

**City Council  
Staff Agenda Report**

**Agenda Item: 9b.**

**Agenda Subject:** Discussion and possible action on a scope of work for Broadacres Lane to include paving and drainage solutions.

<p><b>Meeting Date:</b></p> <p>February 16, 2023</p>	<p><b>Financial Considerations:</b></p> <p><b>Budgeted:</b></p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p><b>Strategic Vision Pillar:</b></p> <p><input type="checkbox"/> Financial Stability</p> <p><input checked="" type="checkbox"/> Appearance of City</p> <p><input type="checkbox"/> Operations Excellence</p> <p><input checked="" type="checkbox"/> Infrastructure Improvements/Upgrade</p> <p><input type="checkbox"/> Building Positive Image</p> <p><input type="checkbox"/> Economic Development</p> <p><input type="checkbox"/> Educational Excellence</p>
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**Background Information:** At the October 20, 2022 City Council Meeting, council approved to move forward with Broadacres Lane as one of the priority capital improvement projects. The city engineer has provided a memo detailing suggestions for repair, a plan showing pavement repair suggestions, and a spec sheet for the suggested pervious sidewalk solution (open joint pavers).

Staff is seeking feedback from council so the plan for repair can be finalized. Broadacres citizens have reached out to staff and may be in attendance at the meeting to hear the proposal along with council’s feedback.

**Recommended Action/Motion:** Provide direction by way of motion on proposed plan for Broadacres paving and drainage solutions.

- Attachments:** Memo  
Paving Plan  
Pervious paver Spec Sheet

# Memo

**To:** Lola Hazel, City Administrator - Dalworthington Gardens

**From:** Kylon M. Wilson, P.E.

**cc:** Gary Parker – DWG, Courtney Coates – Topo, Erik Dumas - Topo

**Date:** February 8, 2023

**Re:** Broadacres Lane – Drainage Improvements

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Lola/Gary,

The estimate for the proposed drainage improvements for Broadacres Lane from Harder to the Cul-De-Sac is \$373,227 (see attached estimate). The increase from the last estimate in December 2022 can be attributed to the additional proposed pavement repair. These areas include 480 sf of concrete and 1,920 sf of asphalt pavement repair (see attached exhibit for areas of recommended asphalt pavement repair), but these areas will have to be agreed on by the City Council and staff. Bear in mind that asphalt repairs tend to grow once you begin to sawcut. The scope of work for the remaining improvements is:

1. Grading from Harder to the north to make sure water goes through the open lot to the new ditch/pervious sidewalk along the south side of Broadacres. In addition, re-grading the ditch from the flume towards the creek as necessary to convey the water captured from the north side of Broadacres to the creek.
2. Addition of a pervious 5' wide sidewalk along the west and south side of Broadacres that will include coarse graded aggregate and a small drainage pipe underneath to convey the drainage to an inlet at the cul-de-sac (the sidewalk has open joints in the individual blocks that drain the water to the aggregate/pipe below). The inlet will have a drainage pipe that will convey water to the creek along the same path the water is currently conveyed from the flume.
3. There will be some pavement replacement in areas where there is major settlement or cracking, as mentioned above. The concrete pavement will be repaired along the path of the storm drain pipe that will be installed.
4. Disturbed areas will be graded out and topsoil with sod will be added.



**Project Name:** City of Dalworthington Gardens  
**Prepared By:** Kylon Wilson, PE  
**Street Name** Broadacres Ln  
**From:** Harder Dr  
**To:** Cul-De-Sac

**Topographic No.:**  
**Date:** 2/8/2023  
**TX Reg. Engineering Firm:** #18409

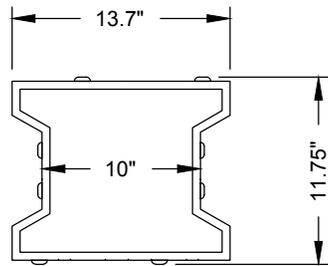
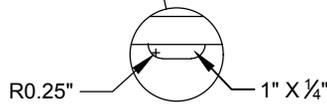
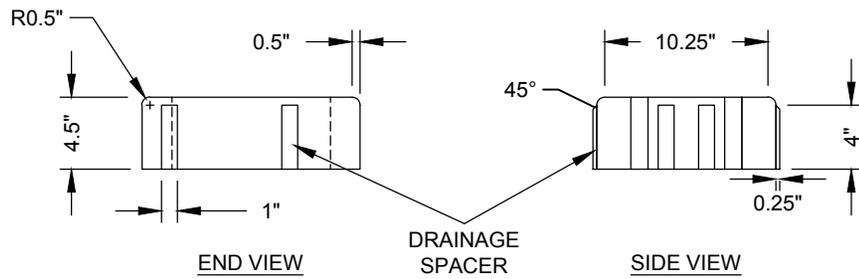
Item No.	Est. Quant.	Unit	Description	Unit Price	Total
<b>Paving</b>					
1	1	LS	Mobilization	\$5,000.00	\$5,000.00
2	1	LS	Site Prep	\$10,000.00	\$10,000.00
3	0	CY	Unclassified Street Excavation	\$20.00	\$0.00
4	0	SY	6" Lime Stabilization (42lb/SY)	\$10.00	\$0.00
5	0	SY	6" HMAc (2" TY-D/4" TY-B)	\$49.00	\$0.00
6	0	LF	Concrete Curb & Gutter	\$26.50	\$0.00
7	1,615	SY	Top Soil (3")	\$2.00	\$3,230.00
8	1,615	SY	Sodding	\$5.00	\$8,075.00
<b>Sub-Total (Paving)</b>					<b>\$26,305.00</b>
<b>Drainage</b>					
9	1	LS	Unclassified Channel Excavation	\$5,000.00	\$5,000.00
10	1	LS	Drainage Improvements/Sidewalk	\$150,000.00	\$150,000.00
11	1	EA	Headwall	\$5,000.00	\$5,000.00
12	270	LF	Install 24" RCP	\$125.00	\$33,750.00
13	1	EA	Area Inlet	\$7,500.00	\$7,500.00
14	1,265	LF	Ditch Grading	\$9.00	\$11,385.00
15	2400	SF	Pavement Repair	\$25.00	\$60,000.00
<b>Sub-Total (Drainage)</b>					<b>\$272,635.00</b>
<b>Water</b>					
16	0	LF	Remove Existing Water Line (AC)	\$20.00	\$0.00
17	0	LF	8" PVC Water Line	\$55.00	\$0.00
18	0	EA	Remove/Replace Fire Hydrant Assembly	\$11,650.00	\$0.00
19	0	EA	8" Gate Valve	\$2,963.00	\$0.00
20	0	EA	Reconnect Existing Water Service	\$1,900.00	\$0.00
21	0	EA	Water Meter Box	\$250.00	\$0.00
22	0	EA	Connect to Existing Water Main	\$2,500.00	\$0.00
<b>Sub-Total (Water)</b>					<b>\$0.00</b>
<b>Sewer</b>					
23	0	EA	Remove existing MH	\$1,800.00	\$0.00
24	0	LF	Remove Existing Sewer Line	\$0.00	\$0.00
25	0	LF	Install 8" PVC Sewer Line	\$65.00	\$0.00
26	0	EA	Install New 4' MH	\$5,900.00	\$0.00
27	0	EA	4" Sewer Service	\$2,445.00	\$0.00
28	0	EA	Connect to Existing SS	\$3,410.00	\$0.00
29	0	LF	Trench Safety	\$2.50	\$0.00
<b>Sub-Total (Sewer)</b>					<b>\$0.00</b>

Notes:

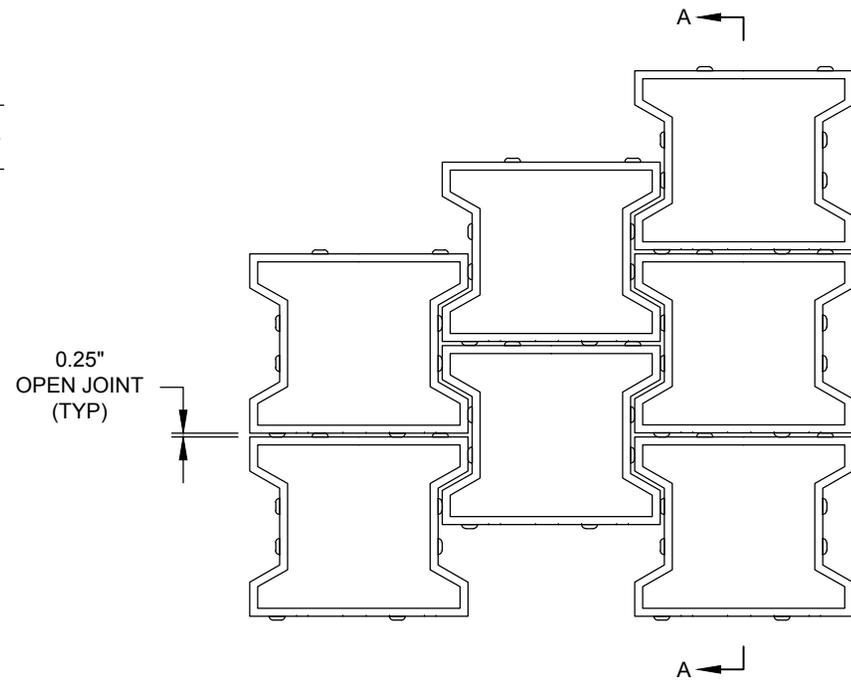
<b>Sub-Total</b>	<b>\$298,940.00</b>
<b>Contingency (10%)</b>	<b>\$29,894.00</b>
<b>Design Services (13.5%)</b>	<b>\$44,393.00</b>
<b>TOTAL</b>	<b>\$373,227.00</b>

The quantities and prices shown hereon are an indication of the Engineer's opinion of probable construction costs associated with the referenced project and are NOT a guarantee of individual or total construction costs.



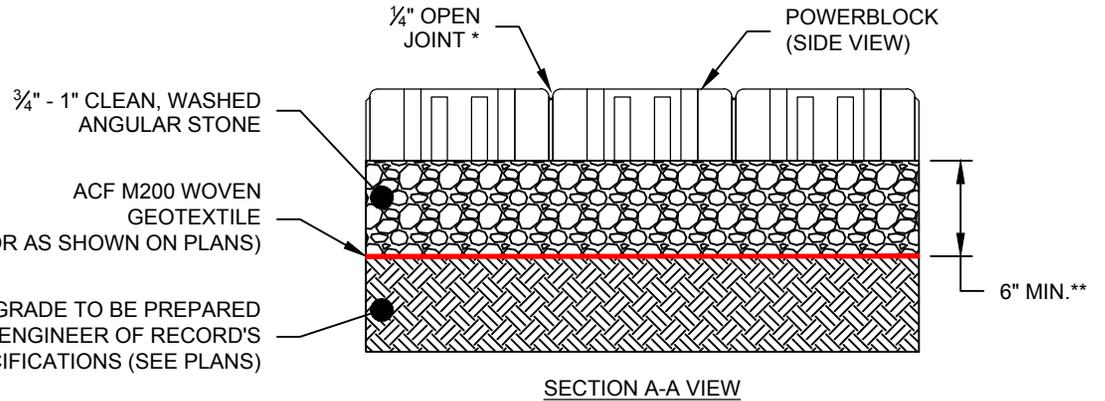


**TOP VIEW**



\* 1/4" OPEN JOINTS SHALL BE UNFILLED AND FREE OF STONE/SAND BACKFILL.

<b>** RECOMMENDED STONE BASE DEPTHS</b>	
DEPTHS LISTED BELOW ARE SUBJECT TO CBR TESTS AND THE DESIGN ENGINEER'S SUBGRADE SUPPORT CALCULATIONS.	
PEDESTRIAN TRAFFIC	6"-8" MIN.
PASSENGER VEHICLE TRAFFIC	12" MIN.
INDUSTRIAL TRAFFIC	18" MIN.



# ACF POWERBLOCK OPEN JOINT PAVER

07/07/17

FOR ADDITIONAL INFORMATION PLEASE CONTACT: ACF ENVIRONMENTAL, 1-800-428-3636 or [info@acfenvironmental.com](mailto:info@acfenvironmental.com)

**City Council  
Staff Agenda Report**

**Agenda Item: 9c.**

**Agenda Subject:** Discussion and possible action to approve survey work with Topographic for water interconnection with the City of Arlington in an amount not to exceed \$5,000.

<p><b>Meeting Date:</b></p> <p>February 16, 2023</p>	<p><b>Financial Considerations:</b></p> <p><b>Budgeted:</b></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p><b>Strategic Vision Pillar:</b></p> <p><input type="checkbox"/> Financial Stability</p> <p><input type="checkbox"/> Appearance of City</p> <p><input type="checkbox"/> Operations Excellence</p> <p><input type="checkbox"/> Infrastructure Improvements/Upgrade</p> <p><input type="checkbox"/> Building Positive Image</p> <p><input type="checkbox"/> Economic Development</p> <p><input type="checkbox"/> Educational Excellence</p>
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**Background Information:** The City would like to receive water from Arlington on the north end to fill the ground storage tank/elevated and to reduce the demand of water from Fort Worth. Staff has met with the city of Arlington who are agreeable to allow connection. The next step is for the city engineer to perform a survey.

**Recommended Action/Motion:** Motion to a approve survey work with Topographic for water interconnection with the City of Arlington in an amount not to exceed \$5,000.

**Attachments:** None

**City Council  
Staff Agenda Report**

**Agenda Item: 9d.**

**Agenda Subject:** Discussion and possible action to direct staff on requesting proposals for arbitrage rebate calculations.

<p><b>Meeting Date:</b>  February 16, 2023</p>	<p><b>Financial Considerations:</b> Unknown at this time</p> <p><b>Budgeted:</b>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p><b>Strategic Vision Pillar:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Financial Stability</li> <li><input type="checkbox"/> Appearance of City</li> <li><input type="checkbox"/> Operations Excellence</li> <li><input type="checkbox"/> Infrastructure Improvements/Upgrade</li> <li><input type="checkbox"/> Building Positive Image</li> <li><input type="checkbox"/> Economic Development</li> <li><input type="checkbox"/> Educational Excellence</li> </ul>
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**Background Information:** With the increase in interest rates and how it could affect possible arbitrage fees, staff reached out to our Bond Counsel, Rudy Segura with McCall, Parkhurst & Horton L.L.P., to inquire about the arbitrage process. Please see the attached memo which provides further detail regarding this matter.

**Recommended Action/Motion:** Motion to provide direction to staff on submitting RFPs for Arbitrage Rebate Calculations

**Attachments:** Arbitrage Memo

January 26, 2023



**To: DWG Mayor, Council and Staff**  
**From: Kay Day, Finance Director**

The following are comments from our bond counsel, Rudy Segura with McCall, Parkhurst & Horton L.L.P., regarding bond debt arbitrage requirements.

There are deadlines for paying rebate and “yield reduction payments”. The 5-year anniversary of the bond issue was July 20, 2022, and thus the first payment would have been owed by September 18, 2022, **if** the City owed any rebate or yield reduction payment. The only way to know if the City owes any payment is to make a calculation. If you miss payment deadlines, the penalties are relatively stiff (50% of the amount owed).

Obviously, the earnings we’re talking about here are fairly small, and the likelihood you’ve earned rebate isn’t particularly high. Although a calculation should be made at this point, there is no requirement that the calculation be made by any particular specialist. You can perform your own “back-of-the-envelope” calculation and make the determination that no payment is owed...or you can hire an outside consultant to perform this task. There are a handful of financial advisors that will perform basic rebate calculations, but most do not, or if they do, they charge a fee.

Bottom line is that you do not have to hire an outside consultant to perform the calculation, but the calculation must be made.

