



Legislative Update

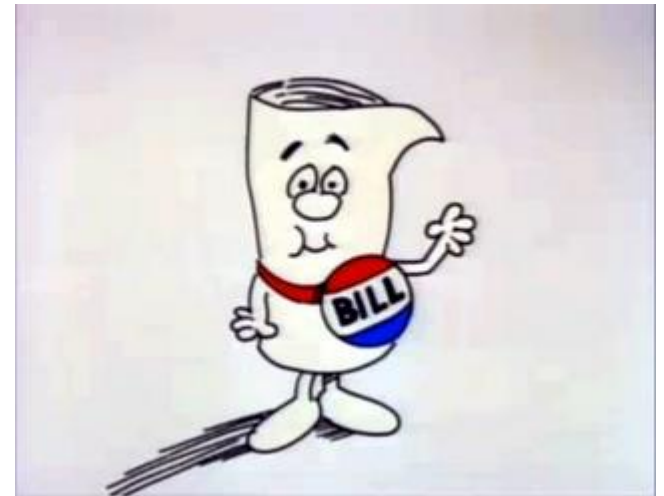
86th Legislature

7,541 bills introduced

1,437 bills passed

330 bills impact cities

We will discuss various Senate Bills (SB) and House Bills (HB) that will become law.



Legislative Leaders



Property Taxes

SB 2 changes the property tax rate setting and appraisal processes.

- Lowers the property tax rollback rate from 8 percent to 3.5 percent (with some potential adjustments)
- The “rollback” tax rate will be called “voter approved” tax rate
- “Unused increment” carryover for up to three years
- November ratification election if voter approved rate is exceeded
- Alters calendar deadlines for appraisals, collection and rate setting processes to conform with possible election
- The “effective” tax rate becomes the “no new revenue” tax rate.
- The effective maintenance and operations rate” becomes the “no new revenue maintenance and operations rate”
- 45 other changes
- Effective January 1, 2020



Sales Tax

[HB 1525](#) and [HB 2153](#) establish the framework to collect sales and use taxes from remote and marketplace sellers.

- Effective October 1, 2019



Franchise Fees

SB 1152 Franchise Fees: Authorizes a cable or phone company to stop paying the lesser of its state cable franchise or telephone access line fees, whichever are less for the company statewide.



Municipal Court Fees

SB 346 Municipal Court Costs, Fines, and Fees/Indigent Defendants: this bill updates municipal court costs, fines, and fees, and makes changes to a determination of a defendant's ability to pay them.

- Effective January 1, 2020



Local Debt

HB 477 Local Debt:

- requires the document ordering an election to authorize a political subdivision to issue debt obligations to distinctly state the aggregate amount of the outstanding interest on debt obligations of the political subdivision as of the date the election is ordered;
- requires the ballot to specifically state: (a) a general description of the purposes for which the debt obligations are to be authorized; (b) the total principal amount of the debt obligations to be authorized; and (c) that taxes sufficient to pay the principal of and interest on the debt obligations will be imposed;
- requires a political subdivision to prepare a voter information document for each proposition to be voted on at the election; requires the voter information document to be posted;



Local Debt (HB 477 Cont.)

- requires the voter information document to distinctly state:
 - the language that will appear on the ballot;
 - the principal of the debt obligations to be authorized;
 - the estimated interest for the debt obligations to be authorized;
 - the estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized;
 - the estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead with an appraised value of \$100,000 to repay the debt obligations (based upon assumptions made by the governing body of the political subdivision);
 - any other information that the political subdivision considers relevant or necessary to explain the information required to be included in the voter information document;



Local Debt (HB 477 Cont.)

- requires a political subdivision that maintains a website to provide the information 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;
- extends the timeframe to publish newspaper notice of intention to issue a certificate of obligation (CO) from 30 to 45 days before the passage of the ordinance;
- requires an issuer of COs that maintains a website to continuously post notice of intention to issue a CO on its website for at least 45 days before the passage of the CO issuance ordinance
- Effective September 1, 2019



Local Debt

SB 30 Bond Propositions:

- requires each single specific purpose for which bonds requiring voter approval are to be issued to be printed on the ballot as a separate proposition;
- provides that a proposition may include as a specific purpose one or more structures or improvements serving the substantially same purpose and may include related improvements and equipment necessary to accomplish the specific purpose; and
- requires a proposition seeking approval of the issuance of bonds to specifically include a plain language description of the single specific purpose for which the bonds are to be authorized.
- Effective September 1, 2019



Local Debt

HB 440 Local Debt:

- requires a political subdivision that maintains a website to include any sample ballot prepared for a general obligation bond election to be prominently posted on the political subdivision's website during the 21 days before the election, along with the election order, notice of the election, and contents of the proposition;
- provides that a political subdivision may not issue a general obligation bond 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 and personal property financed with the issue of bonds;



Local Debt (HB 440 cont.)

