by compressed natural gas or liquefied petroleum gas is eligible for a \$5,000 incentive if the vehicle:

(1) has four wheels;

(2) was originally manufactured to comply with and has been certified by an original equipment manufacturer or intermediate or final state vehicle manufacturer as complying with, or has been altered to comply with, federal motor vehicle safety standards, state emissions regulations, and any additional federal or state regulations applicable to vehicles powered by compressed natural gas or liquefied petroleum



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

gas;

(3) was manufactured for use primarily on public streets, roads, and highways;

(4) has a dedicated or bi-fuel compressed natural gas or liquefied petroleum gas fuel system;

(A) installed prior to first sale or within 500 miles of operation of the vehicle following first sale; and

(B) with a range of at least 125 miles as estimated, published, and updated by the United States Environmental Protection Agency;

(5) has, as applicable, a:

(A) compressed natural gas fuel system that complies with the:

(i) 2013 NFPA 52 Vehicular Gaseous Fuel Systems Code; and

(ii) American National Standard for Basic Requirements for Compressed Natural Gas Vehicle (NGV) Fuel Containers, commonly cited as "ANSI/CSA NGV2"; or

(B) liquefied petroleum gas fuel system that complies with:

(i) the 2011 NFPA 58 Liquefied Petroleum Gas Code; and

(ii) Section VII of the 2013 ASME Boiler and Pressure Vessel Code; and

(6) was acquired on or after September 1, 2013, or a later date established by the commission, by the person applying for the incentive under this subsection and for use or lease by that person and not for resale.

(b) If the commission determines that an updated version of a code or standard described by Subdivision (a)(5) is more stringent than the version of the code or standard described by Subdivision (a)(5), the commission by rule may provide that a vehicle for which a person applies for an incentive under Subsection (a) is eligible for the incentive only if the vehicle

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

complies with the updated version of the code or standard.

(c) The incentive under Subsection (a) is limited to 1,000 vehicles for each state fiscal biennium.

(d) A new light-duty motor vehicle powered by an electric drive is eligible for a \$2,500 incentive if the vehicle:

(1) has four wheels;

(2) was manufactured for use primarily on public streets, roads, and highways;

(3) has not been modified from the original manufacturer's specifications;

(4) has a maximum speed capability of at least 55 miles per hour;

(5) is propelled to a significant extent by an electric motor that draws electricity from a hydrogen fuel cell or from a battery that:

(A) has a capacity of not less than four kilowatt hours; and

(B) is capable of being recharged from an external source of electricity; and

(6) was acquired on or after September 1, 2013, or a later date as established by the commission, by the person applying for the incentive under this subsection and for use or lease by that person and not for resale.

(e) The incentive under Subsection (d) is limited to 2,000 vehicles for each state fiscal biennium.

Sec. 386.155. MANUFACTURER'S REPORT. (a) At the beginning of but not later than July 1 of each year preceding the vehicle model year, a manufacturer of motor vehicles, an intermediate or final state vehicle manufacturer, or a manufacturer of compressed natural gas or liquefied petroleum gas systems shall provide to the commission a list of the new vehicle or natural gas or liquefied petroleum gas systems models that the manufacturer intends to sell in this

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

state during that model year that meet the incentive requirements established under Section 386.154. The manufacturer or installer may supplement the list provided to the commission under this section as necessary to include additional new vehicle models the manufacturer intends to sell in this state during the model year.

(b) The commission may supplement the information provided under Subsection (a) with additional information on available vehicle models, including information provided by manufacturers or installers of systems to convert new motor vehicles to operate on natural gas or liquefied petroleum gas before sale as a new vehicle or within 500 miles of operation of the vehicle following first sale.

Sec. 386.156. LIST OF ELIGIBLE MOTOR VEHICLES.

(a) On August 1 of each year the commission shall publish a list of new motor vehicle models eligible for inclusion in an incentive under this subchapter. The commission shall publish supplements to that list as necessary to include additional new vehicle models.

(b) The commission shall publish the list of eligible motor vehicle models on the commission's Internet website.

Sec. 386.157. LIGHT-DUTY MOTOR VEHICLE PURCHASE OR LEASE INCENTIVE. (a) A person who purchases or leases a new light-duty motor vehicle described by Section 386.154 and listed under Section 386.156(a) is eligible to apply for an incentive under this subchapter.

(b) A lease incentive for a new light-duty motor vehicle shall be prorated based on a three-year lease term.

(c) To receive money under an incentive program provided by this subchapter, the purchaser or lessee of a new light-duty motor vehicle who is eligible to apply for an incentive under this subchapter shall apply for the incentive in the manner

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

provided by law or by rule of the commission.

Sec. 386.158. COMMISSION TO ACCOUNT FOR MOTOR VEHICLE PURCHASE OR LEASE INCENTIVES. (a) The commission by rule shall develop a method to administer and account for the motor vehicle purchase or lease incentives authorized by this subchapter and to pay incentive money to the purchaser or lessee of a new motor vehicle, on application of the purchaser or lessee as provided by this subchapter.

(b) The commission shall develop and publish forms and instructions for the purchaser or lessee of a new motor vehicle to use in applying to the commission for an incentive payment under this subchapter. The commission shall make the forms available to new motor vehicle dealers and leasing agents. Dealers and leasing agents shall make the forms available to their prospective purchasers or lessees.

(c) The commission may require the submission of forms and documentation as needed to verify eligibility for an incentive under this subchapter.

Sec. 386.159. PURCHASE OR LEASE INCENTIVES INFORMATION. (a) The commission shall establish a toll-free telephone number available to motor vehicle dealers and leasing agents for the dealers and agents to call to verify that incentives are available. The commission may provide for issuing verification numbers over the telephone line.

(b) Reliance by a dealer or leasing agent on information provided by the commission is a complete defense to an action involving or based on eligibility of a vehicle for an incentive or availability of vehicles eligible for an incentive.

Sec. 386.160. RESERVATION OF INCENTIVES. The commission may provide for dealers and leasing agents to reserve for a limited time period incentives for vehicles that are not readily available and must be ordered, if the dealer or

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	<u>leasing agent has a purchase or lease order signed by an identified customer.</u> [FA43]	
No equivalent provision.	SECTION 3.__. The heading to Subchapter D-1, Chapter 386, Health and Safety Code, is amended to read as follows: SUBCHAPTER D-1. <u>SEAPORT AND RAIL YARD AREAS EMISSIONS REDUCTION</u> [ <del>DRAYAGE—TRUCK INCENTIVE</del> ] PROGRAM [FA43]	
No equivalent provision.	SECTION 3.__. The heading to Section 386.181, Health and Safety Code, is amended to read as follows: Sec. 386.181. <u>DEFINITIONS</u> [ <del>DEFINITION</del> ]; RULES. [FA43]	
No equivalent provision.	SECTION 3.__. Section 386.181(a), Health and Safety Code, is amended to read as follows: (a) In this subchapter: (1) <u>"Cargo handling equipment" means any heavy-duty non-road, self-propelled vehicle or land-based equipment used at a seaport or rail yard to lift or move cargo, such as containerized, bulk, or break-bulk goods.</u> (2) <u>"Drayage [,-drayage] truck" means a heavy-duty on-road or non-road vehicle that is used for drayage activities and that operates in or transgresses through [truck that transports a load to or from] a seaport or rail yard for the purpose of loading, unloading, or transporting cargo, including transporting empty containers and chassis.</u> (3) <u>"Repower" means to replace an old engine powering a vehicle with a new engine, a used engine, a remanufactured</u>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	<u>engine, or electric motors, drives, or fuel cells.</u> [FA43]	
No equivalent provision.	<p>SECTION 3.__. Section 386.182, Health and Safety Code, is amended to read as follows:</p> <p>Sec. 386.182. COMMISSION DUTIES. (a) The commission shall;</p> <p>(1) develop a purchase incentive program to encourage owners to;</p> <p>(A) <u>replace older drayage trucks and cargo handling equipment</u> <del>[with pre 2007 model year engines]</del> with newer drayage trucks <u>and cargo handling equipment; or</u></p> <p>(B) <u>repower drayage trucks and cargo handling equipment;</u></p> <p>and</p> <p>(2) <del>[shall]</del> adopt guidelines necessary to implement the program <u>described by Subdivision (1).</u></p> <p>(b) The commission by rule <u>and guideline</u> shall establish criteria for the <u>engines the models of drayage trucks and cargo handling equipment</u> that are eligible for inclusion in an incentive program under this subchapter. <del>[The guidelines must provide that a drayage truck owner is not eligible for an incentive payment under this subchapter unless the truck being replaced contains a pre 2007 model year engine and the replacement truck's engine is from model year 2010 or later as determined by the commission and that the truck operates at a seaport or rail yard.]</del> [FA43]</p>	
No equivalent provision.	<p>SECTION 3.__. The heading to Section 386.183, Health and Safety Code, is amended to read as follows:</p> <p>Sec. 386.183. <u>DRAYAGE TRUCK AND CARGO HANDLING EQUIPMENT</u> PURCHASE INCENTIVE.</p>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

[FA43]

No equivalent provision.

SECTION 3.\_\_. Section 386.183, Health and Safety Code, is amended by amending Subsections (a), (b), (c), (d), and (e) and adding Subsection (a-1) to read as follows:

(a) To be eligible for an incentive under this subchapter, a person must:

(1) purchase a replacement drayage truck, piece of cargo handling equipment, or engine that under Subsection (a-1)(1)(A) or (2)(A), as applicable, and the guidelines adopted by the commission under Section 386.182 is eligible for inclusion in the program for an incentive under this subchapter; and

(2) agree to:

(A) register the drayage truck in this state, if the replacement or repowered vehicle is an on-road drayage truck;

(B) operate the replacement or repowered drayage truck or cargo handling equipment in and within a maximum distance established by the commission of a seaport or rail yard in a nonattainment area of this state for not less than 50 percent of the truck's or equipment's [vehicle's] annual mileage or hours of operation, as determined by the commission; and

(C) permanently remove the [a pre 2007] drayage truck, cargo handling equipment, or engine replaced under the program [containing a pre 2007 engine owned by the person] from operation in a nonattainment area of this state by destroying the engine in accordance with guidelines established by the commission, and if the incentive is for a replacement drayage truck or cargo handling equipment, scrapping the truck or equipment after the purchase of the replacement [new] truck or equipment in accordance with

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

guidelines established by the commission.