**Excerpt from the 2017 Bond Ordinance**

*Section 10. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE BOND*

*(a) Covenants. The Issuer covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Bonds as obligations described in section 103 of the Internal Revenue Code of 1986, as amended (the “Code”), the interest on which is not includable in the “gross income” of the holder for purposes of federal income taxation. In furtherance thereof, the Issuer covenants as follows:*

*(8) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Bonds) an amount that is at least equal to 90 percent of the “Excess Earnings,” within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.*

A table showing the 2017 Bond interest expense vs interest earned is shown below. Based on this information, it doesn’t appear that the City is in an Arbitrage Rebate situation, however the law requires the calculation to be made if the funds are not expended within 5 years.

2017 Bonds		
YEAR	Bond Interest	Earned Interest
2017	-	14,436.83
2018	121,382.19	49,958.22
2019	116,312.50	45,431.41
2020	114,762.50	8,994.64
2021	113,162.50	155.63
2022	111,562.50	3,674.46
<b>TOTAL</b>	<b>577,182.19</b>	<b>122,651.19</b>

**[NAME OF ISSUER]  
REQUEST FOR PROPOSALS  
FOR ARBITRAGE CALCULATION SERVICES**

**1.0 Purpose**

The [Name of Issuer] (the “Entity”) is soliciting a consultant to perform necessary arbitrage rebate calculation services for all long-term bonds issued by the Entity which are subject to the arbitrage requirements of the Internal Revenue Code of 1986, as amended.

**2.0 Contacts**

Any and all questions or clarifications between the Responder and the Entity shall be directed to:

Name  
Title  
Address  
City, State Zip  
Telephone: (xxx) xxx-xxx  
Email address

The individual listed above may be telephoned for clarification of the specifications of this Request for Proposal only. No authority is intended or implied that specifications may be amended or alternates accepted prior to closing date without written approval of the Entity. Under no circumstances will private meetings be scheduled between responders and Entity Staff.

**3.0 Scope of Work**

The successful responder shall, for each issue, provide, but not limited to, the following:

- 3.1 Assess all outstanding bond issues to determine the existing level of arbitrage compliance and future compliance needs.
- 3.2 Calculate the bond yields.
- 3.3 Calculate the excess investment earnings, if any, required to be rebated to the Federal Government within the legally permitted time period.
- 3.4 As appropriate, calculate any yield reduction amount on any funds that are yield restricted.
- 3.5 Provide, to the Entity, a report identifying the amount of arbitrage.
- 3.6 Assist the Entity as necessary in the event of an Internal Revenue Service (IRS) inquiry.
- 3.7 Provide consultation to Entity staff as necessary regarding arbitrage matters.
- 3.8 Provide assistance and consultation as necessary to retain records and documentation at least six (6) years after the issue’s final maturity.
- 3.9 Provide documentation certifying arbitrage calculation results are consistent with the 1986 Rebate Provisions, as amended.
- 3.10 Prepare necessary reports and IRS forms to accompany any required payment to the Federal Government.

3.11 See Appendix A for current list of bond issues.

#### **4.0 Response to Request for Proposals**

Responses to this RFP shall:

4.1 Be received by:

Contact Name

Entity Name

Address

City, State Zip

**Not later than 3:00 P.M. Month XX, 200\_\_.** Responses received after the time and date specified will not be considered.

- 4.2 One (1) original and three (3) copies of the response shall be submitted. Once submitted responses become the property of the Entity. Responses shall be signed by a duly authorized official of the Responders organization.
- 4.3 The Entity reserves the right to reject any or all responses and to request additional information.
- 4.4 The Responder shall be responsible for any and all costs associated with the preparation, transmittal, presentation, or material submitted in response to this RFP.

#### **5.0 Response Requirements:**

In order to facilitate the response evaluation process the Responder shall provide concise answers to the items listed below:

- 5.1 Describe the responder's experience in providing arbitrage calculation services (e.g. how long has the responder been providing rebate services.) Include an example of a report issued by the office having primary responsibilities for carrying out the provisions of this specification and the resulting contract.
- 5.2 Provide detail on the approach the Responder would use for the Entity to remain in compliance with Federal arbitrage rules for the period of the contract. Please address issues such as restricted and unrestricted periods and yield reduction payments.
- 5.3 Provide a brief explanation of differing methods of calculation and identify the method(s) the responder recommends and why.
- 5.4 Designate the individual(s) who will be working with Entity staff including their experience and qualifications. Provide a resume for each individual.
- 5.5 Provide three (3) references for which you are currently providing arbitrage calculations or have provided services in the last three years.
- 5.6 Identify the information and assistance you will require from Entity staff in completing the calculations. Include your needs for bond issuance and investment information, and any special reports that may be required.

- 5.7 Describe the software used to perform the arbitrage calculations, including a description of how data is backed-up and stored.
- 5.8 Provide an estimate of the time it will take to complete the tasks listed herein and describe the follow-up consultation to include services available after completion of said tasks.
- 5.9 Your ability and availability for future and/or additional rebate services (e.g. new bond issues subject to rebate).
- 5.10 How you would propose to handle amending your calculations if there are new IRS regulations or guidance from the IRS.
- 5.11 Identify the type(s) of insurance carried by the Responder, including the amount of Errors and Omissions insurance.
- 5.12 In your response, indicate how you would propose to handle a change in your interpretation of arbitrage rules.
- 5.13 Explain fee structure in your response. State your firm's base fee for each bond series. Also, list any additional fees associated with complexities, as well as any other additional costs such as legal or setup-up fees.

**6.0 Evaluation Criteria**

Responses will be evaluated by using the following criteria:

<u>CRITERIA</u>	<u>WEIGHT OF CRITERIA</u>
6.1 Responder’s overall experience and qualifications in providing the required services	30%
6.2 Experience and qualifications of Responder’s staff assigned to this account	20%
6.3 Completeness, technical competence, and clarity of the response as it relates to the requirement of the <a href="#">Entity</a> as specified herein	20%
6.4 Fee Proposal	20%
6.5 References	10%

**7.0 Oral Presentations and Interviews:**

Responders may be required to make oral presentations/interviews regarding their responses. These presentations/interviews provide an opportunity for the Responder to clarify their response to ensure mutual understanding of the services to be provided and the responder’s approach to providing these services.



**City Council  
Staff Agenda Report**

**Agenda Item: 9e.**

**Agenda Subject:** Discussion and possible action to amend the City of Dalworthington Gardens Code of Ordinances, to correct the penalty for delinquent hotel occupancy taxes, and to present possible exemptions to the city’s portion of said tax for council’s consideration.

<p><b>Meeting Date:</b>  February 16, 2023</p>	<p><b>Financial Considerations:</b>  <b>Budgeted:</b>  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p><b>Strategic Vision Pillar:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Financial Stability</li> <li><input type="checkbox"/> Appearance of City</li> <li><input checked="" type="checkbox"/> Operations Excellence</li> <li><input type="checkbox"/> Infrastructure Improvements/Upgrade</li> <li><input type="checkbox"/> Building Positive Image</li> <li><input checked="" type="checkbox"/> Economic Development</li> <li><input type="checkbox"/> Educational Excellence</li> </ul>
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**Background Information:** In preparing the permit application for short-term rentals, it was determined a few additional items need council approval. Below is more information on both penalties and exemptions from state law. The penalty section needs to be corrected in city ordinances and ordinance language is provided in the council packet. Also provided is a list of exemptions for which the city can offer for the local portion of the hotel occupancy taxes. The list of potential exemptions in the Administrative Code (provided) includes religious/charitable/educational organization, diplomatic personnel, and permanent residents (subject to certain criteria).

Lastly, both the city’s draft HOT application as well as examples from another city are provided. The city will need to create and finalize both a permit application and a tax report form.

1. **Penalties.** According to the Tax Code, municipalities can levy interest on delinquent hotel occupancy taxes “at the greater of the rate provided by Section 111.060(b) or the rate imposed by the municipality on January 1, 2013.” Tex. Tax Code Sec. 351.0042. Section 111.060(b) allows for a rate of interest of “the prime rate plus one percent, as published in the Wall Street Journal on the first day of each calendar year that is not a Saturday, Sunday, or legal holiday.” Additionally, this interest accrues beginning on “the first day after the date due until the tax is paid.” 351.0042(b). Since DWG did not impose an interest rate for delinquent HOT as of January 1, 2013, the prime rate calculation in Section 111.060(b) provides the allowable interest rate for delinquent taxes.
2. **Exemptions.** State law provides that federal entities are exempt from payment of HOT and that state governmental entities (or a state officer/employee of a state governmental entity in possession of a state-issued photo ID indicating “EXEMPT FROM HOTEL OCCUPANCY TAX” per Section 156.103(d) of the tax code), are entitled to a refund of the tax paid (and the City must provide the form on which they can claim a refund). These are the only statutorily mandated exemptions from HOT. However, the Texas Administrative Code has a list of exemptions applicable to *only the state portion* of the HOT (See [34 T.A.C. 3.161\(b\)](#)). This list includes religious/charitable/educational organization, diplomatic personnel, and permanent residents (subject to certain criteria). **The City can enact exemptions to the local portion of the HOT.** Many other cities provide an exemption for individuals staying more than 30 consecutive days (“extended stay occupants”).

**Recommended Action/Motion:** Motion to approve changes to City ordinances to correct the penalty for hotel occupancy taxes [and provide a list of any exemptions the council wants to enact for the local portion of the hotel occupancy tax.]

**Attachments:** Clean ordinance for penalty, redlined ordinance for penalty, Texas Administrative Code for allowed exemptions, draft short-term rental permit application, example applications for permit and taxes

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 11.04.009, “PENALTIES,” OF ARTICLE 11.04, “HOTEL OCCUPANCY TAX,” CHAPTER 11, “TAXATION,” OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS, BY AMENDING THE DELINQUENT PENALTY PROVISION TO PROVIDE A METHOD OF CALCULATING THE INTEREST RATE CHARGED ON DELINQUENT TAXES; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Dalworthington Gardens, Texas (the “City”) is a Type A General Law Municipality located in Tarrant County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council of the City has previously adopted regulations imposing a hotel occupancy tax pursuant to Chapter 351 of the Texas Tax Code; and

**WHEREAS**, the City Council now finds it appropriate to amend those regulations to provide a method of calculating the interest rate charged on delinquent taxes; and

**WHEREAS**, the City Council has determined that it is necessary to amend its regulations to best serve the interests of the citizens of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, THAT:**

**SECTION 1.**

Subsection (c) of Section 11.04.009, “Penalties,” of Article 11.04, “Hotel Occupancy Tax,” of Chapter 11, “Taxation,” of the Code of Ordinances, City of Dalworthington Gardens, Texas is hereby amended by to read as follows:

- “(c) In addition to any criminal penalties imposed under subsection (b) of this section, a person owing delinquent taxes for at least one complete municipal fiscal quarter shall pay an amount equal to fifteen percent (15%) of the tax due as a penalty. The rate of interest to be charged on delinquent taxes is the prime rate plus one percent, as published in The Wall Street Journal on the first day of each calendar year that is not a Saturday, Sunday, or legal holiday, beginning sixty (60) days after the date the tax is due to the city administrator, pursuant to section 351.0042 of the Texas Tax Code.”

**SECTION 2.**

This ordinance shall be cumulative of all provisions of ordinances of the City of Dalworthington Gardens, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 3.**

**CLEAN ORDINANCE FOR PENALTY**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4.**

Any person, firm, or corporation who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 11.04.009 of the Code of Ordinances, City of Dalworthington Gardens, Texas. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

**SECTION 5.**

The City Secretary is hereby directed to publish the caption and penalty clause of this ordinance in the official newspaper as authorized by Section 52.011 of the Local Government Code.

**SECTION 6.**

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

**PASSED AND APPROVED ON THIS** \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Laurie Bianco, Mayor

ATTEST:

\_\_\_\_\_  
Lola Hazel, City Secretary

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 11.04.009, “PENALTIES,” OF ARTICLE 11.04, “HOTEL OCCUPANCY TAX,” CHAPTER 11, “TAXATION,” OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS, BY AMENDING THE DELINQUENT PENALTY PROVISION TO PROVIDE A METHOD OF CALCULATING THE INTEREST RATE CHARGED ON DELINQUENT TAXES; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Dalworthington Gardens, Texas (the “City”) is a Type A General Law Municipality located in Tarrant County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council of the City has previously adopted regulations imposing a hotel occupancy tax pursuant to Chapter 351 of the Texas Tax Code; and

**WHEREAS**, the City Council now finds it appropriate to amend those regulations to provide a method of calculating the interest rate charged on delinquent taxes; and

**WHEREAS**, the City Council has determined that it is necessary to amend its regulations to best serve the interests of the citizens of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, THAT:**

**SECTION 1.**

Subsection (c) of Section 11.04.009, “Penalties,” of Article 11.04, “Hotel Occupancy Tax,” of Chapter 11, “Taxation,” of the Code of Ordinances, City of Dalworthington Gardens, Texas is hereby amended by to read as follows:

- “(c) In addition to any criminal penalties imposed under subsection (b) of this section, a person ~~failing to pay the tax to the city administrator by the 25th day of the month following the month in which the tax is required by this article to be collected~~ owing delinquent taxes for at least one complete municipal fiscal quarter shall pay an amount equal to fifteen percent (15%) of the tax due as a penalty. ~~Delinquent taxes draw interest at the rate of 10 percent per year beginning thirty (30) days from the date the tax is due to the city administrator. The rate of interest to be charged on delinquent taxes is the prime rate plus one percent, as published in The Wall Street Journal on the first day of each calendar year that is not a Saturday, Sunday, or legal holiday, beginning sixty (60) days after the date the tax is due to the city administrator, pursuant to section 351.0042 of the Texas Tax Code.~~”

**SECTION 2.**

This ordinance shall be cumulative of all provisions of ordinances of the City of Dalworthington Gardens, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 3.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4.**

Any person, firm, or corporation who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 11.04.009 of the Code of Ordinances, City of Dalworthington Gardens, Texas. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

**SECTION 5.**

The City Secretary is hereby directed to publish the caption and penalty clause of this ordinance in the official newspaper as authorized by Section 52.011 of the Local Government Code.

**SECTION 6.**

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

**PASSED AND APPROVED ON THIS** \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Laurie Bianco, Mayor

ATTEST:

\_\_\_\_\_  
Lola Hazel, City Secretary

Texas Administrative Code

TITLE 34 PUBLIC FINANCE

PART 1 COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 3 TAX ADMINISTRATION

SUBCHAPTER K HOTEL OCCUPANCY TAX

RULE §3.161 Definitions, Exemptions, and Exemption Certificate

(a) Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Charitable or eleemosynary organization--A nonprofit organization devoting all or substantially all of its activities to the alleviation of poverty, disease, pain, and suffering by providing food, clothing, medicine, medical treatment, shelter, or psychological counseling directly to indigent or similarly deserving members of society with its funds derived primarily from sources other than fees or charges for its services. If the organization engages in any substantial activity other than the activities described in this section, and those activities do not support or further the charitable purpose of that entity, it will not be considered as having been organized for purely public charity, and therefore, will not qualify for exemption under this provision. No part of the net earnings of the organization may inure to the benefit of any private party or individual other than as reasonable compensation for services rendered to the organization. Some examples of organizations that do not meet the definition of a charitable or eleemosynary organization are fraternal organizations, lodges, fraternities, sororities, service clubs, veterans groups, mutual benefit or social groups, professional groups, trade or business groups, trade associations, medical associations, chambers of commerce, and similar organizations. Even though not organized for profit and performing services that are often charitable in nature, these types of organizations do not meet the requirements for exemption under this provision.