- provides that a political subdivision other than a school may use the unspent proceeds of issued general obligation bonds only: (a) for the specific purpose for which the bonds were authorized; (b) to retire the bonds; or (c) for a purpose other than the specific purpose for which the bonds were issued if: (i) the specific purpose is accomplished or abandoned; and (ii) a majority of the votes cast in an election held in the political subdivision approve the use of the proceeds for the proposed purpose.
- Effective September 1, 2019



Open Government

HB 81 Public Information and Parades, Concerts, and Other Entertainment

Events: provides that: (1) information relating to the receipt or expenditure of public or other funds by a governmental body for a parade, concert, or other entertainment event paid for in whole or part with public funds is subject to the Public Information Act; (2) a person, including a governmental body, may not include a provision in a contract related to an event described by (1) that prohibits or would otherwise prevent the disclosure of information; and (3) a contract provision that violates the bill is void. (Effective immediately)

HB 305 Website Posting: provides that a political subdivision shall post on a publicly accessible Internet website the following information: (a) the political subdivision's contact information, including a mailing address, telephone number, and e-mail address; (b) each elected officer of the political subdivision; (c) the date and location of the next election for officers of the political subdivision; (d) the requirements and deadline for filing for candidacy of each elected office of the political subdivision, which shall be continuously posted for at least one year before the election day for the office; (e) each notice of a meeting of the political subdivision's governing body under the Open Meetings Act; and (f) the minutes of a meeting of the political subdivision's governing body. (Effective September 1, 2019)



Open Government

- **HB 2840 Right to Speak at Open Meetings**
- applies to local governmental bodies, including cities (but not state agencies)
- a governmental body shall allow each member of the public who desires to address the body regarding an item on an agenda for an open meeting to address the body regarding the item at the meeting before or during the body's consideration of the item
- a governmental body may adopt reasonable rules regarding the public's right to address the body, including rules that limit the total amount of time that a member of the public may address the body on a given item;
- a governmental body may not prohibit public criticism of the governmental body, including criticism of any act, omission, policy, procedure, program, or service, unless the public criticism is otherwise prohibited by law.
- Effective September 1, 2019



Development

HB 2439 Building Materials

In general, a city may not regulate building materials or construction methods (residential or commercial) beyond those in a nationally-recognized building code.

- 2018 International Residential Code for home exteriors includes, among others: concrete, stone or masonry; fiber cement siding, horizontal aluminum; vinyl siding or wood siding.



Development

HB 3167 Subdivision Platting

The bill makes numerous changes to the subdivision platting approval process, and it will require most cities to make changes to their subdivision ordinance, zoning ordinance, and/or unified development code approval processes.

- Effective September 1, 2019



Development

HB 852 Building Permit Fees:

- In determining the amount of a building permit or inspection fee required in connection with the construction or improvement of a residential dwelling, a city may not consider: (a) the value of the dwelling; or (b) the cost of constructing or improving the dwelling.
- A city may not require the disclosure of information related to the value of or cost of constructing or improving a residential dwelling as a condition of obtaining a building permit.
- Effective immediately



Public Safety

SB 1582 Peace Officer Disease Presumption:

- a peace officer is entitled to preventative immunization for any disease to which the officer may be exposed in performing official duties;
- a peace officer and any member of the officer's immediate family are entitled to vaccination for a contagious disease to which the officer is exposed during the course of employment;
- a peace officer who suffers tuberculosis, or any other disease or illness of the lungs or respiratory tract is presumed to have contracted the disease or illness during the course and scope of employment as a peace officer;
- a peace officer who suffers an acute myocardial infraction or stroke resulting in disability or death is presumed to have suffered the disability or death during the course and scope of employment as a peace officer if:
(a) while on duty, the peace officer: (i) was engaged in a situation that involved nonroutine stressful or strenuous physical activity that involved fire suppression, rescue, hazardous material response, emergency medical services, or other emergency response activity; or (ii) participated in a training exercise that involved nonroutine stressful or strenuous physical activity; and (b) the acute myocardial infraction occurred while the officer was engaging in the activity described herein;
- Effective September 1, 2019



Public Safety

SB 2551 Firefighter and EMT Disease Presumption:

- modifies current law to provide that certain fire fighters and emergency medical technicians (EMT) who suffer from one or more of 11 defined cancers;
- Effective immediately



Public Safety

HB 2143 First Responder's PTSD: this bill: (1) expands the workers compensation presumption for post-traumatic stress disorder (PTSD) to include PTSD caused by multiple, as well as single, events; and (2) for purposes of a claim, the date of injury for post-traumatic stress disorder suffered by a first responder is the date on which the first responder first knew or should have known that the disorder may be related to the first responder's employment.

- Effective September 1, 2019



Public Health

SB 476 provides that food service establishments may choose to allow dogs in outdoor dining areas if: (1) the establishment posts a sign in a conspicuous location in the area stating that dogs are permitted; (2) the customer and dog access the area directly from the exterior of the establishment; (3) the dog does not enter the interior of the establishment; (4) the customer keeps the dog on a leash and controls the dog; (5) the customer does not allow the dog on a seat, table, countertop, or similar surface; and (6) the establishment does not prepare food or permit open food other than food that is being served to a customer in the outdoor area.

- A city may not adopt or enforce an ordinance, rule, or similar measure that imposes a requirement on a restaurant allowing a dog in an outdoor dining area that is more stringent than the requirements in the bill.