(a-1) To be eligible for purchase under this program:

(1) a drayage truck or cargo handling equipment must:

(A) be powered by an electric motor or contain an engine certified to the current federal emissions standards applicable to that type of engine, as determined by the commission; and

(B) emit oxides of nitrogen at a rate that is at least 25 percent less than the rate at which the truck or equipment being replaced under the program emits such pollutants;

(2) an engine repowering a drayage truck or cargo handling equipment must:

(A) be an electric motor or an engine certified to the current federal emissions standards applicable to that type of engine, as determined by the commission; and

(B) emit oxides of nitrogen at a rate that is at least 25 percent less than the rate at which the former engine in the truck or equipment being repowered under the program emits such pollutants.

(b) To receive money under an incentive program provided by this subchapter, the purchaser of a drayage truck, piece of cargo handling equipment, or engine eligible for inclusion in the program must apply for the incentive in the manner provided by law, rule, or guideline of the commission.

(c) Not more than one incentive may be provided for each drayage truck or piece of cargo handling equipment purchased or repowered.

(d) An incentive provided under this subchapter may be used to fund not more than 80 percent of, as applicable, the purchase price of:

(1) the drayage truck or cargo handling equipment; or

(2) the engine and any other eligible costs associated with repowering the drayage truck or cargo handling equipment, as



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

determined by the commission.  
(e) The commission shall establish procedures to verify that a person who receives an incentive:  
(1) has operated in a seaport or rail yard and owned or leased the drayage truck or cargo handling equipment to be replaced or repowered for at least two years prior to receiving the grant; and  
(2) as applicable:  
(A) after purchase of the replacement drayage truck or cargo handling equipment, permanently destroys the engine and scraps the ~~[drayage]~~ truck or equipment replaced under the program [that contained the pre-2007 engine owned or leased by the person], in accordance with guidelines established by the commission; or  
(B) after repowering the drayage truck or cargo handling equipment, permanently destroys the engine that was contained in the truck or equipment in accordance with guidelines established by the commission ~~[, after the purchase of the new truck]~~. [FA43]

SECTION 3.\_\_. Section 386.252, Health and Safety Code, is amended to read as follows:  
Sec. 386.252. USE OF FUND. (a) Money in the fund may be used only to implement and administer programs established under the plan. Subject to the reallocation of funds by the commission under Subsection (h), money ~~[Money]~~ appropriated to the commission to be used for the programs under Section 386.051(b) shall initially be allocated as follows:  
(1) ~~[not more than]~~ four percent may be used for the clean school bus program under Chapter 390;

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

- (2) ~~[not more than]~~ three percent may be used for the new technology implementation grant program under Chapter 391, from which at least \$1 million will be set aside for electricity storage projects related to renewable energy;
- (3) five percent may ~~[shall]~~ be used for the clean fleet program under Chapter 392;
- (4) not more than \$3 million may be used by the commission to fund a regional air monitoring program in commission Regions 3 and 4 to be implemented under the commission's oversight, including direction regarding the type, number, location, and operation of, and data validation practices for, monitors funded by the program through a regional nonprofit entity located in North Texas having representation from counties, municipalities, higher education institutions, and private sector interests across the area;
- (5) 10 ~~[not less than 16]~~ percent may ~~[shall]~~ be used for the Texas natural gas vehicle grant program under Chapter 394;
- (6) not more than \$6 million ~~[five percent]~~ may be used ~~[to provide grants for natural gas fueling stations under the clean transportation triangle program under Section 394.010;~~
- ~~[(7) not more than five percent may be used]~~ for the Texas alternative fueling facilities program under Chapter 393, of which a specified amount may be used for fueling stations to provide natural gas fuel, except that money may not be allocated for the Texas alternative fueling facilities program for the state fiscal year ending August 31, 2019;
- ~~[(8)]~~ not more than \$750,000 ~~[a specified amount]~~ may be used each year to support research related to air quality as provided by Chapter 387;
- ~~[(9)]~~ (8) not more than \$200,000 may be used for a health effects study[;
- ~~[(10) \$500,000 is to be deposited in the state treasury to the~~

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

~~credit of the clean air account created under Section 382.0622 to supplement funding for air quality planning activities in affected counties];~~

~~(9) [(11)] at least \$6 [\$4] million but not more than \$8 [and up to four percent to a maximum of \$7] million[, whichever is greater,] is allocated to the commission for administrative costs, including all direct and indirect costs for administering the plan and costs for conducting outreach and education activities, and costs attributable to the review or approval of applications for marketable emissions reduction credits;~~

~~(10) six [(12) at least two] percent [and up to five percent of the fund is to] may be used by the commission for the seaport and rail yard areas emissions reduction [drayage truck incentive] program established under Subchapter D-1;~~

~~(11) [(13) not more than] five percent may be used for the light-duty motor vehicle purchase or lease incentive program established under Subchapter D;~~

~~(12) [(14)] not more than \$216,000 is allocated to the commission to contract with the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station annually for the development and annual computation of creditable statewide emissions reductions obtained through wind and other renewable energy resources for the state implementation plan;~~

~~(13) not more than \$500,000 may be used for studies of or pilot programs for incentives for port authorities located in nonattainment areas or affected counties to encourage cargo movement that reduces emissions of nitrogen oxides and particulate matter; [(15) 1.5 percent of the money in the fund is allocated for administrative costs incurred by the laboratory]; and~~

~~(14) [(16)] the balance is to be used by the commission for~~

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

the diesel emissions reduction incentive program under Subchapter C as determined by the commission.

~~(b) [The commission may allocate unexpended money designated for the clean fleet program under Chapter 392 to other programs described under Subsection (a) after the commission allocates money to recipients under the clean fleet program.~~

~~[(e) The commission may allocate unexpended money designated for the Texas alternative fueling facilities program under Chapter 393 to other programs described under Subsection (a) after the commission allocates money to recipients under the alternative fueling facilities program.~~

~~[(d) The commission may reallocate money designated for the Texas natural gas vehicle grant program under Chapter 394 to other programs described under Subsection (a) if:~~

~~[(1) the commission, in consultation with the governor and the advisory board, determines that the use of the money in the fund for that program will cause the state to be in noncompliance with the state implementation plan to the extent that federal action is likely; and~~

~~[(2) the commission finds that the reallocation of some or all of the funding for the program would resolve the noncompliance.~~

~~[(e) Under Subsection (d), the commission may not reallocate more than the minimum amount of money necessary to resolve the noncompliance.~~

~~[(e-1) Money allocated under Subsection (a) to a particular program may be used for another program under the plan as determined by the commission.~~

~~[(f)] Money in the fund may be used by the commission for programs under Sections 386.051(b)(13), (b)(14), and (b-1) as may be appropriated for those programs.~~

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(c) [~~(g)~~] If the legislature does not specify amounts or percentages from the total appropriation to the commission to be allocated under Subsection (a) or (b) [~~(f)~~], the commission shall determine the amounts of the total appropriation to be allocated under each of those subsections, such that the total appropriation is expended while maximizing emissions reductions.

(d) To supplement funding for air quality planning activities in affected counties, \$500,000 from the fund is to be deposited annually in the state treasury to the credit of the clean air account created under Section 382.0622.

(e) Money in the fund may be allocated for administrative costs incurred by the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station as may be appropriated by the legislature.

(f) To the extent that money is appropriated from the fund for that purpose, not more than \$2.5 million may be used by the commission to conduct research and other activities associated with making any necessary demonstrations to the United States Environmental Protection Agency to account for the impact of foreign emissions or an exceptional event.

(g) To the extent that money is appropriated from the fund for that purpose, the commission may use that money to award grants under the governmental alternative fuel fleet grant program established under Chapter 395, except that the commission may not use for that purpose more than three percent of the balance of the fund as of September 1 of each state fiscal year of the biennium for the governmental alternative fuel fleet grant program in that fiscal year.

(g) [~~(h)~~] Subject to the limitations outlined in this section and any additional limitations placed on the use of the appropriated funds, money allocated under this section to a

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	particular program may be used for another program under the plan as determined by the commission, <u>based on demand for grants for eligible projects under particular programs after the commission solicits projects to which to award grants according to the initial allocation provisions of this section.</u> [FA43]	
No equivalent provision.	SECTION 3.__. Section 390.001, Health and Safety Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows: (1) <u>"Commission" means the Texas Commission on Environmental Quality.</u> [FA43]	
No equivalent provision.	SECTION 3.__. Section 390.002(b), Health and Safety Code, is amended to read as follows: (b) Projects that may be considered for a grant under the program include: (1) diesel oxidation catalysts for school buses built before 1994; (2) diesel particulate filters for school buses built from 1994 to 1998; (3) the purchase and use of emission-reducing add-on equipment for school buses, including devices that reduce crankcase emissions; (4) the use of qualifying fuel; <del>and</del> (5) other technologies that the commission finds will bring about significant emissions reductions; <u>and</u> (6) <u>replacement of a pre-2007 model year school bus.</u> [FA43]	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION (IE)

SECTION 3.\_\_. Section 390.004, Health and Safety Code, is amended by adding Subsections (c) and (d) to read as follows:  
(c) A school bus proposed for replacement must:  
(1) be of model year 2006 or earlier;  
(2) have been owned and operated by the applicant for at least the two years before submission of the grant application;  
(3) be in good operational condition; and  
(4) be currently used on a regular, daily route to and from a school.  
(d) A school bus proposed for purchase to replace a pre-2007 model year school bus must be of the current model year or the year before the current model year at the time of submission of the grant application. [FA43]

CONFERENCE

No equivalent provision.