(2) Educational organization--A nonprofit organization or governmental entity whose activities are devoted solely to systematic instruction, particularly in the commonly accepted arts, sciences, and vocations, and has a regularly scheduled curriculum, using the commonly accepted methods of teaching, a faculty of qualified instructors, and an enrolled student body or students in attendance at a place where the educational activities are regularly conducted. An organization that has activities consisting solely of presenting discussion groups, forums, panels, lectures, or other similar programs, may qualify for exemption under this provision, if the presentations provide instruction in the commonly accepted arts, sciences, and vocations. The organization will not be considered for exemption under this provision if the systematic instruction or educational classes are incidental to some other facet of the organization's activities. No part of the net earnings of the organization may inure to the benefit of any private party or individual other than as reasonable compensation for services rendered to the organization. Some examples of organizations that do not meet the requirements for exemption under this definition are professional associations, business leagues, information resource groups, research organizations, support groups, home schools, and organizations that merely disseminate information by distributing printed publications. Entities that are defined in Education Code, §61.003, as Texas public or private "institutions of higher education" are recognized for exemption under this provision. Included in the definition of "institutions of higher education" is any public technical institute, public junior college, public senior college or university, medical or dental unit, public state college, or other agency of higher education as identified in Education Code, §61.003. A Texas private "institution of higher education" is a private or independent university or

college that is organized under the Texas Non-Profit Corporation Act; exempt from taxation under Article VIII, §2, of the Texas Constitution and §501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. §501); and accredited by the Southern Association of Colleges and Schools. Beginning October 1, 2003, public and private "institutions of higher education" from other states or countries do not meet the requirements for exemption under this provision.

(3) Hotel--Any building or buildings in which members of the public obtain sleeping accommodations for a consideration. The term includes, in addition to the buildings listed in Tax Code, §156.001, manufactured homes, skid mounted bunk houses, residency inns, condominiums, cabins, and cottages.

(4) Permanent Resident--A person who has the right to use or occupy a room or space in a hotel for at least 30 consecutive days without interruption. A person may be an individual, organization, or entity.

(5) Private Club--An organization that provides members entertainment, recreation, sport, dining, social facilities, or other significant club amenities and assesses membership dues, initiation fees, and other charges, assessments, and fees for special privileges or status not available to the general public. The rental of a room is insignificant to the purpose or purposes of the organization and members pay the membership dues, initiation fees, and other charges, assessments, and fees not just for the right to rent a room but for other significant club amenities.

(6) Religious organization--A nonprofit organization that is an organized group of people regularly meeting for the primary purpose of holding, conducting and sponsoring religious worship services, according to the rights of their sect. The organization must be able to provide evidence of an established congregation showing that there is an organized group of people regularly attending these services. An organization that supports and encourages religion as an incidental part of its overall purpose, or one whose general purpose is furthering religious work or instilling its membership with a religious understanding, will not qualify for exemption under this provision. No part of the net earnings of the organization may inure to the benefit of any private party or individual other than as reasonable compensation for services rendered to the organization. Some examples of organizations that do not meet the requirements for exemption under this definition are conventions or associations of churches, evangelistic associations, churches with membership consisting of family members only, missionary organizations and groups who meet for the purpose of holding prayer meetings, bible study or revivals.

**(b) Exemptions.** This subsection deals with exemptions from the state hotel occupancy tax. For information on city and county hotel taxes, contact the affected city or county.

(1) Religious, charitable, and educational organizations and their employees, including college and university personnel, traveling on official business of the organization are exempt from payment of hotel occupancy tax.

(2) State officials, judicial officers, heads of state agencies, the Executive Director of the Legislative Council, the Secretary of the Senate, state legislators, legislative employees, members of state boards and commissions, and designated state employees of the State of Texas who present a Hotel Tax Exemption Photo Identification Card when traveling on official state business are exempt from the hotel occupancy tax. State agency, institution, board, or commission employees who have not been issued a Hotel Tax Exemption Photo Identification Card must pay the hotel occupancy tax. The hotel tax paid by the state or reimbursed to a state employee may be refunded as provided in §3.163 of this title (relating to Refund of Hotel Occupancy Tax). For the purpose of claiming an exemption, a Hotel Tax Exemption Photo Identification Card includes:

(A) any photo identification card issued by a state agency that states "EXEMPT FROM HOTEL OCCUPANCY TAX, under Tax Code, §156.103(d)", or similar wording; or

(B) a Hotel Tax Exemption Card that states "when presented with a photo identification card issued by a Texas agency, the holder of this card is exempt from state, municipal, and county hotel occupancy tax, Tax Code, §156.103(d)", or similar wording.

(3) The United States government and its employees traveling on official business representing the United States government are exempt from the hotel occupancy tax.

(4) Diplomatic personnel of a foreign government who present an appropriate Tax Exemption Card issued by the United States Department of State are exempt from the tax.

(5) If an exemption applies, then the organization or individual claiming exemption must present an exemption certificate to the hotel.

(6) Permanent residents are exempt from payment of hotel occupancy tax.

(A) A permanent resident is exempt beginning on:

(i) the first day for which the resident has entered into a written agreement with the hotel or has given a written notice to the hotel of the resident's intent to use or occupy a room or space in the hotel for the next 30 or more consecutive days and the resident actually stays for at least the next 30 consecutive days; or

(ii) the first day after the 30th consecutive day of the stay, if the resident neither gave written notice of intent to stay, nor entered into any written agreement with the hotel. For example, if a person does not notify the hotel that he intends to stay for at least 30 days, but stays 35 days, then the person is exempt from hotel tax from the 31st day through the 35th day, but tax is due on the first 30 consecutive days of the occupancy.

(B) The permanent resident exemption ends when an interruption in the right to use or occupy the room or space occurs.

(C) Permanent residents are not required to physically occupy a room or space.

(D) Permanent residents may have the right to use or occupy different rooms in the same hotel without loss of the permanent resident exemption.

(E) The permanent resident exemption applies to the lowest number of rooms in a written notice, agreement, or contract for a range of rooms plus the number of rooms that qualify for the permanent resident exemption under subparagraph (A)(ii) of this paragraph.

Figure: 34 TAC §3.161(b)(6)(E)

For Example:

Company X has a 60-day contract to rent 10-15 rooms each day. Under the terms of the contract Company X pays for the number of rooms occupied, but not less than 10 rooms per day.

<b>Day</b>	<b>No. of Rooms Occupied</b>	<b>No. of Rooms Paid For</b>	<b>No. of Rooms Exempt</b>
1-10	9	10	10*
11-25	12	12	10*
26-40	13	13	10*
41-55	13	13	12**
56-60	15	15	13***

\* The minimum number of rooms in the range is exempt; the additional rooms above the minimum are not exempt because they have not been rented for 30 consecutive days.

\*\* The two rooms above the minimum have been rented for 30 consecutive days and therefore are exempt beginning on the 31st consecutive day or day number 41.

\*\*\* The third room above the minimum has been rented for 30 consecutive days and therefore is exempt beginning on the 31st day or day number 56.

(c) Exemption certificate.

(1) Any organization or individual claiming exemption from the payment of hotel occupancy tax must furnish the hotel with a signed exemption certificate.

(2) The rental of a room or space in a hotel is exempt from tax if the person required to collect the tax receives, in good faith from a guest, a properly completed exemption certificate stating that the guest qualifies for exemption under Tax Code, §156.102 or §156.103 or other law. The exemption certificate must be supported by the following documentation:

(A) for persons traveling on official business of the federal government, a valid government identification card;

(B) for state officials exempted by Tax Code, §156.103(d), a Hotel Tax Photo Identification Card, as described in subsection (b)(2)(A) or (B) of this section;

(C) for diplomatic personnel of a foreign government, the appropriate Tax Exemption Card issued by the United States Department of State;

(D) for persons traveling on official business of a charitable, educational, or religious organization, as defined in subsection (a)(1), (2) or (6) of this section:

(i) a letter of hotel tax exemption issued by the Comptroller of Public Accounts; or

(ii) verification that the organization is on the comptroller's list of entities that have been provided a letter of exemption; such as, a printed copy of the Comptroller of Public Accounts Internet Web site listing the organization as exempt for hotel tax.

(E) For persons traveling on official business of an organization exempt by law other than Tax Code, Chapter 156:

(i) a letter of hotel tax exemption issued by the Comptroller of Public Accounts; or

(ii) verification that the organization is on the comptroller's list of entities that have been provided a letter of exemption.

(F) The manner of payment by an employee of an exempt organization does not affect the exemption. To claim an exemption a nonemployee traveling on behalf of an exempt organization must pay the hotel directly with the organization's funds, by organization check, organization credit card, or direct billing to the organization by the hotel.

(3) A hotel claiming exemption of its receipts from hotel occupancy tax must provide proof that the receipts were exempt, either through exemption certificates or other competent evidence.

(4) Certain entities that are exempt from hotel tax may be issued identification numbers for administrative purpose only. The comptroller may issue a tax number to an entity that is not exempt from Hotel Tax, and a tax number does not guarantee that an organization is exempt from Hotel Tax. An organization is not required to provide an identification number on the Hotel Tax Exemption Certificate.

(5) The exemption certificate must be substantially in the form provided by the Comptroller of Public Accounts and include:

(A) name and address of the exempt organization;

(B) qualification for exemption under Tax Code, §156.102 or §156.103 or other law; and

(C) name and signature of the occupant or, when the exempt organization issues the certificate, the name and signature of an authorized representative.

(6) Copies of the certificate may be obtained from the Comptroller of Public Accounts, P.O. Box 13528, Austin, Texas 78711-3528 or requested by calling 512-463-4600 or our toll-free number 1-800-252-1385. Taxpayers may download copies at [www.window.state.tx.us](http://www.window.state.tx.us).

(d) Exclusions.

(1) Dormitories and other housing facilities owned or leased and operated by institutions of higher education as defined in subsection (a)(2) of this section and used to provide sleeping accommodations for persons engaged in educational programs or activities at the institutions are excluded from the definition of a hotel in Tax Code, §156.001, and their rentals are not subject to tax. Hotels owned or leased and operated by institutions of higher education, however, are not excluded and their rentals are subject to tax.

(2) Private clubs as defined in subsection (a)(5) of this section do not collect tax on rentals of rooms to members. Tax is due, however, on the rental of rooms to nonmembers. An organization is not a private club and must collect hotel occupancy tax on rentals of rooms to members and nonmembers if the organization:

(A) does not provide members entertainment, recreation, sport, dining, social facilities, or other significant club amenity in addition to lodging;

(B) does not assess membership dues, initiation fees and other charges, assessments, and fees for special privileges or status not available to the general public; and

(C) the rental of a room is not insignificant to the purpose or purposes of the organization.



# Short-Term Rental Permit Application

City of Dalworthington Gardens  
2600 Roosevelt Drive  
Dalworthington Gardens, TX 76016  
Phone: 817-274-7368

Permit Number: \_\_\_\_\_

Fees: Application for permit: \$200.00; Permit renewal: \$200.00;  
Short-term rental inspection fee: \$130.00

**Designated Local Operator Information:**

Designated Operator Name: \_\_\_\_\_

Operator Address: \_\_\_\_\_

Operator Phone No. (Must be 24-hour contact): \_\_\_\_\_

Operator Email (not required): \_\_\_\_\_

Operator Signature: \_\_\_\_\_

**Owner Information (if different from operator. Must indicate if owner is same as operator):**

Owner Name: \_\_\_\_\_

Owner Address: \_\_\_\_\_

Owner Phone No.: \_\_\_\_\_

Owner Email (not required): \_\_\_\_\_

Owner Signature: \_\_\_\_\_

**Property Information:**

Property Address: \_\_\_\_\_

Legal Description/TAD Parcel ID: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Property Type: \_\_\_\_\_

If property is located in area with active HOA, provide name, contact information, and rules for HOA:

\_\_\_\_\_

**Hotel Occupancy Tax Registration:**

The City of Dalworthington Gardens imposes at 7% hotel occupancy tax per Ordinance #2022-04. Short-term rental owners must register with the City for payment of said fees.

Property Business Information: \_\_\_\_\_

Business Name (Note if no business name, enter name of HOT Taxpayer.): \_\_\_\_\_

Business Phone: \_\_\_\_\_

Physical Address of HOT Property: \_\_\_\_\_

Type of Business Operation: \_\_\_\_\_

Number of rental units on property: \_\_\_\_\_

Avg. nightly charge of unit: \_\_\_\_\_

Expected Date of Operating HOT Property: \_\_\_\_\_

Property Ownership \_\_\_\_\_

Ownership Classification of Property: \_\_\_\_\_

Texas ID of Operating Business: \_\_\_\_\_

Federal ID of Operating Business: \_\_\_\_\_

Driver's License Number – if operating business as a sole proprietorship: \_\_\_\_\_

Provide proof of registering with the State of Texas for Hotel Occupancy Tax. Failure to provide proof will result in permit denial.

Proof attached     Yes     No

**Other Requirements:**

The following are required to be included with completed application.

1. Parking plan of the premises identifying the location and quantity of parking spaces to be used in conjunction with the short-term rental, in relation to the residence
2. Dimensioned floor plan of the proposed short-term rental identifying the proposed maximum number of occupants, bedrooms, other living spaces, location of safety features, and emergency evacuation routes
3. Proof of liability insurance, which shall meet the following minimum requirements:
  - a. The city, its officials, employees, agents and officers shall be named as an “additional insured” on all policies;
  - b. The policy should provide a minimum liability coverage of \$1,000,000 (one million dollars); and
  - c. Each policy shall be endorsed to provide the city with a minimum of a 30-day notice of cancellation, non-renewal, and/or material change in policy terms or coverage; provided, however, a minimum 10-days’ notice shall be required in the event of non-payment of premium
4. A current tax certificate(s) indicating all taxes for the subject property have been paid to the current year (available from Tarrant Appraisal District). Tax statements printed from the Tarrant County website (pdf) are acceptable in lieu of the original certificate(s)
5. A copy of the proposed host rules for the short-term rental, including a statement identifying the description and location of safety features as follows:
  - a. Life Safety.
    - i. The short-term rental must be equipped with:
      1. Working smoke alarms, meeting the requirements of Section 92.254 of the Texas Property Code, with a minimum of one on each floor level and one in each room used as a bedroom; and
      2. A minimum of one working carbon monoxide detector on each floor or level; and
      3. A minimum of one 2A:10B:C type fire extinguisher (a standard five-pound extinguisher) properly mounted within seventy-five (75) feet of all portions of the structure on each floor.
      4. All gas appliances shall be properly ventilated outside the home.
      5. Emergency escape openings shall comply with the city’s currently adopted International Residential Code (IRC), with at least one emergency escape opening for each bedroom opening directly to the outdoors.
      6. An evacuation plan shall be posted in each bedroom.
      7. Any room that does not comply with these requirements shall not be used as a bedroom, and where equipped with a door, shall remain locked at all times when the dwelling is being used as a short-term rental. Any non-compliant bedroom shall not be included in the maximum occupancy calculation for the short-term rental, nor be advertised as a bedroom.
6. Basic Sanitation: Each bedroom of a residence or portion of a residence used as a short-term rental must provide interior access to a bathroom, such that an occupant shall have access to a bathroom without exiting the residence, regardless of whether such bathroom is private or shared

I, \_\_\_\_\_ (property owner), do hereby state I currently comply and will continue to comply with the standards and other requirements of the short-term regulations established by the City of Dalworthington Gardens as outlined in Ordinance No. 2022-22, a copy of which I have received, as well as all other applicable standards as required by the City of Dalworthington Gardens Code of Ordinances.

Property Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_

DRAFT

# EXAMPLE



Town of Shady Shores  
Development Department  
101 S. Shady Shores Rd. Shady Shores TX 76208

940-498-0044, #110.

Permit Tech  
Joan Davis

Permit Number: \_\_\_\_\_  
Date of Expiration: \_\_\_\_\_

Date Received: \_\_\_\_\_

## Short Term Rental Permit Application

Application must be filled out, signed and submitted with all required documents attached.

### Requirements Checklist

- No External Signage
- Working Smoke Alarms
- Working Carbon Monoxide Alarm
- Working Fire Extinguisher (5 lbs., ABC rated)
- Sample Informational Brochure
- Maximum Number of Occupants Permitted<sup>i</sup>
- Floor Sketch Plan with Room Dimensions, identifying bedrooms, other living spaces, and emergency evacuation routes
- Proof of Insurance
- Copy of Proposed Host Rules
- Site Plan or Survey Showing Parking Areas/Spaces
- Two Forms of Proof of Primary Residence of Property Owner<sup>ii</sup>
- Copy of Driver's License

<sup>i</sup> Occupancy Limit- overnight: no more than two adults per bedroom plus two additional adults; total capacity not to exceed (indoors and outdoors) maximum of 12 persons at any time.

<sup>ii</sup> Proof of primary residence may include: motor vehicle registration, driver's license, Texas State ID card, voter registration, property tax documents or utility bill.

### Property Address of Short-Term Rental

Address: \_\_\_\_\_

Street Address

City

State

ZIP Code

**Owner of Premises Information**

Full Name: \_\_\_\_\_ Date: \_\_\_\_\_  
*Last First M.I.*

Address: \_\_\_\_\_  
*Street Address Apartment/Unit #*  
\_\_\_\_\_  
*City State ZIP Code*

Phone: \_\_\_\_\_ 24-Hour Contact Number \_\_\_\_\_

Email: \_\_\_\_\_  
\_\_\_\_\_

**Operator or Designated Local Responsible Party**

Full Name: \_\_\_\_\_ Date: \_\_\_\_\_  
*Last First M.I.*

Address: \_\_\_\_\_  
*Street Address Apartment/Unit #*  
\_\_\_\_\_  
*City State ZIP Code*

Phone: \_\_\_\_\_ 24-Hour Contact Number \_\_\_\_\_

Email: \_\_\_\_\_

- I certify that I am the property owner and do not occupy this residence as my primary residence and I will provide an informative brochure to my guests that includes my 24-hour contact information and a local 24-hour contact number should I be out of town during the rental of my property, pertinent neighborhood information (such as noise restrictions and trash collection schedules) and information to assist guests in case of emergencies. I understand that I shall include the correct limits of guests and vehicles when advertising the property as a short-term rental based on the Ordinance #351-09-2021 and will include the prohibition against the use of the property for having a party in any advertisement, listing or other publication offering the premises for rent and will include the permit number assigned to the property by the Town of Shady Shores as a short-term rental in all advertisements.
- I, (print your name) \_\_\_\_\_ the undersigned applicant, request a Short Term Rental Permit in accordance with Ordinance# 351-09-2021 of the Town of Shady Shores. I have read and agree to comply with the regulations listed above and in the aforementioned Ordinance.

Date of Application: \_\_\_\_\_

Signature: \_\_\_\_\_

**Hotel Occupancy Tax Information**

The Town of Shady Shores imposes at 7% hotel occupancy tax per Ordinance #351-09-2021. Reporting and payment of the town's 7% occupancy tax is made by the property owner directly to the State of Texas Comptroller, using its required reporting form.

**Submission Information**

Application, Payment and Supporting Documentation may be submitted to the Town of Shady Shores, Development Office:

- in person, Monday-Friday 9:00am-2:00pm
- or online: <https://www.shady-shores.com/FormCenter/Building-Permit-7/Short-Term-Rental-Permit-Application-74>



# EXAMPLE

**Town of Shady Shores**  
**Hotel/Motel Occupancy Tax Report**  
**Ordinance No. Ordinance 351-09-2021 adopted 9/20/21**

**REPORT MUST BE FILED EVEN IF NO TAX IS DUE**

<b>Taxpayer Name, Mailing Address, Email Address</b>

<b>Texas Taxpayer Number</b>
<b>Month Ending Date</b>

1. Facility Name Location Address , Email Address and Phone	2. Total Room Receipts	3. Exemptions	4. Taxable Room Receipts
			\$

5. Total Room Receipts (Total of Column 2)..... \$ \_\_\_\_\_

6. Less: Exemptions for permanent residency (30 days or longer)..... \$ \_\_\_\_\_

7. Less: Exemptions for the United States of State of Texas ..... \$ \_\_\_\_\_

8. Less: Diplomatic personnel with a card..... \$ \_\_\_\_\_

9. Less: Exemptions for military personnel on official business..... \$ \_\_\_\_\_

10. Total Taxable Receipts (line 5 minus lines 6-9) Total of column 4)..... \$ \_\_\_\_\_

11. Total Hotel Motel Occupancy Tax Due (7% of Line 10)..... \$ \_\_\_\_\_

12. Penalty: If return is filed or tax is paid after the due date, enter penalty 1-30 days late- ... \$ \_\_\_\_\_  
 5% of line 11. More than 30 days late,- 10% of line 11.

13. Interest: If tax is paid more than 30 days late, enter interest 8.25% of line 11;  
 divided 365; time the no. of days over 60 paid late..... \$ \_\_\_\_\_

14. Total Amount Due and Payable (Sums of lines 11, 12, and 13..... \$ \_\_\_\_\_

Make Check Payable to: **Town of Shady Shores**

**MAIL TO:**  
 Town of Shady Shores  
 101 S. Shady Shores Road  
 Shady Shores, TX 76208  
 PH: (940) 498-0044  
 WWW.SHADY-SHORES.COM

I declare that the information contained in this report and any attachments is true and correct to the best of my knowledge and belief.

**SIGN HERE>** \_\_\_\_\_

Phone Number: \_\_\_\_\_ Date: \_\_\_\_\_

**City Council  
Staff Agenda Report**

**Agenda Item: 9f.**

**Agenda Subject:** Conduct a public hearing to receive citizen input for the proposed 49<sup>th</sup> Year Community Development Block Grant.

<p><b>Meeting Date:</b></p> <p>February 16, 2023</p>	<p><b>Financial Considerations:</b></p> <p><b>Budgeted:</b></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p><b>Strategic Vision Pillar:</b></p> <p><input type="checkbox"/> Financial Stability</p> <p><input checked="" type="checkbox"/> Appearance of City</p> <p><input checked="" type="checkbox"/> Operations Excellence</p> <p><input checked="" type="checkbox"/> Infrastructure Improvements/Upgrade</p> <p><input type="checkbox"/> Building Positive Image</p> <p><input type="checkbox"/> Economic Development</p> <p><input type="checkbox"/> Educational Excellence</p>
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**Background Information:** Council approved the 49<sup>th</sup> Year CDBG project at the October 20, 2022 Council Meeting. The project approved was for the reconstruction of the south side of Ambassador Row from Chase Court to Roman Court with associated water line improvements. Staff has submitted the application for the grant.

Part of the process for grant consideration is to solicit and show support from citizens for the chosen project. Thus, the reason for tonight’s public hearing. Both Council members and any citizens present are encouraged to provide verbal support for the project as it will be reflected in the minutes.

**Recommended Action/Motion:** Each council member should speak during the public hearing to show support for the project. No action needed.

**Attachments: Legal Notice**

# COMMERCIAL RECORDER PROOF

EMAIL ADDRESS: [recorder@flash.net](mailto:recorder@flash.net)

Deadline for submitting legal notices is 11:00 (am) the business day before

PUBLIC NOTICE

- 1 \_\_\_\_\_
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**PUBLIC HEARING**

Notice is hereby given that the City of Dalworthington Gardens City Council will hold a public hearing on February 16, 2023 at 7:00 p.m. in the City Hall Council Chambers, 2600 Roosevelt Drive, DWG, TX 76016. The purpose of the hearing is to obtain citizen input for the proposed 49th Year Community Development Block Grant project for the City. The proposed project includes the reconstruction of the south Ambassador Row from Chase Court to Roman Court, as well as the reconstruction of the water facilities in this area.

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**City Council  
Staff Agenda Report**

**Agenda Item: 9g.**

**Agenda Subject:** Discussion and possible action regarding governing body opposition and/or support for certain proposed legislative bills.

<b>Meeting Date:</b>	<b>Financial Considerations:</b>	<b>Strategic Vision Pillar:</b>
February 16, 2023	<b>Budgeted:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Financial Stability <input type="checkbox"/> Appearance of City <input type="checkbox"/> Operations Excellence <input type="checkbox"/> Infrastructure Improvements/Upgrade <input type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence

**Background Information:** At the January 19, 2023 Council Meeting, council requested an item to be placed on the February 16, 2023 agenda to discuss proposed legislative bills. The purpose is to decide whether to provide support or opposition for certain bills, and direct staff to provide resolutions to legislators to recognize the city’s position.

**Recommended Action/Motion:** Provide direction to staff by way of motion on opposition and/or support for certain proposed legislative bills.

**Attachments:** TML Legal’s February 10 Update

**City-Related Bills Filed 2023 Session**

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**Property Tax**

**H.B. 29** (Murr) – **School District Property Taxes**: would: (1) provide for the elimination of school district maintenance and operations property taxes by January 1, 2026, with certain exceptions; and (2) create a joint interim committee on the elimination of school district maintenance and operations property taxes.

**H.B. 32** (Capriglione) – **Appraisal Cap**: would: (1) reduce the property tax appraisal cap on residence homesteads from ten to five percent; and (2) impose a ten percent appraisal cap on the appraised value of a single-family residence other than a residence homestead. (See **H.J.R. 6**, below).

**H.B. 38** (Murr) – **School District Property Taxes**: would: (1) provide for the elimination of school district maintenance and operations property taxes, with certain exceptions; and (2) among other tax increases, raise the state sales and use tax rate to 12 percent to compensate for the loss of school district maintenance and operations property taxes.

**H.B. 40** (Zwiener) – **Property Tax Exemptions**: would provide that a person is entitled to an exemption from taxation of the portion of the appraised value of the person’s property that is

attributable to the installation in or on the property of a rainwater harvesting or graywater system. (See **H.J.R. 25**, below.)

**H.B. 84 (Bernal) – Homestead Appraisal:** would provide that when determining the market value of a residence homestead, the chief appraiser shall: (1) only consider the value of other residence homesteads in the same neighborhood, and (2) not consider the value of property without a residence homestead exemption when determining the market value for real property with a homestead exemption.

**H.B. 144 (Bernal) – Property Tax Exemption:** would provide that a qualifying caregiver is entitled to a property tax exemption of the total appraised value of the qualifying caregiver's residence homestead for the period during which the qualifying individual for whom the qualifying caregiver provides care is on an interest list for long-term services and supports under the Medicaid program. (See **H.J.R. 16**, below.)

**H.B. 145 (Vasut) – Appraisal Cap:** would reduce the property tax appraisal cap on homesteads from ten to 3.5 percent and apply the new appraisal cap to all real property. (See **H.J.R. 10**, below.)

**H.B. 147 (Bernal) – Property Tax Exemption:** would provide that a qualifying caregiver is entitled to a property tax exemption of the total appraised value of the qualifying caregiver's residence homestead for the period during which the qualifying individual for whom the qualifying caregiver provides care is on an interest list for long-term services and supports under the Medicaid program. (See **H.J.R. 16**, below.)

**H.B. 159 (Landgraf) – Tax Information Notice:** would require the designated officer or employee of a city to publish certain property tax information relating to the no-new-revenue tax rate, the voter-approval tax rate, and debt service tax rate in the newspaper.

**H.B. 215 (Jarvis Johnson) – Homestead Exemptions:** would, among other things, provide that: (1) an individual is entitled to an exemption from taxation of the total appraised value of the individual's residence homestead if: (a) the individual is 80 years of age or older; and (b) the individual has received a homestead tax exemption for their residence homestead for at least the preceding 10 years; and (2) the surviving spouse of an individual who qualified for an exemption under (1), above, is entitled to an exemption from taxation of the total appraised value of the same property to which the deceased spouse's exemption applied if: (a) the deceased spouse died in a year in which they qualified for the exemption; (b) the surviving spouse was 55 years of age or older when their spouse died; and (c) the property was the residence homestead of the surviving spouse when their spouse died and remains their residence homestead.

**H.B. 260 (Murr) – Appraisal of Open Space Land:** would require the chief appraiser to take into consideration the effect that the presence of a disease or pest, or the designation of an area as a wildlife or livestock disease or pest area, has on the net income from the land when calculating net to land of open-space land located in or adjacent to an area designated as a wildlife or livestock disease or pest area.

**H.B. 295 (Toth) – Appraisal Cap:** would, among other things: (1) provide that the appraised value of residence homestead for the first year the owner qualifies for a homestead exemption is equal to the market value of the property; (2) provide that the appraised value of residence homestead for a subsequent tax year is equal to the appraised value of the property for the preceding tax year as adjusted by the chief appraiser for the current tax year to reflect any positive change from the preceding tax year in the purchasing power of the dollar for consumers in this state as determined by the comptroller; and (3) require an owner of property to apply for the appraisal increase limitation under (2), above, using an application form prescribed by the comptroller that includes, among other information, the purchase price of the property paid by the applicant. (See **H.J.R. 14**, below.)

**H.B. 335 (Bell) – Appraisal Cap:** would reduce the property tax appraisal cap on homesteads from ten to five percent and apply the new appraisal cap to all real property. (See **H.J.R. 18**, below.)

**H.B. 398 (Shine) – Property Tax Exemption:** would provide that property owned by a Type A or Type B economic development corporation is exempt from taxation if the property is used for a public purpose.

**H.B. 402 (Schofield) – Property Tax Limitation:** would establish a mandatory property tax freeze for all taxing units on the residence homesteads of individuals who are disabled or over 65 and their surviving spouses. (See **H.J.R. 21**, below.)

**H.B. 419 (Shine) – Property Tax Exemption:** would provide that an individual is entitled to an exemption from property taxation by a taxing unit other than a school district of a portion of the appraised value of the individual's residence homestead in an amount equal to five percent, or a greater percentage not to exceed 25 percent specified by the governing body of the taxing unit before July 1, of the average appraised value in the current tax year of all residence homesteads that are located in the same county as the individual's homestead and that qualify for an exemption. (See **H.J.R. 23**, below.)

**H.B. 449 (Schofield) – Property Tax Appraisal:** would repeal the additional property taxes imposed as a result of the sale or change in the use of land appraised as agricultural land, open-space land, timberland, parkland, or public access airport property. (See **H.J.R. 28**, below.)

**H.B. 456 (Craddick) – Property Tax Exemption:** would exempt a royalty interest owned by a charitable organization from property taxation.

**H.B. 481 (Goldman) – Property Tax Freeze:** would establish a mandatory tax freeze on the residence homestead of individuals who are elderly or disabled and their surviving spouses applicable to all taxing units other than school districts. (See **H.J.R. 30**, below.)

**H.B. 523 (Vasut) – Appraisal Review Board:** would authorize the appraisal review board, on motion of the chief appraiser or of a property owner, to order the appraised value of an owner's property in the current tax year and either of the two preceding tax years to be changed to the sales price of the property in the current tax year if, for each tax year for which the change is to be made:

(1) the property qualifies as that owner's residence homestead; (2) the sales price of the property is at least 10 percent less than the appraised value of the property; and (3) the board makes a finding that the sales price reflects the market value of the property.

**H.B. 543 (Raymond) – Property Appraisal:** would require the chief appraiser to exclude from the market value of real property any improvement, or feature incorporated into an improvement, made to a property if the primary purpose of the improvement or feature is compliance with the requirements of the 2010 Americans with Disabilities Act Standards for Accessible Design or any successor standards. (See **H.J.R. 42**, below.)