SECTION 3.\_\_. Section 390.005, Health and Safety Code, is amended to read as follows:  
Sec. 390.005. RESTRICTION ON USE OF GRANT. (a) A recipient of a grant under this chapter shall use the grant to pay the incremental costs of the project for which the grant is made, which may include the reasonable and necessary expenses incurred for the labor needed to install emissions-reducing equipment. The recipient may not use the grant to pay the recipient's administrative expenses.  
(b) A school bus acquired to replace an existing school bus must be purchased and the grant recipient must agree to own and operate the school bus on a regular, daily route to and from a school for at least five years after a start date established by the commission, based on the date the commission accepts documentation of the permanent destruction or permanent removal of the school bus being replaced.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(c) A school bus replaced under this program must be rendered permanently inoperable by crushing the bus, by making a hole in the engine block and permanently destroying the frame of the bus, or by another method approved by the commission, or be permanently removed from operation in this state. The commission shall establish criteria for ensuring the permanent destruction or permanent removal of the engine or bus. The commission shall enforce the destruction and removal requirements. In this section, "permanent removal" means the permanent export of a school bus or the engine of a school bus to a destination outside of the United States, Canada, or the United Mexican States. [FA43]

SECTION 3.\_\_\_\_. Section 390.006, Health and Safety Code, is amended to read as follows:  
Sec. 390.006. EXPIRATION. This chapter expires on the last day of the state fiscal biennium during which the commission publishes in the Texas Register the notice required by Section 382.037 ~~[August 31, 2019]~~. [FA43]

SECTION 3.\_\_\_\_. Section 391.002(b), Health and Safety Code, is amended to read as follows:  
(b) Projects that may be considered for a grant under the program include:  
(1) advanced clean energy projects, as defined by Section 382.003;  
(2) new technology projects that reduce emissions of regulated pollutants from stationary ~~[point]~~ sources;  
(3) new technology projects that reduce emissions from upstream and midstream oil and gas production, completions,

No equivalent provision.

No equivalent provision.



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

gathering, storage, processing, and transmission activities through:  
(A) the replacement, repower, or retrofit of stationary compressor engines;  
(B) the installation of systems to reduce or eliminate the loss of gas, flaring of gas, or burning of gas using other combustion control devices; or  
(C) the installation of systems that reduce flaring emissions and other site emissions by capturing waste heat to generate electricity solely for on-site service; and  
(4) [(3)] electricity storage projects related to renewable energy, including projects to store electricity produced from wind and solar generation that provide efficient means of making the stored energy available during periods of peak energy use. [FA43]

SECTION 3.\_\_\_\_. Section 391.102(f), Health and Safety Code, is amended to read as follows:  
(f) In reviewing a grant application under this chapter ~~[coordinating interagency application review procedures]~~, the commission may ~~[shall]~~:  
(1) solicit review and comments from:  
(A) the comptroller to assess:  
(i) the financial stability of the applicant;  
(ii) the economic benefits and job creation potential associated with the project; and  
(iii) any other information related to the duties of that office;  
(B) the Public Utility Commission of Texas to assess:  
(i) the reliability of the proposed technology;  
(ii) the feasibility and cost-effectiveness of electric transmission associated with the project; and

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(iii) any other information related to the duties of that agency;  
and  
(C) the Railroad Commission of Texas to assess:  
(i) the availability and cost of the fuel involved with the project; and  
(ii) any other information related to the duties of that agency;  
and  
(2) consider the comments received under Subdivision (1) in the commission's grant award decision process[; ~~and~~  
~~[(3) as part of the report required by Section 391.104, justify awards made to projects that have been negatively reviewed by agencies under Subdivision (1)].~~ [FA43]

SECTION 3.\_\_. Section 391.104, Health and Safety Code, is amended to read as follows:  
Sec. 391.104. REPORTING REQUIREMENTS. The commission [~~annually~~] shall include in the biennial plan report required by Section 386.057(b) information [~~prepare a report~~] that summarizes the applications received and grants awarded in the preceding biennium [~~year~~]. Preparation of the information for the report may [~~must~~] include the participation of any [~~the~~] state agency [~~agencies~~] involved in the review of applications under Section 391.102, if the commission determines participation of the agency is needed. [FA43]

SECTION 3.\_\_. Section 391.205(a), Health and Safety Code, is amended to read as follows:  
(a) Except as provided by Subsection (c), in awarding grants under this chapter the commission shall give preference to projects that:

No equivalent provision.

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	<p>(1) <u>involve the transport, use, recovery for use, or prevention of the loss of</u> natural resources originating or produced in this state;</p> <p>(2) contain an energy efficiency component; <del>[or]</del></p> <p>(3) include the use of solar, wind, or other renewable energy sources; <u>or</u></p> <p>(4) <u>recover waste heat from the combustion of natural resources and use the heat to generate electricity.</u> [FA43]</p>	
No equivalent provision.	<p>SECTION 3.__. Section 391.304, Health and Safety Code, is amended to read as follows:</p> <p>Sec. 391.304. EXPIRATION. This chapter expires <u>on the last day of the state fiscal biennium during which the commission publishes in the Texas Register the notice required by Section 382.037</u> <del>[August 31, 2019]</del>. [FA43]</p>	
No equivalent provision.	<p>SECTION 3.__. Section 392.001(1), Health and Safety Code, is amended to read as follows:</p> <p>(1) "Alternative fuel" means a fuel other than gasoline or diesel fuel, including electricity, compressed natural gas, <u>liquefied</u> <del>[liquified]</del> natural gas, hydrogen, propane, or a mixture of fuels containing at least 85 percent methanol by volume. [FA43]</p>	
No equivalent provision.	<p>SECTION 3.__. Sections 392.002(b) and (c), Health and Safety Code, are amended to read as follows:</p> <p>(b) An entity that places <u>10</u> <del>[20]</del> or more qualifying vehicles in service for use entirely in this state during a calendar year is eligible to participate in the program.</p>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	<p>(c) Notwithstanding Subsection (b), an entity that submits a grant application for <u>10</u> [20] or more qualifying vehicles is eligible to participate in the program even if the commission denies approval for one or more of the vehicles during the application process. [FA43]</p>	
No equivalent provision.	<p>SECTION 3.___. Section 392.003(a), Health and Safety Code, is amended to read as follows:</p> <p>(a) A vehicle is a qualifying vehicle that may be considered for a grant under the program if during the <u>eligibility period established by the commission</u> [calendar year] the entity purchases a new on-road vehicle that:</p> <p>(1) is certified to <u>the appropriate</u> current federal emissions standards <u>as determined by the commission</u>;</p> <p>(2) replaces a diesel-powered on-road vehicle of the same weight classification and use; and</p> <p>(3) is a hybrid vehicle or fueled by an alternative fuel.</p> <p>[FA43]</p>	
No equivalent provision.	<p>SECTION 3.___. Section 392.004(d), Health and Safety Code, is amended to read as follows:</p> <p>(d) The commission shall minimize, to the maximum extent possible, the amount of paperwork required for an application. [An applicant may be required to submit a photograph or other documentation of a vehicle identification number, registration information, inspection information, tire condition, or engine block identification only if the photograph or documentation is requested by the commission after the commission has decided to award a grant to the applicant under this chapter.]</p> <p>[FA43]</p>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

No equivalent provision.

SECTION 3.\_\_\_\_. Section 392.005, Health and Safety Code, is amended by amending Subsections (c) and (i) and adding Subsection (c-1) to read as follows:

(c) As a condition of receiving a grant, the qualifying vehicle must be continuously owned, registered, and operated in the state by the grant recipient until the earlier of the fifth anniversary of the activity start date established by the commission ~~[the date of reimbursement of the grant funded expenses]~~ or ~~[until]~~ the date the vehicle has been in operation for 400,000 miles after the activity start date established by the commission ~~[of reimbursement]~~. Not less than 75 percent of the annual use of the qualifying vehicle, either mileage or fuel use as determined by the commission, must occur in the state.

(c-1) For purposes of Subsection (c), the commission shall establish the activity start date based on the date the commission accepts verification of the disposition of the vehicle being replaced.

(i) The executive director may ~~shall~~ waive the requirements of Subsection (b)(2)(A) on a finding of good cause, which may include a waiver for short lapses in registration or operation attributable to economic conditions, seasonal work, or other circumstances. [FA43]

No equivalent provision.

SECTION 3.\_\_\_\_. Section 392.008, Health and Safety Code, is amended to read as follows:

Sec. 392.008. EXPIRATION. This chapter expires on the last day of the state fiscal biennium during which the commission publishes in the Texas Register the notice

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

required by Section 382.037 [August 31, 2017]. [FA43]

No equivalent provision.

SECTION 3.\_\_. Section 393.001, Health and Safety Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Alternative fuel" means a fuel other than gasoline or diesel fuel, other than biodiesel fuel, including electricity, compressed natural gas, liquefied ~~liquified~~ natural gas, hydrogen, propane, or a mixture of fuels containing at least 85 percent methanol by volume.

(1-a) "Clean transportation zone" means:

(A) counties containing or intersected by a portion of an interstate highway connecting the cities of Houston, San Antonio, Dallas, and Fort Worth;

(B) counties located within the area bounded by the interstate highways described by Paragraph (A);

(C) counties containing or intersected by a portion of:

(i) an interstate highway connecting San Antonio to Corpus Christi or Laredo;

(ii) the most direct route using highways in the state highway system connecting Corpus Christi and Laredo; or

(iii) a highway or corridor connecting Corpus Christi and Houston;

(D) counties located within the area bounded by the highways described by Paragraph (C);

(E) counties in this state all or part of which are included in a nonattainment area designated under Section 107(d) of the federal Clean Air Act (42 U.S.C. Section 7407); and

(F) counties designated as affected counties under Section 386.001. [FA43]

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
No equivalent provision.	<p>SECTION 3.__. Section 393.002, Health and Safety Code, is amended to read as follows:</p> <p>Sec. 393.002. PROGRAM. (a) The commission shall establish and administer the Texas alternative fueling facilities program to provide fueling facilities for alternative fuel in <u>the clean transportation zone</u> <del>[nonattainment areas]</del>. Under the program, the commission shall provide a grant for each eligible facility to offset the cost of those facilities.</p> <p>(b) An entity that constructs <u>or</u><del>[;]</del> reconstructs<del>[; or acquires]</del> an alternative fueling facility is eligible to participate in the program.</p> <p><u>(c) To ensure that alternative fuel vehicles have access to fuel and to build the foundation for a self-sustaining market for alternative fuels in Texas, the commission shall provide for strategically placed fueling facilities in the clean transportation zone to enable an alternative fuel vehicle to travel in those areas relying solely on the alternative fuel.</u></p> <p><u>(d) The commission shall maintain a listing to be made available to the public online of all vehicle fueling facilities that have received grant funding, including location and hours of operation.</u> [FA43]</p>	
No equivalent provision.	<p>SECTION 3.__. Section 393.003, Health and Safety Code, is amended by amending Subsections (a) and (b) and adding Subsections (d) and (e) to read as follows:</p> <p>(a) An entity operating in this state that constructs <u>or</u><del>[;]</del> reconstructs<del>[; or acquires]</del> a facility to <del>[store, compress, or]</del> dispense alternative fuels may apply for and receive a grant under the program.</p> <p>(b) The commission may <del>[adopt guidelines to]</del> allow a regional planning commission, council of governments, or</p>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

similar regional planning agency created under Chapter 391, Local Government Code, or a private nonprofit organization to apply for and receive a grant to improve the ability of the program to achieve its goals.