**H.B. 623 (Cody Harris) – Property Tax Exemption:** would exempt the value of animal feed held by the owner for sale at retail from ad valorem taxation. (See **H.J.R. 47**, below.)

**H.B. 634 (Lozano) – Appraisal of Open-Space Land:** would provide that to qualify for appraisal as open-space land, property must have been devoted principally to agricultural use or to production of timber or forest products for only two of the preceding seven years, reducing the existing requirement that property must have devoted to that use for at least five of the preceding seven years.

**H.B. 664 (Bailes) – Appraisal Cap:** would reduce the property tax appraisal cap on residence homesteads from ten to 2.5 percent.

**H.B. 665 (Bailes) – Appraisal Cap:** would establish a 3.5 percent appraisal cap on commercial real property.

**H.B. 707 (Geren) – Property Tax Freeze:** would establish a mandatory tax freeze on the residence homestead of individuals who are elderly or disabled and their surviving spouses applicable to all taxing units other than school districts. (See **H.J.R. 49**, below.)

**H.B. 721 (Schofield) – Property Tax Collection:** would provide that the interest rate associated with a tax lien during a period of deferred collection of taxes on the residence homestead of an elderly or disabled individual or a disabled veteran is the lower of the five-year Constant Maturity Treasury Rate reported by the Federal Reserve Board as of January 1 of that year or five percent. (Note: Current law provides for a five percent interest rate.)

**H.B. 740 (J. Gonzalez) – Homestead Tax Deferral:** would, among other things: (1) entitle an individual to defer collection of a tax imposed on the portion of the appraised value of the property the individual owns and occupies as the individual's residence homestead that exceeds the sum of: (a) 105 percent of the appraised value of the property for the preceding year; and (b) the market value of all new improvements to the property; and (2) provide that if the collection of taxes on a residence homestead was deferred in a prior tax year and the sum of the amounts described by (1), above, exceeds the appraised value of the property for the current tax year, the amount of taxes the collection of which may be deferred is reduced by a calculated amount; and (3) set the annual interest rate during the deferral at five percent.

**H.B. 741 (Goodwin) – Property Tax Exemption:** would exempt from ad valorem taxation property used to provide child-care services without regard to the beneficiaries’ ability to pay, if the provider of the services meets Texas Rising Star Program certification criteria.

**H.B. 745 (Dean) – Appraisal Cap:** would reduce the property tax appraisal cap on residence homesteads from ten to five percent. (Companion bill is **S.B. 152** by **Kolkhorst**.) (See **H.J.R. 51**, below.)

**H.B. 746 (Dean) – Appraisal Cap:** would expand the application of the ten percent appraisal cap on a residence homestead to all real property.

**H.B. 774 (Collier) – Property Tax Appraisal:** would authorize the chief appraiser, in appraising a residence homestead that is more than 30 years old and that is located in a tax increment reinvestment zone, to exclude from consideration the value of new or substantially remodeled residential properties in the same neighborhood that would otherwise be considered. (See **H.J.R. 52**, below.)

**H.B. 794 (Schatzline) – Appraisal Cap:** would: (1) reduce the property tax appraisal cap on residence homesteads from ten to five percent; and (2) impose a ten percent appraisal cap on the appraised value of a single-family residence other than a residence homestead. (See **H.J.R. 55**, below.)

**H.B. 808 (Metcalf) – Appraisal Districts:** would: (1) require a chief appraiser to be elected at the general election for state and county officers by the voters of the county in which the appraisal district is established; (2) provide that the chief appraiser serves a two-year term beginning January 1 of every other odd-numbered year; and (3) provide that to be eligible to serve as chief appraiser, an individual must be a resident of the county in which the appraisal district is established and must have resided in the county for at least four years preceding the date the individual takes office.

**H.B. 809 (Metcalf) – Appraisal Districts:** would provide that: (1) an appraisal district board of directors consists of five directors elected at the general election for state and county officers; (2) the directors are elected from each of the four commissioners precincts in the county in which the appraisal district is established and one member is elected at large from the county; (3) to be eligible to serve as a director, a director elected from a commissioners precinct must be a resident of that precinct and a director elected at large must be a resident of the county; and (4) directors serve two-year terms beginning on January 1 of odd-numbered years.

**H.B. 810 (Metcalf) – Appraisal Review Board:** would provide that: (1) an appraisal review board consists of five members elected at the general election for state and county officers; (2) the board members are elected from each of the four commissioners precincts in the county in which the appraisal district is established and one member is elected at large from the county; and (3) the members serve two-year terms beginning on January 1 of odd-numbered years.

**H.B. 868 (K. Bell) – Appraisal Cap:** would reduce the property tax appraisal cap on residence homesteads from ten to 3.5 percent. (See **H.J.R. 57**, below.)

**H.B. 1027 (Slawson) – Property Tax Appraisal:** would repeal the additional property taxes imposed as a result of the sale or change in the use of land appraised as open-space land, timberland, parkland, or public access airport property. (Companion bill is **S.B. 279** by **King**.)

**H.B. 1041 (Tepper) – Appraisal Cap:** would reduce the property tax appraisal cap on residence homesteads from ten to 2.5 percent. (See **H.J.R. 64**, below.)

**H.B. 1083 (Bucy) – Property Tax Freeze:** would expand the existing law authorizing cities to adopt a property tax freeze on the residence homestead of individuals who are elderly or disabled and their surviving spouses to all taxing units other than school districts. (See **H.J.R. 68**, below.)

**H.B. 1127 (Martinez-Fischer) – Property Tax Installment Payments:** would provide that: (1) any individual who qualifies for a residential homestead exemption or disabled veteran exemption may pay off property taxes in ten equal installment payments without penalty or interest if the first installment is paid before the delinquency date and is accompanied by notice to the taxing unit that the person will pay the remaining taxes in nine equal installments; and (2) each of the remaining nine installments must be paid before the first day of each month for each of the nine months following the date on which the first installment is paid.

**H.B. 1223 (Metcalf) – Appraisal Cap:** would reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **H.J.R. 73**, below.)

**H.B. 1224 (Metcalf) – Appraisal Cap:** would expand the application of the ten percent appraisal cap on a residence homestead to all real property. (See **H.J.R. 74**, below.)

**H.B. 1244 (Shine) – Property Tax Discounts:** would, among other things: (1) provide that a person is entitled to a discount for the early payment of property taxes on the amount of tax due on real property that is the person’s residence homestead as follows: (a) if a taxing unit mails its property tax bills on or before September 30, the following discounts apply: (i) three percent if the tax is paid in October or earlier; (ii) two percent if the tax is paid in November; and (iii) one percent if the tax is paid in December; and (b) if a taxing unit mails its tax bills after September 30, the following discounts apply: (i) three percent if the tax is paid before or during the next full calendar month following the date on which the tax bills were mailed; (ii) two percent if the tax is paid during the second full calendar month following the date on which the tax bills were mailed; and (iii) one percent if the tax is paid during the third full calendar month following the date on which the tax bills were mailed; (2) authorize the governing body of a taxing unit to adopt discounts for the early payment of property taxes on properties other than residence homesteads; and (3) require a mortgage servicer who pays property tax on behalf of a borrower to, on the written request of the borrower, pay the property tax on a property occupied by the borrower as the borrower’s residence homestead early enough for the borrower to qualify for the three percent discount provided in (1), above, as applicable.

**H.B. 1251 (Plesa) – Property Tax Exemption:** would: (1) for purposes of the property tax exemption on the residence homestead of the surviving spouse of a first responder, expand the definition of “first responder” to include: (a) a special agent of United States Immigration and Customs Enforcement; (b) a customs and border protection officer or border patrol agents of

United States Customs and Border Protection; and (c) an immigration enforcement agent or deportation officer of the United States Department of Homeland Security; and (2) in the case of the surviving spouse of a first responder described by (1), above, provide that the surviving spouse is entitled to an exemption if the surviving spouse has not remarried since the death of the first responder and was a resident of this state at the time of the first responder's death.

**H.B. 1294 (Muñoz) – Appraisal District Board of Directors:** would: (1) change the composition of the board of directors of an appraisal district to five elected directors, one elected from each of the four commissioners precincts of the county plus either the county assessor-collector, or if the county assessor-collector is ineligible to serve on the board, one director elected at large; and (2) require that elected directors reside in the commissioners precinct from which they were elected, or for a director elected at large, in the county.

**H.B. 1317 (Shine) – Electronic Communications:** would require tax officials, including cities, to establish a procedure by which to communicate electronically with property owners who request electronic communication.

**H.B. 1319 (Shine) – Electronic Payments:** would require tax officials, including cities, to establish a procedure by which to accept payment electronically from property owners who request electronic payment.

**H.B. 1513 (Vasut) – Elimination of Property Taxes:** would, among other things: (1) eliminate property taxes by 2033; and (2) create a joint interim committee to conduct a comprehensive study of alternative methods of taxation to replace local tax revenue that will be lost when property taxes are eliminated.

**H.B. 1556 (Rosenthal) – Public Facility Corporation Tax Exemption:** would provide, among other things, that in order for a leasehold or other possessory interest in a public facility to qualify for affordable housing property tax exemptions, certain conditions must be met, including that:

1. the corporation's sponsoring entity must: (a) identify goals for public facilities used for housing developments and establish selection criteria based on the goals to be used by corporations for scoring proposals from developers of housing developments; and (b) a public facility corporation must issue a request for proposals from developers before the corporation enters into a lease agreement for a public facility with a developer for the purpose of constructing or rehabilitating a housing development;
2. if a developer substantially rehabilitates an existing multifamily residential property that is a public facility leased by the developer, the original construction of the property must have been completed at least 10 years before the date the developer begins rehabilitation of the property;
3. the developer must reserve at least: (a) 50 percent of the total units in a housing development as affordable housing units; (b) 50 percent of the affordable housing units in the development for occupancy by individuals or families earning not more than 60 percent of area median income, adjusted for family size; and (c) 20 percent of the affordable

housing units in the development for occupancy by individuals or families participating in the housing choice voucher program, under certain circumstances;

4. the monthly rent charged for an affordable housing unit may not exceed: (a) 30 percent of 80 percent of area median income, minus an allowance for utility costs, if the individual or family renting the unit earns more than 60 percent but not more than 80 percent of the area median income, adjusted for family size; and (b) 30 percent of 60 percent of area median income, minus an allowance for utility costs, if the individual or family renting the unit earns not more than 60 percent of the area median income, adjusted for family size;
5. a public facility user may not: (a) refuse to rent an affordable housing unit to an individual or family because the individual or family participates in the housing choice voucher program; or (b) use a financial or minimum income standard that requires an individual or family participating in the housing choice voucher program to have a monthly income of more than 250 percent of the individual's or family's share of the total monthly rent payable for an affordable housing unit;
6. a housing authority that sponsors a corporation that leases a public facility used as a housing development to a public facility user shall: (a) publish information about the affordable housing units in the housing development on its Internet website, if the authority maintains a website; and (b) provide information about the affordable housing units directly to individuals and families participating in the authority's housing choice voucher program;
7. a public facility user of a housing development must submit certain reports to the chief appraiser of the appraisal district in which the housing development is located; and
8. the sponsoring entity of a corporation that leases a public facility used as a housing development shall submit certain annual reports.

**H.B. 1566 (Allison) – Appraisal Cap and Property Tax Exemption:** would, among other things: (1) reduce the property tax appraisal cap on residence homesteads from ten to five percent and apply the cap to all residential real property; (2) provide that an individual who purchases property and qualifies the property as the individual's residence homestead is entitled to an exemption from property taxes of the total appraised value of the property for the first tax year the individual qualifies the property as the individual's residence homestead if the property: (a) is the first property the individual has ever qualified as a residence homestead; and (b) has an appraised value of less than \$300,000 for the first tax year; and (3) provide that if an individual qualifies property as the individual's residence homestead for at least 25 consecutive years, a taxing unit may not impose taxes on that residence homestead in a subsequent tax year in an amount that exceeds the lesser of: (a) the amount of taxes calculated for the taxing unit for the current tax year; or (b) the amount of taxes imposed by the taxing unit for the 25th tax year. (See **H.J.R. 87**, below)

**H.B. 1582 (Dutton) – Tax Sale Redemption:** would establish a four-year right of redemption for certain property sold at a tax sale if the redemption is sought by a person 65 years of age or older

who was an owner of the real property subject to a tax sale and was the person's residence homestead when the suit or application for the warrant was filed. (See **H.J.R. 88**, below.)

**H.B. 1596 (Buckley) – Disabled Veteran Grants:** would provide that, for purposes of the law governing the provision of state aid to certain local governments disproportionately affected by the granting of property tax relief to disabled veterans, the term "local government" includes a city with extraterritorial jurisdiction located within two miles of the boundary line of a United States military installation.

**H.B. 1608 (Shine) – Electronic Tax Payments:** would require a property tax collector to: (1) accept a payment of taxes from a property owner who elects to make electronic payments via credit card, debit card, electronic check, electronic funds transfer, wire transfer, or automated clearinghouse withdrawal; (2) require a property tax collector to establish a procedure for a property owner to make the election described in (1), above; (3) require a tax collector to prominently display the information necessary to make an electronic payment on the collector's website if the collector maintains a website; and (4) require a tax collector to promptly notify a property owner who has made the election described in (1), above, of a change in the procedure for accepting electronic payments.

**H.B. 1609 (Shine) – Electronic Communications:** would: (1) require a tax official, including a city, to establish a procedure that allows a property owner to elect to exchange communications with the tax official; (2) prohibit a tax official from charging a fee to accept a communication delivered electronically; and (3) require a tax official to prominently display the information necessary for proper electronic delivery of communications on the tax official's website, if the tax official maintains a website, and on each communication sent to the property owner.

**H.B. 1613 (Shine) – State Assistance for Property Tax Exemptions:** would: (1) provide that any city or county is eligible to qualify for a payment from the state to offset the cost of the 100 percent property tax exemption for disabled veterans; (2) create the disabled veterans local government assistance account which consists of money deposited to the account in an amount equal to the amount of the proceeds from the collection of sales tax inside the boundaries of a United States military base; and (3) provide that the local government assistance payments will be paid from the account in (2), above.

**H.B. 1634 (Walle) – Public Facility Corporation Tax Exemption:** would provide that a leasehold or other possessory interest in a public facility would not be exempt from property taxes if the public facility user: (1) refuses to rent a residential unit in a housing development to an individual or family because the individual or family participates in the housing choice voucher program; or (2) uses a financial or minimum income standard that requires an individual or family participating in the housing choice voucher program to have a monthly income of more than 250 percent of the individual's or family's share of the total monthly rent payable for a residential unit. (Companion bill is **S.B. 199** by **Eckhardt**.)

**H.B. 1733 (Leach) – Appraisal Cap:** would reduce the property tax appraisal cap on residence homesteads from ten to five percent. (Companion bill is **S.B. 152** by **Kolkhorst**.) (See **H.J.R. 95**, below.)

**H.B. 1801 (Talarico) – Property Tax Exemption:** would provide a total exemption for property used to operate a child-care facility if the property is accredited by a nationally recognized accrediting organization for child-care of early childhood education facilities or programs approved by the Texas Workforce Commission and the Department of Family and Protective Services. (See **H.J.R. 96**, below.)

**H.B. 1895 (Lozano) – Appraisal of Recreational Vehicle Park:** would require the chief appraiser to use the cost method of appraisal when appraising a recreational vehicle park.

**H.B. 1934 (Rogers) – Personal Property Tax Exemption:** would provide that a person is entitled to a property tax exemption for tangible personal property the person owns that is held or used for the production of income if the property has a taxable value of less than \$100,000. (Note: current law provides a property tax exemption if the property has a taxable value of less than \$2,500.) (See **H.J.R. 101**, below.)

**H.B. 1956 (Geren) – Property Tax Protests:** would provide that: (1) a property owner who prevails in an a judicial appeal of property taxes may be awarded reasonable attorney’s fees; (2) except as provided by (3) the amount of the award under (1) may not exceed the greater of \$25,000 or 50 percent of the total amount by which the property owner’s tax liability is reduced as a result of the appeal; and (3) the amount of an award of attorney’s fees to the prevailing property owner is not subject to the limitation in (2) if: (a) the property owner prevails in an appeal for excessive appraisal or unequal appraisal; and (b) the property owner qualifies the property as the owner’s residence homestead.

**H.J.R. 6 (Capriglione) – Appraisal Cap:** would amend the Texas Constitution to authorize the legislature to: (1) reduce the property tax appraisal cap on residence homesteads from ten to five percent; and (2) impose a ten percent appraisal cap on the appraised value of a single-family residence other than a residence homestead. (See **H.B. 32**, above.)

**H.J.R. 10 (Vasut) – Appraisal Cap:** would amend the Texas Constitution to reduce the property tax appraisal cap on homesteads from ten to 3.5 percent and apply the new appraisal cap to all real property. (See **H.B. 145**, above.)

**H.J.R. 13 (Jarvis Johnson) - Property Tax Exemption:** would amend the Texas Constitution to provide that: (1) an individual is entitled to an exemption from property taxation of the total appraised value of the individual’s residence homestead if: (a) the individual is 80 years of age or older; and (b) the individual has received a homestead property tax exemption for at least the preceding ten years; and (2) the surviving spouse of an individual who qualifies for an exemption under (1), above, is entitled to an exemption from property taxation of the total appraised value of the same property to which the deceased spouse’s exemption applied if: (a) the deceased spouse died in a year in which the deceased spouse qualified for the exemption; (b) the surviving spouse was 55 years of age or older when the deceased spouse died; and (c) the property was the residence homestead of the surviving spouse when the deceased spouse died and remains the residence homestead of the surviving spouse. (See **H.B. 215**, above.)

**H.J.R. 14 (Toth) - Appraisal Cap:** would amend the Texas Constitution to provide that the appraised value of residence homestead: (1) for the first year the owner qualifies for a homestead exemption is equal to the market value of the property; and (2) for a subsequent tax year is equal to the appraised value of the property for the preceding tax year as adjusted by the chief appraiser for the current tax year to reflect any positive change from the preceding tax year in the purchasing power of the dollar for consumers in this state. (See **H.B. 295**, above.)

**H.J.R. 16 (Bernal) – Property Tax Exemption:** would amend the Texas Constitution to authorize the legislature to exempt from property taxes the total assessed value of the residence homestead of an unpaid caregiver of an individual who is eligible to receive certain long-term services. (See **H.B. 147**, above.)

**H.J.R. 18 (Bell) – Appraisal Cap:** would amend the Texas Constitution to reduce the property tax appraisal cap on homesteads from ten to five percent and apply the new appraisal cap to all real property. (See **H.B. 335**, above.)

**H.J.R. 21 (Schofield) – Property Tax Limitation:** would amend the Texas Constitution to establish a mandatory property tax freeze for all taxing units on the residence homesteads of individuals who are disabled or over 65 and their surviving spouses. (See **H.B. 402**, above.)

**H.J.R. 23 (Shine) – Property Tax Exemption:** would amend the Texas constitution to authorize the legislature to provide that an individual is entitled to an exemption from property taxation by a taxing unit other than a school district of a portion of the appraised value of the individual's residence homestead in an amount equal to five percent, or a greater percentage not to exceed 25 percent specified by the governing body of the taxing unit before July 1, of the average appraised value in the current tax year of all residence homesteads that are located in the same county as the individual's homestead and that qualify for an exemption. (See **H.B. 419**, above.)

**H.J.R. 25 (Zwiener) – Property Tax Exemption:** would amend the Texas Constitution to authorize the legislature to exempt from property taxation the portion of the appraised value of a person's property that is attributable to the installation in or on the property of a rainwater harvesting or graywater system. (See **H.B. 40**, above.)

**H.J.R. 28 (Schofield) – Property Tax Appraisal:** would amend the Texas Constitution to repeal the provision that subjects land designated for agricultural use to an additional tax when the land is diverted to a purpose other than agricultural use or sold. (See **H.B. 449**, above.)

**H.J.R. 29 (Schofield) – Delinquent Property Taxes:** would amend the Texas Constitution to provide that a residence homestead is not subject to seizure or sale for delinquent property taxes.

**H.J.R. 30 (Goldman) – Property Tax Freeze:** would amend the Texas Constitution to establish a mandatory tax freeze on the residence homestead of individuals who are elderly or disabled and their surviving spouses applicable to all taxing units other than school districts. (See **H.B. 481**, above.)

**H.J.R. 42 (Raymond) – Property Tax Exemption:** would amend the Texas Constitution to authorize the legislature to exclude from the market value of real property any improvement, or feature incorporated into an improvement, made to a property if the primary purpose of the improvement or feature is compliance with the requirements of the 2010 Americans with Disabilities Act Standards for Accessible Design or any successor standards. (See **H.B. 543**, above.)

**H.J.R. 43 (Raymond) – Property Tax Exemption:** would amend the Texas Constitution to, among other things, authorize a local option property tax exemption for a residence homestead owned by a parent or guardian of a person who is disabled and who resides with the parent or guardian. (See **H.B. 582**, above.)

**H.J.R. 47 (Cody Harris) – Property Tax Exemption:** would amend the Texas Constitution to authorize the legislature to exempt the value of animal feed held by the owner for sale at retail from ad valorem taxation. (See **H.B. 623**, above.)

**H.J.R. 49 (Geren) – Property Tax Freeze:** would amend the Texas Constitution to establish a mandatory tax freeze on the residence homestead of individuals who are elderly or disabled and their surviving spouses applicable to all taxing units other than school districts. (See **H.B. 707**, above.)

**H.J.R. 51 (Dean) – Appraisal Cap:** would amend the Texas Constitution to authorize the legislature to reduce the property tax appraisal cap on residence homesteads from ten to five percent. (Companion bill is **S.J.R. 18** by **Kolkhorst**.) (See **H.B. 745**, above.)

**H.J.R. 52 (Collier) – Property Tax Appraisal:** would amend the Texas Constitution to authorize the legislature to authorize the chief appraiser, in appraising a residence homestead that is more than 30 years old and that is located in a tax increment reinvestment zone, to exclude from consideration the value of new or substantially remodeled residential properties in the same neighborhood that would otherwise be considered. (See **H.B. 774**, above.)

**H.J.R. 55 (Schatzline) – Appraisal Cap:** would amend the Texas Constitution to authorize the legislature to: (1) reduce the property tax appraisal cap on residence homesteads from ten to five percent; and (2) impose a ten percent appraisal cap on the appraised value of a single-family residence other than a residence homestead. (See **H.B. 794**, above.)

**H.J.R. 57 (K. Bell) – Appraisal Cap:** would amend the Texas Constitution to reduce the property tax appraisal cap on homesteads from ten to 3.5 percent. (See **H.B. 868**, above.)

**H.J.R. 64 (Tepper) – Appraisal Cap:** would amend the Texas Constitution to reduce the property tax appraisal cap on homesteads from ten to 2.5 percent. (See **H.B. 1041**, above.)

**H.J.R. 65 (Tepper) – Appraisal Cap:** would amend the Texas Constitution to authorize the legislature to limit increases in the appraised value of commercial and rental real property for property tax purposes to 8 percent per year.

**H.J.R. 68 (Bucy) – Property Tax Freeze:** would amend the Texas Constitution to authorize a political subdivision other than a school district to adopt a property tax freeze on the residence homestead of individuals who are elderly or disabled and their surviving spouses. (Note: Cities already have this authority. H.J.R. 68 would expand the authority to additional political subdivisions that levy property taxes.) (See **H.B. 1083**, above.)

**H.J.R. 72 (Dean) – Appraisal Cap:** would authorize the legislature to expand the application of the ten percent appraisal cap on a residence homestead to all real property.

**H.J.R. 73 (Metcalfe) – Appraisal Cap:** would amend the Texas Constitution to authorize the legislature to reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **H.B. 1223**, above.)

**H.J.R. 74 (Metcalfe) – Appraisal Cap:** would authorize the legislature to expand the application of the ten percent appraisal cap on a residence homestead to all real property. (See **H.B. 1224**, above.)

**H.J.R. 76 (Geren) – Public School Funding:** would amend the Texas Constitution to require state funding of public schools in an amount that constitutes at least 50 percent of the cost of maintaining and operating the public school system.

**H.J.R. 87 (Allison) – Appraisal Cap and Property Tax Exemption:** would, among other things, amend the Texas Constitution to: (1) authorize the legislature to limit the maximum appraised value of residential real property for property tax purposes to the lesser of the most recent market value of the property or 105 percent of the appraised value of the property for the preceding tax year; (2) provide that the limitation in (1), above, takes effect in the tax year following the first tax year in which the owner owns the property on January 1 and expires on January 1 of the tax year following the tax year in which the owner of the property when the limitation took effect ceases to own the property, except that the legislature may provide for the limitation to continue during ownership of the property by the owner's spouse or surviving spouse; (3) authorize the legislature to provide that an individual who purchases property and qualifies the property as the individual's residence homestead is entitled to an exemption from property taxes of the total appraised value of the property for the first tax year the individual qualifies the property as the individual's residence homestead if the property is the first property the individual has ever qualified as the individual's residence homestead and has an appraised value of less than \$300,000 for that first tax year, with an exception for local debt service property tax payments if the cessation of the levy would impair the obligation of the contract by which the debt was created; and (4) authorize the legislature to limit the total amount of property taxes imposed by a political subdivision on the residence homestead of an individual who qualifies the property as the individual's residence homestead for at least 25 consecutive tax years, and the taxes imposed by the political subdivision on the residence homestead after the 25<sup>th</sup> tax year may not exceed the amount of taxes imposed by the political subdivision on the property in the 25<sup>th</sup> tax year. (See **H.B. 1566**, above.)

**H.J.R. 88 (Dutton) – Tax Sale Redemption:** would amend the Texas Constitution to establish a four-year right of redemption for certain property sold at a tax sale if the redemption is sought by a person 65 years of age or older who was an owner of the real property subject to a tax sale and

was the person's residence homestead when the suit or application for the warrant was filed. (See **H.B. 1582**, above.)

**H.J.R. 95 (Leach) – Appraisal Cap:** would amend the Texas Constitution to authorize the legislature to reduce the property tax appraisal cap on residence homesteads from ten to five percent. (Companion bill is **S.J.R. 18** by **Kolkhorst**.) (See **H.B. 1733**, above.)

**H.J.R. 96 (Talarico) – Property Tax Exemption:** would amend the Texas Constitution to authorize the legislature to exempt from property tax property used to operate a child-care facility. (See **H.B. 1801**, above.)

**H.J.R. 101 (Rogers) – Personal Property Tax Exemption:** would amend the Texas Constitution to authorize the legislature to exempt from property taxation tangible personal property that is held or used for the production of income and that has a taxable value of less than \$100,000. (See **H.B. 1934**, above.)

**S.B. 102 (Johnson) – Property Tax Appraisal:** would provide that in a property tax protest or appeal on the grounds of unequal appraisal of property based upon the value relative to the median appraised value of a reasonable number of comparable properties, the appraisal district must generally use comparable properties located within the appraisal district, unless a reasonable number of comparable properties does not exist in the appraisal district, in which case the median appraised value of a reasonable number of comparable properties may be calculated using comparable properties in other parts of the state.

**S.B. 152 (Kolkhorst) – Appraisal Cap:** would amend the Texas Constitution to reduce the property tax appraisal cap on residence homesteads from ten to five percent. (Companion bill is **H.B. 745** by **Dean**.) (See **S.J.R. 18**, below.)

**S.B. 178 (Kolkhorst) – Appraisal Cap:** would amend the Texas Constitution to establish a 20 percent appraisal cap on real property other than a residence homestead. (See **S.J.R. 19**, below.)

**S.B. 196 (Eckhardt) – Homestead Exemption:** would: (1) authorize the governing body of a taxing unit, in the manner provided by law for official action by the body, to adopt a local option property tax exemption of a portion, expressed as a dollar amount, of the appraised value of an individual's residence homestead; (2) provide that if the governing body adopts a local option homestead exemption of a dollar amount of the appraised value of a residence homestead, the amount of the exemption in a tax year may not be less than \$5,000; and (3) provide that an individual is entitled to an exemption adopted under (1), above, in addition to any other exemptions provided by law. (See **S.J.R. 20**, below.)

**S.B. 199 (Eckhardt) – Public Facility Corporation:** would provide that a leasehold or other possessory interest in a public facility would not be exempt from property taxes if the public facility user: (1) refuses to rent a residential unit in a housing development to an individual or family because the individual or family participates in the housing choice voucher program; or (2) uses a financial or minimum income standard that requires an individual or family participating in the housing choice voucher program to have a monthly income of more than 250 percent of the individual's or family's share of the total monthly rent payable for a residential unit.

**S.B. 262 (Hinojosa) – Appraisal of Open-Space Land:** would provide that to qualify for appraisal as open-space land, property must have been devoted principally to agricultural use or to production of timber or forest products for only two of the preceding seven years, reducing the existing requirement that property must have been devoted to that use for at least five of the preceding seven years. (Companion bill is **H.B. 634** by Lozano.)

**S.B. 279 (King) – Property Tax Appraisal:** would repeal the additional property taxes imposed as a result of the sale or change in the use of land appraised as open-space land, timberland, parkland, or public access airport property. (Companion bill is **H.B. 1027** by Slawson.)

**S.B. 288 (Hinojosa) – Property Tax Exemption:** would: (1) for purposes of the property tax exemption on the residence homestead of the surviving spouse of a first responder, expand the definition of “first responder” to include: (a) a special agent of United States Immigration and Customs Enforcement; (b) a customs and border protection officer or border patrol agents of United States Customs and Border Protection; and (c) an immigration enforcement agent or deportation officer of the United States Department of Homeland Security; and (2) in the case of the surviving spouse of a first responder described by (1), above, provide that the surviving spouse is entitled to an exemption if the surviving spouse has not remarried since the death of the first responder and was a resident of this state at the time of the first responder’s death.

**S.B. 480 (Kolkhorst) – Property Tax Exemptions:** would provide that the property tax exemption for property owned by a charitable organization does not apply to real property that consists of rental housing constructed, rehabilitated, or purchased wholly or partly with money awarded through a program administered by the General Land Office.

**S.B. 522 (West) – Property Tax Installment Payments:** would, among other things, provide that for property taxes imposed by a taxing unit in a tax year on property that is used for residential purposes and has fewer than three living units, a person may pay the taxing unit’s property taxes on property that the person owns in eight equal installments without penalty or interest if the person: (1) provides written notice to the taxing unit not later than December 31 of the year for which the taxes are imposed that the person will pay the taxes in eight equal monthly installments; and (2) pays the first installment before the date on which the taxes become delinquent.

**S.B. 539 (Campbell) – Delinquent Tax Roll:** would provide that the tax collector for a taxing unit shall indicate on each delinquent tax roll for the taxing unit that a delinquent tax included on the roll is deferred or abated, if applicable.