(d) An application for a grant under the program must include a certification that the applicant complies with laws, rules, guidelines, and requirements applicable to taxation of fuel provided by the applicant at each fueling facility owned or operated by the applicant. The commission may terminate a grant awarded under this section without further obligation to the grant recipient if the commission determines that the recipient did not comply with a law, rule, guideline, or requirement described by this subsection. This subsection does not create a cause of action to contest an application or award of a grant.

(e) The commission shall disburse grants under the program through a competitive application selection process to offset a portion of the eligible costs. [FA43]

SECTION 3.\_\_. Section 393.004, Health and Safety Code, is amended to read as follows:

Sec. 393.004. ELIGIBILITY OF FACILITIES FOR GRANTS. (a) In addition to the requirements of this chapter, the commission shall establish additional eligibility and prioritization criteria as needed to implement the program ~~[The commission by rule shall establish criteria for prioritizing facilities eligible to receive grants under this chapter. The commission shall review and revise the criteria as appropriate].~~

(b) The prioritization criteria established under Subsection (a) must provide that, for each grant round, the commission may

No equivalent provision.



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

not award a grant to an entity that does not ~~[To be eligible for a grant under the program, the entity receiving the grant must]~~ agree to make the alternative fueling facility accessible and available to the public ~~[persons not associated with the entity]~~ at times designated by the grant contract until each eligible entity that does agree to those terms has been awarded a grant ~~[agreement]~~.

(c) The commission may not award more than one grant for each facility.

(d) The commission may give preference to or otherwise limit grant selections to:

(1) fueling facilities providing specific types of alternative fuels;

(2) fueling facilities in a specified area or location; and

(3) fueling facilities meeting other specified prioritization criteria established by the commission.

(e) For fueling facilities to provide natural gas, the commission shall give preference to:

(1) facilities providing both liquefied natural gas and compressed natural gas at a single location;

(2) facilities located not more than one mile from an interstate highway system;

(3) facilities located in the area in and between the Houston, San Antonio, and Dallas-Fort Worth areas; and

(4) facilities located in the area in and between the Corpus Christi, Laredo, and San Antonio areas ~~[A recipient of a grant under this chapter is not eligible to receive a second grant under this chapter for the same facility]. [FA43]~~

SECTION 3.\_\_. Section 393.005, Health and Safety Code, is amended to read as follows:

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Sec. 393.005. RESTRICTION ON USE OF GRANT. (a) A recipient of a grant under this chapter shall use the grant only to pay the costs of the facility for which the grant is made. The recipient may not use the grant to pay the recipient's:  
(1) administrative expenses;  
(2) expenses for the purchase of land or an interest in land; or  
(3) expenses for equipment or facility improvements that are not directly related to the delivery, storage, compression, or dispensing of the alternative fuel at the facility.  
(b) Each grant must be awarded using a contract that requires the recipient to meet operational, maintenance, and reporting requirements as specified by the commission. [FA43]

SECTION 3.\_\_. Section 393.006, Health and Safety Code, is amended to read as follows:  
Sec. 393.006. AMOUNT OF GRANT. (a) Grants awarded under this chapter for a facility to provide alternative fuels other than natural gas may not exceed [For each eligible facility for which a recipient is awarded a grant under the program, the commission shall award the grant in an amount equal to] the lesser of:  
(1) 50 percent of the sum of the actual eligible costs incurred by the grant recipient within deadlines established by the commission [to construct, reconstruct, or acquire the facility];  
or  
(2) \$600,000.  
(b) Grants awarded under this chapter for a facility to provide natural gas may not exceed:  
(1) \$400,000 for a compressed natural gas facility;  
(2) \$400,000 for a liquefied natural gas facility; or  
(3) \$600,000 for a facility providing both liquefied and

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	<u>compressed natural gas.</u> [FA43]	
No equivalent provision.	<p>SECTION 3.__. Section 393.007, Health and Safety Code, is amended to read as follows:</p> <p>Sec. 393.007. EXPIRATION. This chapter expires <u>on the last day of the state fiscal biennium during which the commission publishes in the Texas Register the notice required by Section 382.037</u> <del>[August 31, 2018]</del>. [FA43]</p>	
No equivalent provision.	<p>SECTION 3.__. Section 394.001, Health and Safety Code, is amended by amending Subdivisions (1), (4), (5), and (8) and adding Subdivisions (1-a) and (7-a) to read as follows:</p> <p>(1) <u>"Clean transportation zone" has the meaning assigned by Section 393.001</u> <del>["Advisory board" means the Texas Emissions Reduction Plan Advisory Board]</del>.</p> <p>(1-a) "Certified" includes:</p> <p>(A) <u>new vehicle or new engine certification by the United States Environmental Protection Agency; or</u></p> <p>(B) <u>certification or approval by the United States Environmental Protection Agency of a system to convert a vehicle or engine to operate on an alternative fuel and a demonstration by the emissions data used to certify or approve the vehicle or engine, if the commission determines the testing used to obtain the emissions data is consistent with the testing required for approval of an alternative fuel conversion system for new and relatively new vehicles or engines under 40 C.F.R. Part 85.</u></p> <p>(4) "Heavy-duty motor vehicle" means a motor vehicle <u>that</u> <del>[with]</del>:</p> <p>(A) <u>has</u> a gross vehicle weight rating of more than 8,500</p>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

pounds; and  
(B) is certified to or has an engine certified to the United States Environmental Protection Agency's emissions standards for heavy-duty vehicles or engines.  
(5) "Incremental cost" has the meaning assigned by Section 386.001 ~~[means the difference between the manufacturer's suggested retail price of a baseline vehicle, the documented dealer price of a baseline vehicle, cost to lease or otherwise commercially finance a baseline vehicle, cost to repower with a baseline engine, or other appropriate baseline cost established by the commission, and the actual cost of the natural gas vehicle purchase, lease, or other commercial financing, or repower].~~  
(7-a) "Natural gas engine" means an engine that operates:  
(A) solely on natural gas, including compressed natural gas, liquefied natural gas, or liquefied petroleum gas; or  
(B) on a combination of diesel fuel and natural gas, including compressed natural gas, liquefied natural gas, or liquefied petroleum gas, and is capable of achieving at least 60 percent displacement of diesel fuel with natural gas.  
(8) "Natural gas vehicle" means a motor vehicle that is powered by a natural gas engine ~~[receives not less than 75 percent of its power from compressed or liquefied natural gas].~~ [FA43]

SECTION 3.\_\_. Section 394.003(a), Health and Safety Code, is amended to read as follows:  
(a) A vehicle is a qualifying vehicle that may be considered for a grant under the program if during the eligibility period established by the commission ~~[calendar year]~~ the entity:  
(1) purchased, leased, or otherwise commercially financed the

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

vehicle as a new on-road heavy-duty or medium-duty motor vehicle that:

(A) is a natural gas vehicle;

(B) is certified to the appropriate current federal emissions standards as determined by the commission; and

(C) replaces an on-road heavy-duty or medium-duty motor vehicle of the same weight classification and use; ~~and~~

~~[(D) is powered by an engine certified to:~~

~~[(i) emit not more than 0.2 grams of nitrogen oxides per brake horsepower hour; or~~

~~[(ii) meet or exceed the United States Environmental Protection Agency's Bin 5 standard for light duty engines when powering the vehicle;] or~~

(2) repowered the on-road motor vehicle to a natural gas vehicle powered by a natural gas engine that:

~~[(A)] is certified to the appropriate current federal emissions standards as determined by the commission; and~~

~~[(B) is:~~

~~[(i) a heavy duty engine that is certified to emit not more than 0.2 grams of nitrogen oxides per brake horsepower hour; or~~

~~[(ii) certified to meet or exceed the United States Environmental Protection Agency's Bin 5 standard for light-duty engines when powering the vehicle]. [FA43]~~

SECTION 3.\_\_. Section 394.005, Health and Safety Code, is amended by amending Subsections (a), (b), (c), (f), (g), and (i) and adding Subsection (c-1) to read as follows:

(a) The commission ~~[by rule]~~ shall establish criteria for prioritizing qualifying vehicles eligible to receive grants under this chapter. The commission shall review and revise the criteria as appropriate ~~[after consultation with the advisory~~

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

~~board~~].

(b) To be eligible for a grant under the program:

(1) the use of the qualifying vehicle must be projected to result in a reduction in emissions of nitrogen oxides of at least 25 percent as compared to the motor vehicle or engine being replaced, based on:

(A) the baseline emission level set by the commission under Subsection (g); and

(B) the certified emission rate of the new vehicle; and

(2) the qualifying vehicle must:

(A) replace a heavy-duty or medium-duty motor vehicle that:

(i) is an on-road vehicle that has been owned, leased, or otherwise commercially financed and registered and operated by the applicant in Texas for at least the two years immediately preceding the submission of a grant application;

(ii) satisfies any minimum average annual mileage or fuel usage requirements established by the commission;

(iii) satisfies any minimum percentage of annual usage requirements established by the commission; and

(iv) is in operating condition and has at least two years of remaining useful life, as determined in accordance with criteria established by the commission; ~~[or]~~

(B) replace a heavy-duty or medium-duty motor vehicle that:

(i) is owned by the applicant;

(ii) is an on-road vehicle that has been:

(a) owned, leased, or otherwise commercially financed and operated in Texas as a fleet vehicle for at least the two years immediately preceding the submission of a grant application; and

(b) registered in a county located in the clean transportation zone for at least the two years immediately preceding the submission of a grant application; and

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(iii) otherwise satisfies the mileage, usage, and useful life requirements established under Paragraph (A) as determined by documentation associated with the vehicle; or

(C) be a heavy-duty or medium-duty motor vehicle repowered with a natural gas engine that:

(i) is installed in an on-road vehicle that has been owned, leased, or otherwise commercially financed and registered and operated by the applicant in Texas for at least the two years immediately preceding the submission of a grant application;

(ii) satisfies any minimum average annual mileage or fuel usage requirements established by the commission;

(iii) satisfies any minimum percentage of annual usage requirements established by the commission; and

(iv) is installed in an on-road vehicle that, at the time of the vehicle's repowering, was in operating condition and had at least two years of remaining useful life, as determined in accordance with criteria established by the commission.