**S.B. 546 (Blanco) – Homestead Exemption:** would, among other things, provide that: (1) an individual is entitled to a homestead exemption by a taxing unit other than a school district of a portion of the appraised value of the individual’s residence homestead if the exemption is adopted by the governing body of the taxing unit before July 1 in the manner provided by law for official action by the body; (2) the amount of the exemption under (1), above, is \$14,000 of the appraised value of the residence homestead, except that if the average market value of residence homesteads in the taxing unit in the tax year in which the exemption is adopted exceeds \$70,000, the governing body may authorize an exemption in a larger dollar amount not to exceed an amount equal to 20 percent of the average market value of residence homesteads in the taxing unit in the tax year in

which the exemption is adopted; (3) for a taxing unit that has ceased granting a percentage-based homestead exemption and adopted an exemption under (1), above, an individual who would have been entitled to a percentage-based residence homestead exemption had the governing body not ceased granting the exemption is entitled to continue to receive the percentage-based exemption in lieu of the dollar-amount homestead exemption if the individual otherwise qualifies for the exemption and the amount of the percentage-based exemption exceeds the amount of the dollar-amount exemption; and (4) the governing body of any taxing unit that adopted a percentage-based exemption for the 2022 tax year may not reduce the amount of or repeal the exemption prior to December 31, 2032, unless the governing body adopts an exemption under (1), above, in an amount greater than \$14,000. (See **S.J.R. 31**, below.)

**S.B. 547 (Blanco) – Appraisal Cap:** would establish an appraisal cap on the appraised value of residence homestead as the lesser of: (1) ten percent of the appraised value of the property for the preceding tax year; or (2) the product of the inflation rate for the preceding tax year, expressed as a decimal, and the appraised value of the property for the preceding tax year. (See **S.J.R. 34**, below.)

**S.B. 639 (Miles) – Appraisal Cap:** would provide that a limitation on increases in the appraised value of a residence homestead continues after the death of the owner if the property is acquired by and qualifies as the homestead of an heir of the owner or the owner’s spouse or surviving spouse. (See **S.J.R. 38**, below.)

**S.B. 719 (Paxton) – Property Tax Exemption:** would exempt from property taxes property owned by a charitable organization that provides services related to the placement of a child in a foster or adoptive home or providing relief to women who are or may be pregnant and who are considering placing their unborn children for adoption.

**S.J.R. 18 (Kolkhorst) – Appraisal Cap:** would amend the Texas Constitution to authorize the legislature to reduce the property tax appraisal cap on residence homesteads from ten to five percent. (Companion bill is **H.J.R. 51** by **Dean**.) (See **S.B. 152**, above.)

**S.J.R. 19 (Kolkhorst) – Appraisal Cap:** would amend the Texas Constitution to authorize the legislature to establish a 20 percent appraisal cap on real property other than a residence homestead. (See **S.B. 178**, above.)

**S.J.R. 20 (Eckhardt) – Homestead Exemption:** would amend the Texas Constitution to, among other things: (1) authorize the governing body of a political subdivision to exempt from property taxes a portion, expressed as a dollar amount not less than \$5,000, of the market value of the residence homestead of an individual; and (2) provide that the legislature by general law may prohibit the governing body of a political subdivision that adopts an exemption under (1), above, from reducing the amount of or repealing the exemption. (See **S.B. 196**, above.)

**S.J.R. 31 (Blanco) – Homestead Exemption:** would amend the Texas Constitution to, among other things, provide that: (1) an individual is entitled to a homestead exemption by a taxing unit other than a school district of a portion of the appraised value of the individual’s residence homestead if the exemption is adopted by the governing body of the taxing unit before July 1 in

the manner provided by law for official action by the body; (2) the amount of the exemption under (1), above, is \$14,000 of the appraised value of the residence homestead, except that if the average market value of residence homesteads in the taxing unit in the tax year in which the exemption is adopted exceeds \$70,000, the governing body may authorize an exemption in a larger dollar amount not to exceed an amount equal to 20 percent of the average market value of residence homesteads in the taxing unit in the tax year in which the exemption is adopted; and (3) for a taxing unit that has ceased granting a percentage-based homestead exemption and adopted an exemption under (1), above, an individual who would have been entitled to a percentage-based residence homestead exemption had the governing body not ceased granting the exemption is entitled to continue to receive the percentage-based exemption in lieu of the dollar-amount homestead exemption if the individual otherwise qualifies for the exemption and the amount of the percentage-based exemption exceeds the amount of the dollar-amount exemption. (See **H.B. 546**, above.)

**S.J.R. 34 (Blanco) – Appraisal Cap**: would amend the Texas Constitution to establish an appraisal cap on a residence homestead of the lesser of 110 percent or a percentage equal to the sum of 100 and the inflation rate for the preceding tax year. (See **H.B. 547**, above.)

**S.J.R. 38 (Miles) – Appraisal Cap**: would amend the Texas Constitution to authorize the legislature to provide that a limitation on increases in the appraised value of a residence homestead continues after the death of the owner if the property is acquired by and qualifies as the homestead of an heir of the owner or the owner’s spouse or surviving spouse. (See **S.B. 639**, above.)

## **Public Safety**

**H.B. 69 (Schaefer) – Forfeiture of Contraband**: would shift the burden of proof in a contraband forfeiture proceeding to provide that the state has the burden of proving by clear and convincing evidence that certain provisions do not apply to the owner or the interest holder’s interest in the property that is subject to seizure and forfeiture.

**H.B. 73 (Murr) – Landowner Liability**: would, among other things, provide that a landowner or lessee is not liable for damages arising from any incident or accident involving their livestock due to an act or omission of a firefighter or a peace officer who has entered the landowner’s property with or without the permission of the landowner, regardless of where the damage occurs.

**H.B. 76 (Reynolds) – Failure to Report Lost or Stolen Firearm**: would: (1) create a criminal offense if a person: (a) owns a firearm that is lost or stolen; and (b) fails to report the loss or theft to a law enforcement agency on or before the fifth day after the date the person became aware the firearm was lost or stolen; (2) provide that a peace officer who receives a report from the owner of a firearm that the firearm was lost or stolen shall report the loss or theft to the Department of Public Safety (DPS) including: (a) the name of the owner and information about the firearm; and (b) the date the owner became aware of the lost or stolen firearm; (3) provide that DPS shall maintain the report until the fifth anniversary of the date the owner became aware the firearm was lost or stolen; and (4) provide that the clerk of the court shall provide written notice to DPS of a conviction or deferred adjudication for a violation of (1), above, no later than the fifth day after the date the person is convicted or placed on deferred adjudication community supervision.

**H.B. 77 (Neave Criado) – Missing Child:** would, among other things: (1) amend the definition of a “missing child” to include the child voluntarily leaving the child’s home without the consent of the custodian for a substantial length of time or without intent to return, by repealing the prior definition that included engaging in conduct indicating a need for supervision; (2) add the definition of “status offense” to include certain conduct committed by a child that would not be considered a crime if committed by an adult; (3) provide the place and conditions of detainment if the child is accused only of a status offense; (4) require that a child not be detained at a place of non-secure custody for longer than six hours, or at a non-secure correctional facility for longer than 24 hours, after the time the child arrived at the place of detention; (5) provide that if the child is not released before the sixth hour after the time the child arrived at the place of detention, the child is entitled to a detention hearing that must be held before the 24th hour after the time the child arrived at the place of detention, excluding weekends and holidays; and (6) repeal current law authorizing a law enforcement officer to fingerprint or photograph the child to establish the child’s identity under certain circumstances. (Companion bill is **S.B. 83** by **Johnson**.)

**H.B. 80 (Gervin-Hawkins) – ETJ Animal Control:** would provide that a municipal animal control authority may impound and manage dangerous dogs and aggressive dogs in the extraterritorial jurisdiction (ETJ) of the city if: (1) the authority receives a notarized affidavit: (a) signed by at least two residents from different households in the ETJ requesting assistance from the authority; and (b) alleging that dangerous or aggressive dogs have repeatedly attacked humans, domestic animals, or livestock within the ETJ, and due to their presence, the ETJ is an unsafe environment for humans, domestic animals, or livestock; and (2) no animal control authority is authorized to operate in the ETJ, or the operating animal control authority does not provide for the impoundment or management of dangerous dogs or aggressive dogs.

**H.B. 106 (Bernal) – Firearms:** would, among other things: (1) require a licensed firearms dealer to report the sale of more than one rifle or semiautomatic rifle to the same buyer, during a single transaction or multiple transactions in a five business day period, to the Department of Public Safety and the police department of the municipality in which the licensed firearms dealer is located or, if the licensed firearms dealer is not located in a municipality, the sheriff of the county in which the licensed firearms dealer is located; and (2) create a Class A misdemeanor offense for a person who violates (1), above.

**H.B. 123 (Goodwin) – Extreme Risk Protective Orders:** would, among other things: (1) provide that, in certain circumstances, courts may issue an extreme risk protective order against a person exhibiting dangerous behavior or conduct, including any behavior or conduct related to the person’s use of firearms, requiring the person to relinquish his or her firearms; (2) require local law enforcement agencies to: (a) take possession of a person’s firearms when a court issues an extreme risk protective order against that person and to immediately provide the person a written copy of the receipt for the firearm and written notice of the procedure for return of the firearm; (b) if applicable, notify the court that issued the extreme risk protective order that the person who is the subject of the order has relinquished the firearm not later than seven days after the law enforcement agency receives the firearm; (c) conduct a check of state and national criminal history record information to verify whether the person may lawfully possess a firearm not later than 30 days after receiving notice from the court that the extreme risk protective order has expired; and (d) if the check described in (c), above, verifies that the person may lawfully possess a firearm,

provide written notice to the person by certified mail stating that the firearm may be returned to the person if the person submits a written request before the 121st day after the date of the notice; (3) provide that a local law enforcement agency in possession of a firearm relinquished because of an extreme risk protective order may not destroy the firearm but may sell the firearm to a licensed firearms dealer if the check in (2)(c), above, shows that the person may not lawfully possess a firearm or the person does not submit a written request as required by (2)(d), above; and (4) provide that the proceeds from the sale of a firearm in (3), above, shall be paid to the owner of the seized firearm, less the cost of administering this article with respect to the firearm. (Companion bill is **S.B. 144** by **Gutierrez**.)

**H.B. 127** (Canales) – **Marihuana Concentrate**: would: (1) define marihuana concentrate as the resin extracted from marihuana or a compound, manufacture, salt, derivative, mixture, or preparation of the resin; and (2) add marihuana concentrate as a controlled substance subject to criminal penalties for possession or delivery of marihuana concentrate. (Companion bill is **S.B. 87** by **Johnson**.)

**H.B. 136** (Reynolds) – **Extreme Risk Protective Orders**: would, among other things: (1) provide that, in certain circumstances, courts may issue an extreme risk protective order against a person exhibiting dangerous behavior or conduct, including any behavior or conduct related to the person’s use of firearms, requiring the person to relinquish his or her firearms; (2) require local law enforcement agencies to: (a) take possession of a person’s firearms when a court issues an extreme risk protective order against that person and to immediately provide the person a written copy of the receipt for the firearm and written notice of the procedure for return of the firearm; (b) if applicable, notify the court that issued the extreme risk protective order that the person who is the subject of the order has relinquished the firearm not later than seven days after the law enforcement agency receives the firearm; (c) conduct a check of state and national criminal history record information to verify whether the person may lawfully possess a firearm not later than 30 days after receiving notice from the court that the extreme risk protective order has expired; and (d) if the check described in (c), above, verifies that the person may lawfully possess a firearm, provide written notice to the person by certified mail stating that the firearm may be returned to the person if the person submits a written request before the 121st day after the date of the notice; (3) provide that a local law enforcement agency in possession of a firearm relinquished because of an extreme risk protective order may not destroy the firearm but may sell the firearm to a licensed firearms dealer if the check in (2)(c), above, shows that the person may not lawfully possess a firearm or the person does not submit a written request as required by (2)(d), above; and (4) provide that the proceeds from the sale of a firearm in (3), above, shall be paid to the owner of the seized firearm, less the cost of administering this article with respect to the firearm. (Companion bill is **S.B. 144** by **Gutierrez**.)

**H.B. 178** (Murr) – **Evidence Testing for Controlled Substances**: would provide that if evidence that may be a controlled substance is submitted to a lab for testing, and it is reasonably possible that the substance is or contains fentanyl, a test must be performed to determine whether the substance is or contains fentanyl.

**H.B. 179 (Goodwin) – Firearms:** would, among other things: (1) create a criminal offense for a person who intentionally or knowingly displays a firearm while attending or within 500 feet of a public demonstration; and (2) provide defenses to prosecution under (1), above.

**H.B. 192 (Schaefer) – Firearms:** would: (1) remove “on the premises of any government court or offices utilized by the court” from the list of places where a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon; and (2) provide that a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon, unless pursuant to written regulations or written authorization of the applicable government court, in: (a) a courtroom or other room in which a judicial proceeding is being held; (b) a jury room; (c) a judge’s chambers; or (d) the office of a member of a judge’s staff.

**H.B. 208 (Murr) – Drug Free Zones:** would increase certain controlled substance offenses to a felony of the first degree if it is shown at trial that the offense was committed in, on, or within 1,000 feet of any real property that is owned, rented, or leased to a school or school board, the premises of a public or private youth center, a playground, or on a school bus.

**H.B. 218 (Moody) – Marijuana:** would, among other things: (1) reduce the criminal penalties for certain drug offenses; (2) provide that a peace officer who is charging a person under (1), above, may not arrest the person and shall issue a citation; (3) provide that records of a person charged with certain drug offenses relating to a complaint may be expunged in certain circumstances; (4) require a court that dismisses a complaint under (2), above, to provide written notice to the person of the person’s right to expunction under the bill; (5) provide that the justice or municipal judge shall require a person who requests expungement under the bill to pay a fee in the amount of \$30 to defray the cost of notifying state agencies of orders of expungement; and (6) create a penalty group 2-B to include Tetrahydrocannabinol or its synthetic equivalents.

**H.B. 258 (M. Gonzalez) – Motorcycle Profiling:** would provide that: (1) a peace officer may not engage in enforcement-initiated action based wholly or partly on an individual operating a motorcycle or wearing motorcycle-related or motorcycle club-related paraphernalia rather than on the individual’s behavior or on information identifying the individual as having engaged in criminal activity, including a motor vehicle stop that is made with respect to an individual operating a motorcycle and that the peace officer extends beyond the period necessary to effectuate the purpose of the stop; and (2) each law enforcement agency shall adopt a detailed written policy on motorcycle profiling that: (a) clearly defines acts constituting motorcycle profiling; (b) strictly prohibits peace officers employed by the agency from engaging in motorcycle profiling; (c) implements a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in motorcycle profiling with respect to the individual; and (d) requires appropriate disciplinary action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in motorcycle profiling in violation of the agency’s policy.

**H.B. 278 (Cortez) – Licensing Veterans as Peace Officers:** would: (1) allow a political subdivision, including a city, to employ as a peace officer, a legal permanent resident of the United

States who is an honorably discharged veteran of the armed forces of the United States; and (2) require that the Texas Commission on Law Enforcement issue a peace officer license to a person who is a legal permanent resident of the United States if the person: (a) meets the requirements to be a peace officer; and (b) is an honorably discharged veteran of the armed forces of the United States.

**H.B. 309 (Goodwin) – Pet Adoption:** would: (1) require a releasing agency to collect a \$75 fee from each new owner who adopts a dog or cat that is not sterilized and then refund the collected fee to an owner who provides confirmation that the adopted cat or dog has been sterilized; and (2) provide that all fees not refunded must be used for the purpose of providing animal sterilization services.

**H.B. 347 (Jarvis Johnson) – Children in Custody:** would, among other things, require law enforcement to: (1) adopt a written policy regarding the safe placement of a child who is in the custody of a person that is arrested; (2) coordinate with child-care providers, nonprofit organizations, and faith-based entities in the agency’s region to develop options for safe living arrangements for a child who is in the custody of a person that is arrested; and (3) develop agreements with the entities in (2), above, that provide procedures for the law enforcement agency to release a child to the care of those entities.