(c) As a condition of receiving a grant, the qualifying vehicle must be continuously owned, leased, or otherwise commercially financed and registered and operated in the state by the grant recipient until the earlier of the fourth anniversary of the activity start date established by the commission ~~[the date of reimbursement of the grant-funded expenses]~~ or ~~[until]~~ the date the vehicle has been in operation for 400,000 miles after the activity start date established by the commission ~~[of reimbursement]~~. Not less than 75 percent of the annual use of the qualifying vehicle, either mileage or fuel use as determined by the commission, must occur in the clean transportation zone~~;~~

~~[(1) the counties any part of which are included in the area described by Section 394.010(a); or~~

~~[(2) counties designated as nonattainment areas within the~~

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

~~meaning of Section 107(d) of the federal Clean Air Act (42 U.S.C. Section 7407)].~~

(c-1) For purposes of Subsection (c), the commission shall establish the activity start date based on the date the commission accepts verification of the disposition of the vehicle or engine.

(f) A heavy-duty or medium-duty motor vehicle replaced under this program must be rendered permanently inoperable by crushing the vehicle, by making a hole in the engine block and permanently destroying the frame of the vehicle, or by another method approved by the commission, or be [that] permanently ~~removed [removes the vehicle]~~ from operation in this state. The commission shall establish criteria for ensuring the permanent destruction or permanent removal of the engine or vehicle. The commission shall enforce the destruction and removal requirements. For purposes of this subsection, "permanent removal" means the permanent export of the vehicle or engine to a destination outside of the United States, Canada, or the United Mexican States.

(g) The commission shall establish baseline emission levels for emissions of nitrogen oxides for on-road heavy-duty or medium-duty motor vehicles being replaced or repowered by using the emission certification for the engine or vehicle being replaced. The commission may consider deterioration of the emission performance of the engine of the vehicle being replaced in establishing the baseline emission level. The commission may consider and establish baseline emission rates for additional pollutants of concern~~[, as determined by the commission after consultation with the advisory board].~~

(i) The executive director may ~~shall~~ waive the requirements of Subsection (b)(2)(A)(i) or (B)(ii) on a finding of good cause, which may include short lapses in registration or



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	operation due to economic conditions, seasonal work, or other circumstances. [FA43]	
No equivalent provision.	<p>SECTION 3.__. Section 394.006, Health and Safety Code, is amended to read as follows:</p> <p>Sec. 394.006. RESTRICTION ON USE OF GRANT. A recipient of a grant under this chapter shall use the grant to pay the incremental costs of the replacement <u>or vehicle repower</u> for which the grant is made, which may include <u>a portion of the initial cost of the natural gas vehicle or natural gas engine, including the cost of the natural gas fuel system and installation</u> <del>[and the reasonable and necessary expenses incurred for the labor needed to install emissions-reducing equipment]</del>. The recipient may not use the grant to pay the recipient's administrative expenses. [FA43]</p>	
No equivalent provision.	<p>SECTION 3.__. Section 394.007(c), Health and Safety Code, is amended to read as follows:</p> <p>(c) A person may not receive a grant under this chapter that, when combined with any other grant, tax credit, or other governmental incentive, exceeds the incremental cost of the vehicle <u>or vehicle repower</u> for which the grant is awarded. A person shall return to the commission the amount of a grant awarded under this chapter that, when combined with any other grant, tax credit, or other governmental incentive, exceeds the incremental cost of the vehicle <u>or vehicle repower</u> for which the grant is awarded. [FA43]</p>	
No equivalent provision.	<p>SECTION 3.__. Sections 394.008(a) and (b), Health and</p>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Safety Code, are amended to read as follows:

(a) The commission shall establish ~~[adopt]~~ procedures for:

(1) awarding grants under this chapter to reimburse eligible costs; ~~[in the form of rebates; and]~~

(2) streamlining the grant application, contracting, reimbursement, and reporting process for qualifying natural gas vehicle purchases or repowers; and

(3) preapproving the award of grants to applicants who propose to purchase and replace motor vehicles described by Section 394.005(b)(2)(B).

(b) Procedures established ~~[adopted]~~ under this section must:

(1) provide for the commission to compile and regularly update a listing of potentially eligible ~~[preapproved]~~ natural gas vehicles and natural gas engines that are certified to the appropriate current federal emissions standards as determined by the commission[:

~~[(A) powered by natural gas engines certified to emit not more than 0.2 grams of nitrogen oxides per brake horsepower hour; or~~

~~[(B) certified to the United States Environmental Protection Agency's light duty Bin 5 standard or better];~~

(2) ~~[if a federal standard for the calculation of emissions reductions exists;]~~ provide a method to calculate the reduction in emissions of nitrogen oxides, volatile organic compounds, carbon monoxide, particulate matter, and sulfur compounds for each replacement or repowering;

(3) assign a standardized grant ~~[rebate]~~ amount for each qualifying vehicle or engine repower under Section 394.007;

(4) allow for processing applications ~~[rebates]~~ on an ongoing first-come, first-served basis;

(5) ~~[provide for contracts between the commission and participating dealers under Section 394.009;~~

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	<p><del>[(6) allow grant recipients to assign their grant funds to participating dealers to offset the purchase or lease price;</del> [(7)] require grant applicants to identify natural gas fueling stations that are available to fuel the qualifying vehicle in the area of its use; (6) [(8)] provide for payment not later than the 30th day after the date the request for reimbursement for an approved grant is received; (7) [(9)] provide for application submission and application status checks <u>using procedures established by the commission, which may include application submission and status checks</u> to be made over the Internet; and (8) [(10)] consolidate, simplify, and reduce the administrative work for applicants and the commission associated with grant application, contracting, reimbursement, and reporting requirements. [FA43]</p>	
No equivalent provision.	<p>SECTION 3.__. Section 394.012, Health and Safety Code, is amended to read as follows: Sec. 394.012. EXPIRATION. This chapter expires <u>on the last day of the state fiscal biennium during which the commission publishes in the Texas Register the notice required by Section 382.037</u> <del>[August 31, 2017]</del>. [FA43]</p>	
No equivalent provision.	<p>SECTION 3.__. Subtitle C, Title 5, Health and Safety Code, is amended by adding Chapter 395 to read as follows: <u>CHAPTER 395. GOVERNMENTAL ALTERNATIVE FUEL FLEET GRANT PROGRAM</u> Sec. 395.001. DEFINITIONS. In this chapter: (1) <u>"Alternative fuel" means compressed natural gas,</u></p>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

liquefied natural gas, liquefied petroleum gas, hydrogen fuel cells, or electricity, including electricity to power fully electric motor vehicles and plug-in hybrid motor vehicles.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Incremental cost" has the meaning assigned by Section 386.001.

(4) "Motor vehicle" means a self-propelled device designed for transporting persons or property on a public highway that is required to be registered under Chapter 502, Transportation Code.

(5) "Plug-in hybrid vehicle" has the meaning assigned by Section 2158.001, Government Code, and includes the commission.

(6) "Political subdivision" means a county, municipality, school district, junior college district, river authority, water district or other special district, or other political subdivision created under the constitution or a statute of this state.

(7) "Program" means the governmental alternative fuel fleet grant program established under this chapter.

(8) "State agency" has the meaning assigned by Section 2151.002, Government Code.

Sec. 395.002. PROGRAM. (a) The commission shall establish and administer a governmental alternative fuel fleet grant program to assist an eligible applicant described by Section 395.003 in purchasing or leasing new motor vehicles that operate primarily on an alternative fuel.

(b) The program may provide a grant to an applicant described by Section 395.003 to:

(1) purchase or lease a new motor vehicle described by Section 395.004; or

(2) purchase, lease, or install refueling infrastructure or

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

equipment or procure refueling services as described by Section 395.005 to store and dispense alternative fuel needed for a motor vehicle described by Subdivision (1) of this subsection.

Sec. 395.003. ELIGIBLE APPLICANTS. (a) A state agency or political subdivision is eligible to apply for a grant under the program if the entity operates a fleet of more than 15 motor vehicles, excluding motor vehicles that are owned and operated by a private company or other third party under a contract with the entity.

(b) A mass transit or school transportation provider or other public entity established to provide public or school transportation services is eligible for a grant under the program.

Sec. 395.004. MOTOR VEHICLE REQUIREMENTS. (a) A grant recipient may purchase or lease with money from a grant under the program a new motor vehicle that is originally manufactured to operate using one or more alternative fuels or is converted to operate using one or more alternative fuels before the first retail sale of the vehicle, and that:

(1) has a dedicated system, dual-fuel system, or bi-fuel system; and

(2) if the motor vehicle is a fully electric motor vehicle or plug-in hybrid motor vehicle, has a United States Environmental Protection Agency rating of at least 75 miles per gallon equivalent or a 75-mile combined city and highway range.

(b) A grant recipient may not use money from a grant under the program to replace a motor vehicle, transit bus, or school bus that operates on an alternative fuel unless the replacement vehicle produces fewer emissions and has greater fuel efficiency than the vehicle being replaced.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Sec. 395.005. REFUELING INFRASTRUCTURE, EQUIPMENT, AND SERVICES. A grant recipient may purchase, lease, or install refueling infrastructure or equipment or procure refueling services with money from a grant under the program if:

(1) the purchase, lease, installation, or procurement is made in conjunction with the purchase or lease of a motor vehicle as described by Section 395.004 or the conversion of a motor vehicle to operate primarily on an alternative fuel;

(2) the grant recipient demonstrates that a refueling station that meets the needs of the recipient is not available within five miles of the location at which the recipient's vehicles are stored or primarily used; and

(3) for the purchase or installation of refueling infrastructure or equipment, the infrastructure or equipment will be owned and operated by the grant recipient, and for the lease of refueling infrastructure or equipment or the procurement of refueling services, a third-party service provider engaged by the grant recipient will provide the infrastructure, equipment, or services.

Sec. 395.006. ELIGIBLE COSTS. (a) A motor vehicle lease agreement paid for with money from a grant under the program must have a term of at least three years.

(b) Refueling infrastructure or equipment purchased or installed with money from a grant under the program must be used specifically to store or dispense alternative fuel, as determined by the commission.

(c) A lease of or service agreement for refueling infrastructure, equipment, or services paid for with money from a grant under the program must have a term of at least three years.

Sec. 395.007. GRANT AMOUNTS. (a) The commission

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

may establish standardized grant amounts based on the incremental costs associated with the purchase or lease of different categories of motor vehicles, including the type of fuel used, vehicle class, and other categories the commission considers appropriate.

(b) In determining the incremental costs and setting the standardized grant amounts, the commission may consider the difference in cost between a new motor vehicle operated using conventional gasoline or diesel fuel and a new motor vehicle operated using alternative fuel.

(c) The amount of a grant for the purchase or lease of a motor vehicle may not exceed the amount of the incremental cost of the purchase or lease.

(d) The commission may establish grant amounts to reimburse the full cost of the purchase, lease, installation, or procurement of refueling infrastructure, equipment, or services or may establish criteria for reimbursing a percentage of the cost.

(e) A grant under the program may be combined with funding from other sources, including other grant programs, except that a grant may not be combined with other funding or grants from the Texas emissions reduction plan. When combined with other funding sources, a grant may not exceed the total cost to the grant recipient.

(f) In providing a grant for the lease of a motor vehicle under this chapter, the commission shall establish criteria:

(1) to offset incremental costs through an up-front payment to lower the cost basis of the lease; or

(2) if determined appropriate by the commission, to provide for reimbursement of lease payments over no more than the period of availability of the contracted funds under applicable state law and regulation, which may be less than the required

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

three-year lease term.

(g) In providing a grant for the lease of refueling infrastructure, equipment, or services, the commission shall establish criteria:

(1) to offset incremental costs through an up-front payment to lower the cost basis of the lease; or

(2) if determined appropriate by the commission, to provide for reimbursement of lease payments over no more than the period of availability of the contracted funds under applicable state law and regulation, which may be less than the required three-year lease term.

(h) Notwithstanding Subsection (d), the commission is not obligated to fund the full cost of the purchase, lease, installation, or procurement of refueling infrastructure, equipment, or services if those costs cannot be incurred and reimbursed over the period of availability of the funds under applicable state law and regulation.

Sec. 395.008. AVAILABILITY OF EMISSIONS REDUCTION CREDITS. (a) A project that is funded from a grant under the program and that would generate marketable emissions reduction credits under a state or federal emissions reduction credit averaging, banking, or trading program is not eligible for funding under the program unless:

(1) the project includes the transfer of the credits, or the reductions that would otherwise be marketable credits, to the commission and, if applicable, the state implementation plan; and

(2) the credits or reductions, as applicable, are permanently retired.

(b) An emissions reduction generated by a purchase or lease under this chapter may be used to demonstrate conformity with the state implementation plan.



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Sec. 395.009. USE OF GRANT MONEY BY POLITICAL SUBDIVISION. A political subdivision shall prioritize the actions listed in Section 2158.0051(b), Government Code, when using money from a grant under the program.

Sec. 395.010. GRANT PROCEDURES AND CRITERIA.

(a) The commission shall establish specific criteria and procedures in order to implement and administer the program, including the creation and provision of application forms and guidance on the application process.

(b) The commission shall award a grant through a contract between the commission and the grant recipient.

(c) The commission shall provide an online application process for the submission of all required application documents.

(d) The commission may limit funding for a particular period according to priorities established by the commission, including limiting the availability of grants to specific entities, for certain types of vehicles and infrastructure, or to certain geographic areas to ensure equitable distribution of grant funds across the state.

(e) In awarding grants under the program, the commission shall prioritize projects in the following order:

(1) projects that are proposed by a state agency;

(2) projects that are in or near a nonattainment area;

(3) projects that are in an affected county, as that term is defined by Section 386.001; and

(4) projects that will produce the greatest emissions reductions.

(f) In addition to the requirements under Subsection (e), in awarding grants under the program, the commission shall consider:

(1) the effectiveness of a proposed project in assisting an

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

applicant in complying with Section 2158.0051, Government Code;

(2) the total amount of the emissions reduction that would be achieved from the project;

(3) the type and number of vehicles purchased or leased;

(4) the location of the fleet and the refueling infrastructure or equipment;

(5) the number of vehicles served and the rate at which vehicles are served by the refueling infrastructure or equipment;

(6) the amount of any matching funds committed by the applicant; and

(7) the schedule for project completion.

(g) The commission may not award more than 10 percent of the total amount awarded under the program in any fiscal year for purchasing, leasing, installing, or procuring refueling infrastructure, equipment, or services.

Sec. 395.011. FUNDING. The legislature may appropriate money to the commission from the Texas emissions reduction plan fund established under Section 386.251 to administer the program.

Sec. 395.012. ADMINISTRATIVE COSTS. In each fiscal year, the commission may use up to 1.5 percent of the total amount of money allocated to the program in that fiscal year, but not more than \$1 million, for the administrative costs of the program.

Sec. 395.013. RULES. The commission may adopt rules as necessary to implement this chapter.

Sec. 395.014. REPORT REQUIRED. On or before November 1 of each even-numbered year, the commission shall submit to the governor, lieutenant governor, and members of the legislature a report that includes the following

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	<p><u>information regarding awards made under the program during the preceding state fiscal biennium:</u></p> <p><u>(1) the number of grants awarded under the program;</u></p> <p><u>(2) the recipient of each grant awarded;</u></p> <p><u>(3) the number of vehicles replaced;</u></p> <p><u>(4) the number, type, and location of any refueling infrastructure, equipment, or services funded under the program;</u></p> <p><u>(5) the total emissions reductions achieved under the program; and</u></p> <p><u>(6) any other information the commission considers relevant.</u></p> <p><u>Sec. 395.015. EXPIRATION. This chapter expires on the last day of the state fiscal biennium during which the commission publishes in the Texas Register the notice required by Section 382.037. [FA43]</u></p>	
No equivalent provision.	SECTION 3.____. Sections 394.009, 394.010, and 394.011, Health and Safety Code, are repealed. [FA43]	
No equivalent provision.	SECTION 3.____. As soon as practicable after the effective date of this Act, the Texas Commission on Environmental Quality shall implement the online application process required by Section 395.010(c), Health and Safety Code, as added by this Act. Prior to the implementation of the online application process, the commission may accept applications for a grant under Chapter 395, Health and Safety Code, as added by this Act, in any manner provided by the commission. [FA43]	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
No equivalent provision.	<p>SECTION 3.___. (a) The changes in law made by this Act apply only to a Texas emissions reduction plan grant awarded on or after the effective date of this Act. A grant awarded before the effective date of this Act is governed by the law in effect on the date the award was made, and the former law is continued in effect for that purpose.</p> <p>(b) The changes in law made by this Act to Section 501.138, Transportation Code, apply only to a fee collected on or after the effective date of this Act. A fee collected before the effective date of this Act is governed by the law in effect when the fee was collected, and the former law is continued in effect for that purpose. [FA43]</p>	
No equivalent provision.	<p>SECTION 3.___. Section 212.073, Local Government Code, is amended to read as follows:</p> <p>Sec. 212.073. <u>PERFORMANCE BOND; LETTER OF CREDIT.</u> (a) <u>Except as provided by Subsection (b), the [The] developer must execute a performance bond for the construction of the improvements that are the subject of the contract under Section 212.071 to ensure completion of the project. The bond must be executed by a corporate surety in accordance with Chapter 2253, Government Code. The amount of the bond must be for the contract price for the improvements. The municipality may not require the developer to include in the amount of the bond any other improvement related to the development that the developer did not contract with the municipality to construct under Section 212.071.</u></p> <p><u>(b) The municipality and developer may agree that, instead of a performance bond under Subsection (a), the developer may submit to the municipality an irrevocable letter of credit in the</u></p>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	<p><u>amount required under Subsection (a) for the bond. As part of the agreement, the municipality may not pay any amount to the developer, issue a building permit related to the development other than a permit necessary for the improvements that are the subject of the contract, or approve a subdivision plat for the developer until:</u></p> <p><u>(1) the improvements are:</u></p> <p><u>(A) complete; or</u></p> <p><u>(B) in the final phase of construction if the improvements are constructed in phases; and</u></p> <p><u>(2) the developer has submitted to the municipality an affidavit stating that the developer has paid all costs associated with the construction. [FA44]</u></p>	
No equivalent provision.	<p>SECTION 3.__. Section 212.073, Local Government Code, as amended by this Act, applies only to a contract entered into under Section 212.071, Local Government Code, on or after the effective date of this Act. A contract entered into under Section 212.071, Local Government Code, before the effective date of this Act is governed by the law applicable to the contract immediately before the effective date of this Act, and that law is continued in effect for that purpose. [FA44]</p>	
No equivalent provision.	<p>SECTION 3.__. Section 241.022(b), Health and Safety Code, is amended to read as follows:</p> <p>(b) The application must contain:</p> <p>(1) the name and social security number of the sole proprietor, if the applicant is a sole proprietor;</p> <p>(2) the name and social security number of each general partner who is an individual, if the applicant is a partnership;</p>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
---------------	---------------------	------------

(3) the name and social security number of any individual who has an ownership interest of more than five ~~[25]~~ percent in the corporation, if the applicant is a corporation; and  
(4) any other information that the department may reasonably require. [FA45]

SECTION 3.\_\_. Subchapter B, Chapter 241, Health and Safety Code, is amended by adding Section 241.0221 to read as follows:  
Sec. 241.0221. CRIMINAL HISTORY BACKGROUND CHECK FOR LICENSE APPLICANTS. (a) This section does not apply to a governmental unit required to obtain a license under this chapter.  
(b) The department shall conduct a criminal history background check on each applicant for a license under this chapter and, if the applicant is a partnership or corporation, each individual named in the application under Section 241.022(b).  
(c) The executive commissioner by rule shall:  
(1) determine the manner by which an applicant or individual is required to submit information for purposes of a criminal history background check under this section; and  
(2) establish criteria for determining whether an applicant is eligible for a license under this chapter based on the criminal history background check conducted under this section.  
(d) The department may enter into an agreement with the Department of Public Safety to conduct the criminal history background check required under this section. [FA45]

SECTION 3.\_\_. Subchapter B, Chapter 241, Health and

No equivalent provision.

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Safety Code, is amended by adding Section 241.0261 to read as follows:

Sec. 241.0261. INFORMATION SHARING WITH OFFICE OF INSPECTOR GENERAL. (a) The department in accordance with department rules may share with the office of inspector general of the commission information relating to an applicant for a hospital license under this chapter or a hospital license holder.

(b) Any information shared by the department under this section with the office of inspector general of the commission that is confidential under Section 241.051 must remain confidential and is not subject to disclosure under Chapter 552, Government Code.

(c) The executive commissioner shall adopt the rules necessary to implement this section. [FA45]

SECTION 3.\_\_. Section 241.051, Health and Safety Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), and (a-3) to read as follows:

(a) The department shall conduct an ~~[may make any]~~ inspection of each hospital licensed under this chapter as provided by Subsections (a-1) and (a-2), and the department may make any inspection, survey, or investigation ~~[that]~~ it considers necessary. A representative of the department may enter the premises of a hospital at any reasonable time to make an inspection, a survey, or an investigation to assure compliance with or prevent a violation of this chapter, the rules adopted under this chapter, an order or special order of the commissioner, a special license provision, a court order granting injunctive relief, or other enforcement procedures. The department shall maintain the confidentiality of hospital

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

records as applicable under state or federal law.  
(a-1) The department shall adopt a schedule for the inspection of each hospital licensed under this chapter so that 10 percent of the hospitals, or as near as possible to 10 percent, are scheduled to be inspected each year. In scheduling a hospital for inspection under this subsection, the department must consider an accreditation, validation, or other full survey and must prioritize the inspection of hospitals in accordance with risk factors the department considers important, including:  
(1) the date on which a hospital was last inspected;  
(2) the number of deficiencies noted during the previous inspection of a hospital; and  
(3) the number of complaints received regarding a hospital.  
(a-2) Notwithstanding Subsection (a-1), the department shall inspect a hospital licensed under this chapter at least once every three years if the hospital:  
(1) is not accredited by an accreditation body that is approved by the Centers for Medicare and Medicaid Services; or  
(2) does not meet the conditions of participation for certification under Title XVIII of the Social Security Act (42 U.S.C. Section 1395 et seq.).  
(a-3) The department may request a copy of a hospital's latest accreditation survey at any time. The hospital shall comply with the department's request. [FA45]

SECTION 3.\_\_. Subchapter C, Chapter 241, Health and Safety Code, is amended by adding Section 241.0532 to read as follows:  
Sec. 241.0532. EMERGENCY SUSPENSION. (a) The department may issue an emergency order to suspend a license issued under this chapter if the department has

No equivalent provision.



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

reasonable cause to believe that the conduct of a license holder creates an immediate danger to public health and safety. An emergency suspension is effective immediately without a hearing on notice to the license holder.  
(b) Before issuing an emergency order to suspend a license under Subsection (a), the department must provide the license holder the opportunity to respond to the department's findings.  
(c) After the issuance of an emergency order under this section, on written request of the license holder to the department for a hearing, the department shall refer the matter to the State Office of Administrative Hearings. An administrative law judge of the office shall conduct a hearing not earlier than the 10th day or later than the 30th day after the date the hearing request is received by the department to determine if the emergency suspension is to be continued, modified, or rescinded.  
(d) The hearing and any appeal are governed by the department's rules for a contested case hearing and Chapter 2001, Government Code. [FA45]

SECTION 3.\_\_. Section 241.059, Health and Safety Code, is amended by amending Subsections (b) and (c) and adding Subsections (c-1), (c-2), and (c-3) to read as follows:  
(b) In determining the amount of the penalty, the department shall consider:  
(1) the hospital's previous violations;  
(2) the seriousness of the violation;  
(3) any threat to the health, safety, or rights of the hospital's patients;  
(4) the demonstrated good faith of the hospital; ~~and~~  
(5) the effect of the penalty on the hospital's ability to

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

continue to provide services; and  
(6) such other matters as justice may require.  
(c) A [The] penalty assessed under this section may not exceed:  
(1) \$10,000 [~~\$1,000~~] for each violation, if the hospital is a rural hospital with 75 beds or fewer; or  
(2) \$25,000 for each violation for all other hospitals.  
(c-1) Notwithstanding Subsection (c), [~~except that~~] the penalty for a violation of Section 166.004 shall be \$500.  
(c-2) Each day of a continuing violation, other than a violation of Section 166.004, may be considered a separate violation.  
(c-3) In this section, "rural hospital" means a hospital that:  
(1) is designated as a critical access hospital under and in compliance with 42 U.S.C. Section 1395i-4;  
(2) is classified as a rural referral center under 42 U.S.C. Section 1395ww(d)(5)(C)(i);  
(3) is a sole community hospital, as defined by 42 U.S.C. Section 1395ww(d)(5)(D)(iii); or  
(4) is located in a county with a population of 60,000 or less.  
[FA45]

SECTION 3.\_\_. Chapter 241, Health and Safety Code, is amended by adding Subchapters D and D-1 to read as follows:  
SUBCHAPTER D. TRUSTEES FOR HOSPITALS  
Sec. 241.081. INVOLUNTARY APPOINTMENT. (a) The department may request the attorney general to bring an action in the name and on behalf of the state for the appointment of a trustee to operate a hospital if:  
(1) the hospital is operating without a license;  
(2) the department has suspended or revoked the hospital's

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

license;

(3) license suspension or revocation procedures against the hospital are pending and the department determines that an immediate danger to public health and safety exists;

(4) the department determines that an emergency exists that presents an immediate danger to public health and safety; or

(5) the hospital is closing and arrangements for relocation of the patients to other licensed institutions have not been made before closure.

(b) A trustee appointed under Subsection (a)(5) may only ensure an orderly and safe relocation of the hospital's patients as quickly as possible.

(c) After a hearing, a court shall appoint a trustee to take charge of a hospital if the court finds that involuntary appointment of a trustee is necessary.

(d) The court shall appoint as trustee an individual whose background includes institutional medical administration.

(e) Venue for an action brought under this section is in Travis County.

(f) A court having jurisdiction of a judicial review of the matter may not order arbitration, whether on the motion of any party or on the court's own motion, to resolve the legal issues of a dispute involving the:

(1) appointment of a trustee under this section; or

(2) conduct with respect to which the appointment of a trustee is sought.

Sec. 241.082. QUALIFICATIONS OF TRUSTEES. (a) A court may appoint a person to serve as a trustee under this subchapter only if the proposed trustee can demonstrate to the court that the proposed trustee will be:

(1) present at the hospital as required to perform the duties of a trustee; and

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(2) available on call to appropriate staff at the hospital, the department, and the court as necessary during the time the trustee is not present at the hospital.

(b) A trustee shall report to the court in the event that the trustee is unable to satisfy the requirements of Subsection (a)(1) or (2).

(c) On the motion of any party or on the court's own motion, the court may replace a trustee who is unable to satisfy the requirements of Subsection (a)(1) or (2).

(d) A trustee's charges must separately identify personal hours worked for which compensation is claimed. A trustee's claim for personal compensation may include only compensation for activities related to the trusteeship and performed in or on behalf of the hospital.

Sec. 241.083. COMPENSATION; RELEASE OF FUNDS.

(a) A trustee appointed under this subchapter is entitled to reasonable compensation as determined by the court. On the motion of any party, the court shall review the reasonableness of the trustee's compensation. The court shall reduce the amount if the court determines that the compensation is not reasonable.

(b) The trustee may petition the court to order the release to the trustee of any payment owed the trustee for care and services provided to the patients if the payment has been withheld, including a payment withheld by the commission at the recommendation of the department.

(c) Withheld payments may include payments withheld by a governmental agency or other entity during the appointment of the trustee, such as payments:

(1) for Medicaid, Medicare, or insurance;

(2) by another third party; or

(3) for medical expenses borne by the patient.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(d) Payments withheld under 42 C.F.R. Section 455.23 or Section 531.102(g), Government Code, are not subject to release under this section.

Sec. 241.084. COMMUNICATIONS BY TRUSTEE. (a) Except as provided by Subsection (b), a trustee appointed under this subchapter shall provide periodic reports to the department and the governing body of the hospital regarding:

(1) the status of the hospital following the emergency order to suspend the hospital's license and during the period the hospital is operated by the trustee; and

(2) each activity performed by the trustee on behalf of the hospital.

(b) A trustee is not required to report to the governing body of the hospital any information that may limit or impair the authority or activities of the trustee.

Sec. 241.085. EXEMPTION. This subchapter does not apply to a hospital owned, operated, or leased by a governmental entity.

SUBCHAPTER D-1. HOSPITAL PERPETUAL CARE ACCOUNT; FEE

Sec. 241.091. HOSPITAL PERPETUAL CARE ACCOUNT.

(a) The hospital perpetual care account is a dedicated account in the general revenue fund.

(b) The account consists of:

(1) fees deposited to the credit of the account under this subchapter; and

(2) money transferred or appropriated to the account by the legislature.

(c) The executive commissioner shall administer the account. Money in the account may be used only to pay for department costs associated with:

(1) the storage of medical records by the department; and

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(2) any court-ordered appointment of a trustee to operate a hospital as provided under Section 241.081, including the payment of reasonable compensation to the trustee under Section 241.083.  
Sec. 241.092. HOSPITAL PERPETUAL CARE FEE. (a) The executive commissioner may impose and the department may collect a fee from each hospital in an amount necessary to maintain a balance of \$5 million in the hospital perpetual care account at all times.  
(b) The fee imposed under this section shall be deposited to the credit of the hospital perpetual care account.  
(c) The department shall suspend collection of the fee for the duration of a period during which the balance of the hospital perpetual care account is \$5 million or more. [FA45]

SECTION 3.\_\_. (a) The executive commissioner of the Health and Human Services Commission shall adopt the rules required by Chapter 241, Health and Safety Code, as amended by this Act, not later than May 1, 2018.  
(b) The changes in law made by this Act apply only to an application submitted under Section 241.022, Health and Safety Code, as amended by this Act, or the assessment or imposition of an administrative penalty under Section 241.059, Health and Safety Code, as amended by this Act, for a violation that occurs on or after the effective date of this Act. An application submitted under Section 241.022 before the effective date of this Act or the assessment or imposition of an administrative penalty under Section 241.059 for a violation that occurs before the effective date of this Act is governed by the law in effect on the date the application was submitted or the violation occurred, and that law is continued

No equivalent provision.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
	<p>in effect for that purpose.</p> <p>(c) Notwithstanding Section 6(e)(2)(B), Chapter 615 (S.B. 1367), Acts of the 83rd Legislature, Regular Session, 2013, on January 1, 2018, the commissioner of insurance shall transfer \$5 million from the fund established under Subchapter F, Chapter 1508, Insurance Code, to the hospital perpetual care account established under Section 241.091, Health and Safety Code, as added by this Act. [FA45]</p>	
No equivalent provision.	<p>SECTION 3.__. Section 241.0221, Health and Safety Code, as added by this Act, applies only to an application for an original license submitted on or after the effective date of this Act. An application submitted before that date is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose. [FA45]</p>	
No equivalent provision.	<p>SECTION 3.__. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement Section 241.0221, Health and Safety Code, as added by this Act. [FA45]</p>	
No equivalent provision.	<p>SECTION 3.__ Section 225.123. Charles H. Roan Memorial Highway. (a) The portion of US Highway 287 in Claude is designated as the Charles H. Roan Memorial Highway.</p> <p><u>(b) Subject to Section 225.021(c), the department shall:</u></p> <p><u>(1) design and construct markers indicating the designation as the Charles H. Roan Memorial Highway and any other</u></p>	

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

appropriate information; and  
(2) erect a marker at each end of the highway and at  
appropriate intermediate sites along the highway. [FA47]

No equivalent provision.

SECTION 3.\_\_ (a) Effective September 1, 2017, the heading to Chapter 250, Local Government Code, is amended to read as follows:  
CHAPTER 250. MISCELLANEOUS REGULATORY AUTHORITY [~~OF MUNICIPALITIES AND COUNTIES~~]  
(b) Effective September 1, 2017, Chapter 250, Local Government Code, is amended by adding Section 250.008 to read as follows:  
Sec. 250.008. REGULATIONS RELATING TO CERTAIN BATHROOM OR CHANGING FACILITIES PROHIBITED.  
(a) For the purposes of this section, "bathroom or changing facility" means a facility where a person may be in a state of undress, including a restroom, locker room, changing room, or shower room.  
(b) A political subdivision may not adopt or enforce an order, ordinance, or other measure that relates to the designation or use of a private entity's bathroom or changing facility or that requires the entity to adopt, or prohibits the entity from adopting, a policy on the designation or use of the entity's bathroom or changing facility.  
(c) In this section, "political subdivision" means a governmental entity of this state that is not a state agency and includes a county, municipality, and special purpose district or authority. The term does not include a school district.  
(c) Effective September 1, 2017, Subtitle A, Title 9, Health and Safety Code, is amended by adding Chapter 769 to read as follows:



**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

CHAPTER 769. PUBLIC SINGLE-SEX MULTIPLE-OCCUPANCY BATHROOMS AND CHANGING FACILITIES  
SUBCHAPTER A. GENERAL PROVISIONS  
Sec. 769.001. DEFINITIONS. In this chapter:  
(1) "Biological sex" means the physical condition of being male or female, which is stated on a person's birth certificate.  
(2) "Multiple-occupancy bathroom or changing facility" means a facility designed or designated for use by more than one person at a time, where a person may be in a state of undress in the presence of another person, regardless of whether the facility provides curtains or partial walls for privacy. The term includes a restroom, locker room, changing room, or shower room.  
(3) "Political subdivision" means a governmental entity of this state that is not a state agency and includes a county, municipality, and special purpose district or authority. The term does not include a school district.  
(4) "Single-occupancy bathroom or changing facility" means a facility designed or designated for use by only one person at a time, where a person may be in a state of undress, including a single toilet restroom with a locking door that is designed or designated as unisex or for use based on biological sex.  
SUBCHAPTER B. PUBLIC BUILDINGS  
Sec. 769.51. SINGLE-SEX MULTIPLE-OCCUPANCY BATHROOM OR CHANGING FACILITY. A political subdivision with control over multiple-occupancy bathrooms or changing facilities in a building owned or leased by the political subdivision shall require that each multiple-occupancy bathroom or changing facility located in the building be designated for and used only by persons of the same biological sex.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Sec. 769.52. ACCOMMODATIONS AUTHORIZED. This subchapter does not prohibit a political subdivision from providing an accommodation, including a single-occupancy bathroom or changing facility, on request due to special circumstances. The political subdivision may not provide an accommodation that allows a person to use a multiple-occupancy bathroom or changing facility designated for the biological sex opposite to the person's biological sex.

Sec. 769.53. PRIVATE LEASES AND CONTRACTS. A private entity that leases or contracts to use a building owned or leased by a political subdivision is not subject to Section 769.51. A political subdivision may not require the private entity to adopt, or prohibit the private entity from adopting, a policy on the designation or use of bathrooms or changing facilities located in the building.

Sec. 769.54. EXCEPTIONS. A designation of a multiple-occupancy bathroom or changing facility under Section 769.51 does not apply to:

(1) a person entering a multiple-occupancy bathroom or changing facility designated for the biological sex opposite to the person's biological sex:

(A) for a custodial purpose;

(B) for a maintenance or inspection purpose;

(C) to render medical or other emergency assistance;

(D) to accompany a person needing assistance in using the facility; or

(E) to receive assistance in using the facility; or

(2) a child who is:

(A) younger than 10 years of age entering a multiple-occupancy bathroom or changing facility designated for the biological sex opposite to the child's biological sex; and

(B) accompanying a person caring for the child.

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Sec. 769.55. CONSIDERATION OF CERTAIN POLICIES PROHIBITED. In awarding a contract for the purchase of goods or services, a political subdivision may not consider whether a private entity competing for the contract has adopted a policy relating to the designation or use of the entity's bathrooms or changing facilities.

SUBCHAPTER C. ENFORCEMENT

Sec. 769.101. CIVIL PENALTY. (a) A political subdivision that violates this chapter is liable for a civil penalty of:

(1) not less than \$1,000 and not more than \$1,500 for the first violation; and

(2) not less than \$10,000 and not more than \$10,500 for the second or a subsequent violation.

(b) Each day of a continuing violation of this chapter constitutes a separate violation.

Sec. 769.102. COMPLAINT; NOTICE. (a) A citizen of this state may file a complaint with the attorney general that a political subdivision is in violation of this chapter only if:

(1) the citizen provides the political subdivision a written notice that describes the violation; and

(2) the political subdivision does not cure the violation before the end of the third business day after the date of receiving the written notice.

(b) A complaint filed under this section must include:

(1) a copy of the written notice; and

(2) the citizen's sworn statement or affidavit describing the violation and indicating that the citizen provided the notice required by this section.

Sec. 769.103. DUTIES OF ATTORNEY GENERAL: INVESTIGATION AND NOTICE. (a) Before bringing a suit against a political subdivision for a violation of this chapter, the attorney general shall investigate a complaint

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

filed under Section 769.102 to determine whether legal action is warranted.

(b) The political subdivision that is the subject of the complaint shall provide to the attorney general any information the attorney general requests in connection with the complaint, including:

(1) supporting documents related to the complaint; and

(2) a statement regarding whether the entity has complied or intends to comply with this chapter.

(c) If the attorney general determines that legal action is warranted, the attorney general shall provide the appropriate officer of the political subdivision charged with the violation a written notice that:

(1) describes the violation and location of the bathroom or changing facility found to be in violation;

(2) states the amount of the proposed penalty for the violation; and

(3) requires the political subdivision to cure the violation on or before the 15th day after the date the notice is received to avoid the penalty, unless the political subdivision was found liable by a court for previously violating this chapter.

Sec. 769.104. COLLECTION OF CIVIL PENALTY; MANDAMUS. (a) If, after receipt of notice under Section 769.103(c), the political subdivision has not cured the violation on or before the 15th day after the date the notice is provided under Section 769.103(c)(3), the attorney general may sue to collect the civil penalty provided by Section 769.101.

(b) In addition to filing suit under Subsection (a), the attorney general may also file a petition for a writ of mandamus or apply for other appropriate equitable relief.

(c) A suit or petition under this section may be filed in a

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

district court in:

(1) Travis County; or

(2) a county in which the principal office of the political subdivision is located.

(d) The attorney general may recover reasonable expenses incurred in obtaining relief under this section, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

(e) A civil penalty collected by the attorney general under this section shall be deposited to the credit of the compensation to victims of crime fund established under Subchapter B, Chapter 56, Code of Criminal Procedure.

Sec. 769.105. NO CAUSE OF ACTION. (a) A political subdivision does not have any cause of action related to compliance with this chapter.

(b) A court of this state does not have jurisdiction over a cause of action related to compliance with this chapter brought by a political subdivision.

(c) On the motion of any party or the court's own motion, a court shall dismiss a cause of action related to compliance with this chapter brought by a political subdivision.

(d) This section does not prohibit a suit or petition by the attorney general under Section 769.104.

Sec. 769.106. SOVEREIGN IMMUNITY WAIVED. Sovereign immunity to suit is waived and abolished to the extent of liability created by this subchapter.

(d) It is the intent of the legislature that every provision, section, subsection, sentence, clause, phrase, or word in this section, and every application of the provisions in this section to each person or entity, are severable from each other. If any application of any provision in this section to any person, group of persons, or circumstances is found by a court to be

**House Bill 4180**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

invalid for any reason, the remaining applications of that provision to all other persons and circumstances shall be severed and may not be affected.

(e) Section 250.008, Local Government Code, as added by this section, applies to an order, ordinance, or other measure adopted before, on, or after September 1, 2017. [FA48]