**H.B. 382 (Collier) – Criminal Penalties for Marihuana Possession:** would provide a defense to possession of certain consumable hemp products containing a controlled substance or marihuana if: (1) the person possesses a product that purports by the product’s label to contain a consumable hemp product that is authorized under state or federal law; (2) the product described by (1), above, contains a controlled substance or marihuana, other than the substances extracted from hemp in the otherwise legal concentrations; and (3) the person purchased the product described by (1), above, from a retailer the person reasonably believed was authorized to sell a consumable hemp product.

**H.B. 388 (S. Thompson) – Criminal Penalties for Marihuana Possession:** would reduce criminal penalties for the possession of two ounces or less of marihuana.

**H.B. 410 (S. Thompson) – Cite and Release:** would, with respect to issuing citations in lieu of arrest for misdemeanor offenses, provide that: (1) the Texas Southern University, in consultation with the Bill Blackwood Law Enforcement Management Institute of Texas and other law enforcement organizations, shall publish a model policy related to the issuance of citations for misdemeanor offenses, including traffic offenses, that are punishable by fine only, that includes the procedure for a peace officer, upon a person’s presentation of appropriate identification, to verify the person’s identity and issue a citation to the person; (2) each law enforcement agency shall adopt a written policy regarding the issuance of citations for misdemeanor offenses, including traffic offenses, that are punishable by fine only, provided such policy meets the requirements of the model policy described in (1), above; (3) a law enforcement agency may adopt the model policy developed under (1), above; and (4) a peace officer may not arrest, without warrant, a person found only committing one or more misdemeanors related to certain traffic offenses that are punishable by fine only, and in such instances shall issue a written notice to appear to the person.

**H.B. 412 (S. Thompson) – Covert Law Enforcement Activity:** would provide that a defendant may not be convicted for an offense under the Texas Controlled Substances Act on the testimony of a person who is acting covertly on behalf of a law enforcement agency, regardless of whether that person is a licensed peace officer or special investigator, unless the testimony is corroborated by other evidence.

**H.B. 413 (S. Thompson) – Progressive Disciplinary Matrix:** would provide, among other things, that: (1) a public employer, including a city, that has not adopted civil service for its public safety employees, shall implement, for its city police officers, a progressive disciplinary matrix and adopt implementing rules that consist of a range of progressive disciplinary actions applied in a standardized way based on the nature of the infraction and the officer's prior conduct record; (2) the matrix described in (1), above, must include: (a) standards for disciplinary actions relating to the use of force against another person, including the failure to de-escalate force incidents in accordance with departmental policy; (b) standards for evaluating the level of discipline appropriate for uncommon infractions; and (c) presumptive actions to be taken for each type of infraction and any adjustment to be made based on a police officer's previous disciplinary record; (3) a meet and confer agreement must: (a) implement the progressive disciplinary described in (1), above; and may not conflict with and does not supersede a statute, ordinance, order, civil service provision, or rule concerning the disciplinary actions that may be imposed on a police officer under the progressive disciplinary matrix; (4) for cities that have adopted civil service, the civil service commission shall adopt rules that prescribe the disciplinary actions that may be taken against a police officer under a progressive disciplinary matrix described in (1), above; (5) in an appeal of a disciplinary action by a police officer to a hearing examiner, the hearing examiner must presume the disciplinary action applied under a progressive disciplinary matrix is reasonable unless the facts indicate that the police department inappropriately applied a category of offense to the particular violation; (6) a collective bargaining agreement may not conflict with an ordinance, order, statute, or rule concerning the disciplinary actions that may be imposed on police officers under a progressive disciplinary matrix implemented by the city; and (7) a collective bargaining contract affecting police officers may not conflict with a state or local civil service provision implementing a progressive disciplinary matrix.

**H.B. 415 (S. Thompson) – Peace Officer Training:** would provide that basic peace officer training must include training on the duty of a peace officer to request and render aid for an injured person.

**H.B. 418 (S. Thompson) – Peace Officers:** would: (1) amend current law to provide that a peace officer has the discretion on whether or not, if authorized, to: (a) interfere without a warrant to prevent or suppress a crime; or (b) arrest offenders without a warrant so that they may be taken before the proper magistrate or court and be tried; and (2) provide that a peace officer shall: (a) identify as a peace officer before taking any action within the course and scope of the officer's official duties unless the identification would render the action impracticable; and (b) intervene if the use of force by another peace officer: (i) exceeds which is reasonable under the circumstances; (ii) violates departmental policy, state, or federal law; (iii) puts any person at risk of bodily injury, unless the officer reasonably believes that the other officer's use of force is immediately necessary to avoid imminent harm to a peace officer or other person; or (iv) is not required to apprehend or complete the apprehension of a suspect.

**H.B. 459 (Hull) – Use of Chemical Irritant Spray:** would provide that peace officers or school security personnel performing security-related duties on school property or at a school-sponsored activity may not restrain or use a chemical irritant spray on a student 10 years of age or younger unless the student poses a serious risk of harm to the student or another person. (Companion bill is **S.B. 133** by West.)

**H.B. 484 (Meza) - Suicide Prevention in Jail:** would provide that each municipal jail must: (1) provide two hours of training to each jailer or person responsible for the supervision of a person confined in the jail on the procedures for identifying, documenting, and handling a person who is potentially suicidal or has a mental health condition; (2) conduct and document mental health screenings during the inmate intake process; (3) house in a cell with cameras any person that is identified as potentially suicidal; (4) regularly check on each person described by (3), above; and (5) report to the attorney general any incident involving the suicide or attempted suicide of a person confined in the jail not later than 48 hours after the incident.

**H.B. 485 (Gervin-Hawkins) – Offenses on Public Transportation:** would increase the criminal penalty for certain offenses committed in a vehicle operated by a public transportation system.

**H.B. 504 (Wu) – No-Knock Warrants:** would provide that: (1) only the following magistrates may issue a warrant authorizing a no-knock entry: (a) a district court judge; (b) a statutory county court judge; (c) a judge of a county court who is an attorney licensed by the state; (d) a judge of municipal court of record who is an attorney licensed by the state; or (e) any magistrate if the county in which the warrant is issued does not have: (i) a municipal court of record with a courtroom located in that county and a judge who is an attorney licensed by this state; (ii) a county court judge who is an attorney licensed by this state; or (iii) a statutory county court judge; and (2) a magistrate listed in (1), above, may issue a no-knock warrant only if: (a) the complaint is submitted concurrently with a statement that approves the use of a no-knock entry and that is signed by the chief administrator of the law enforcement agency employing the affiant or by the chief administrator's designee; and (b) the warrant requires each peace officer executing the warrant be in uniform or otherwise clearly identifiable as a peace officer. (Companion bill is **S.B. 140** by West.)

**H.B. 533 (Wu) – Warrantless Arrests:** would provide that peace officer may seize any firearm in plain sight and readily accessible to a person when a peace officer, without a warrant, takes the person into custody because the officer: (1) has reason to believe and does believe that: (a) the person is a person with mental illness; and (b) because of that mental illness there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained; and (2) believes that there is not sufficient time to obtain a warrant before taking the person into custody.

**H.B. 544 (Julie Johnson) – Reporting Protective Orders and Convictions:** would: (1) provide that, on receipt of an original or modified protective order from the clerk of the court, a law enforcement agency must immediately, and not later than the third business day after the date the order is received, enter the information into the statewide law enforcement information system maintained by the Department of Public Safety (DPS); (2) require a local entity to report a conviction involving family violence that would prohibit a person from possessing a firearm under state or federal law to DPS not later than the fifth calendar day after the judgment of conviction is

entered; and (3) require DPS to report to the FBI for use with the National Instant Criminal Background Check System each protective order and each conviction for a family violence misdemeanor not later than the fifth calendar day after the date DPS receives the information that the protective order or judgment of conviction was entered.

**H.B. 568 (Bowers) – Peace Officer Training:** would provide that, as part of the minimum curriculum requirements, peace officer training must include instruction on interacting with persons with Alzheimer’s disease and other dementias, including: (1) techniques for recognizing symptoms; (2) communicating effectively; (3) employing alternatives to physical restraints; and (4) identifying signs of abuse, neglect, or exploitation.

**H.B. 569 (Bowers) – Burglary of Vehicles:** would provide that a person who maintains a place to which persons habitually go to burglarize vehicles in violation of state law and who knowingly tolerates the activity and fails to make reasonable attempts to abate the activity maintains a common nuisance.

**H.B. 588 (Raymond) – Statewide Disaster Alarm System:** would, among other things, provide that the Texas Division of Emergency Management with the cooperation of the office of the governor and appropriate state agencies shall develop and implement a statewide alert system to active in the event of a disaster affecting any location in Texas.

**H.B. 636 (Patterson) – Firearm Regulation:** would allow a person to carry a handgun at a polling place if the person is licensed to carry a handgun and is working as an election judge during early voting or on election day.

**H.B. 648 (Gervin-Hawkins) – Passing School Bus:** would provide an exception to the prohibition of using photographic traffic signal enforcement systems in order for a local authority or a school district to issue a civil or criminal charge or citation, as applicable, for a passing school bus violation based on a recorded image produced by a school bus monitoring system.

**H.B. 660 (Cook) – Protective Orders:** would provide that: (1) a law enforcement agency shall enter a protective order in the agency’s computer records of outstanding warrants as notice that the order has been issued and is currently in effect; and (2) on receipt of an original or modified protective order from the clerk of the issuing court, or on receipt of information pertaining to the date of confinement or imprisonment or date of release of a person subject to the protective order, a law enforcement agency shall immediately, but not later than the next business day after the date the order or information is received, enter the following information into the statewide law enforcement information system maintained by the Department of Public Safety: (a) the name, sex, race, date of birth, personal descriptors, address, and county of residence of the person to whom the order is directed; (b) any known identifying number of the person to whom the order is directed, including the person's social security number or driver’s license number; (c) the name and county of residence of the person protected by the order; (d) the residence address and place of employment or business of the person protected by the order; (e) the child-care facility or school where a child protected by the order normally resides or which the child normally attends; (f) the relationship or former relationship between the person who is protected by the order and the person to whom the order is directed; (g) the conditions of bond imposed on the person to whom the order is directed, if any, for the protection of a victim in any family violence, sexual assault or abuse,

indecent assault, stalking, or trafficking case; (h) any minimum distance the person subject to the order is required to maintain from the protected places or persons; and (i) the date the order expires.

**H.B. 668 (Collier) – Coin-Operated Machines:** would, with respect to the comptroller’s duty to regulate skill or pleasure coin-operated machines, require the comptroller to disclose confidential information, including information in a tax permit, license, or registration certificate application, to a law enforcement agency that submits to the comptroller a written request for the information in connection with an investigation the agency is conducting.

**H.B. 684 (Cole) – Police Vehicles:** would require police patrol vehicles to be conspicuously marked as a police vehicle with the insignia of the applicable law enforcement agency clearly visible at a distance of up to 500 feet under normal atmospheric conditions.

**H.B. 689 (Rosenthal) – False Report Liability:** would provide that: (1) a person who submits a false report to a law enforcement agency or emergency service provider, with the intent that the law enforcement agency or emergency service provider take action against a falsely accused person, is liable to the falsely accused person for an amount not to exceed \$250 if the report was submitted due to bias or prejudice against the falsely accused person’s race, color, disability, religion, national origin or ancestry, age, gender, sexual orientation or gender identity; and (2) a falsely accused person who prevails in an action described in (1), above, may recover attorney’s fees and costs incurred in bringing the action.

**H.B. 690 (Rosenthal) – Office of Community Violence Intervention:** would, among other things: (1) create the Office of Community Violence Intervention (Office) for the purposes of, among other things: (a) providing leadership, coordination, and technical assistance to promote effective state and local efforts on reducing preventable injuries and deaths resulting from all forms of physical violence; (b) collaborating with governmental entities, law enforcement agencies, community-based organizations, business leaders, and other appropriate individuals in Texas to develop evidence-based policies, strategies, and interventions to reduce the impacts of violence in Texas; and (c) awarding grants; (2) provide that the Office, with the advice of an advisory committee, shall award grants for community violence intervention and prevention through a competitive process to counties and cities that are disproportionately impacted by a high incidence of violence; and (3) provide that a county or municipal recipient of a grant award under (2), above, must distribute not less than 50 percent of the grant money to one or more of the following: (a) a community-based organization; (b) an Indian tribe or tribal organizations; or (c) a public entity whose primary focus is community safety or gun violence prevention.

**H.B. 732 (Wu) – Gambling:** would provide an affirmative defense to prosecution for certain gambling offenses if the offenses occur in a private residence.

**H.B. 735 (Meza) – Family Violence Cases:** would: (1) require a court, in regard to a person convicted of certain family violence offenses or subject to a family violence protective order, to provide written notice to the person that he/she is prohibited from acquiring, possessing, or controlling a firearm, and order the person to surrender all firearms; and (2) provide various ways a person in (1), above, may surrender a firearm, including surrender to a law enforcement agency.

**H.B. 762 (Reynolds)** – **No-Knock Warrants**: would prohibit a magistrate, including a municipal judge, from issuing an arrest or search warrant that authorizes a peace officer from entering, for the purpose of executing a warrant, into a building or other place without giving notice of the officer’s authority or purpose before entering.

**H.B. 765 (Harless)** – **Capital Murder**: would provide, that for purposes of the offense of murder against a peace officer or fireman who is acting in the lawful discharge of an official duty and who a person knows is a peace officer or fireman, the actor is presumed to have known the person murdered was a peace officer or fireman if the person was wearing a distinctive uniform or badge indicating the person’s employment as a peace officer or fireman.

**H.B. 799 (Harris)** – **Officer Misconduct**: would, among other things: (1) prohibit a law enforcement agency from disclosing to an attorney representing the state information relating to misconduct by a peace officer who is or will serve as a witness in a criminal proceeding unless the allegation of misconduct has been finally adjudicated as sustained and not on appeal; (2) authorize a peace officer, who is the subject of a report of misconduct submitted to an attorney representing the state by a law enforcement agency or who has been notified of a determination by the attorney representing the state that the officer is not considered credible to testify in a criminal proceeding as a result of an allegation of misconduct, to dispute that report or determination by filing a petition with the State Office of Administrative Hearings (SOAH); (3) require an administrative law judge employed by the SOAH to determine by a preponderance of the evidence whether the alleged misconduct occurred regardless of whether the applicable officer was terminated or whether that officer resigned, retired, or separated in lieu of termination; and (4) provide that if the allegation of misconduct is not supported by a preponderance of the evidence, the administrative law judge shall provide notice of the finding to any attorney representing the state the petitioner identifies as having received a report or as having made a determination and the attorney representing the state may not consider the information when evaluating the peace officer’s credibility as a witness.

**H.B. 828 (Dutton)** – **Age of Criminal Responsibility**: would, among other things, generally raise the age of criminal responsibility from 17 to 18, including for purposes of city adoption of juvenile curfew ordinances.

**H.B. 861 (Lozano)** – **Kratom Products**: would impose regulations on the sale of Kratom and Kratom products, including labelling and prohibiting the sale to a minor, and authorize a city attorney, among others, to bring an action to recover a civil penalty for violation of those regulations.

**H.B. 892 (Burrows)** – **Accreditation Grant Program**: would, among other things, provide that the governor’s criminal justice division shall establish and administer a grant program to provide financial assistance, in an amount that does not exceed \$50,000, to a law enforcement agency for the purpose of becoming accredited or maintaining accreditation: (1) through the Texas Police Chiefs Association Law Enforcement Best Practices Recognition Program; (2) by the Commission on Accreditation for Law Enforcement Agencies, Inc.; (3) by the International Association of Campus Law Enforcement Administrators; or (4) by an association or organization designated by the division. (Companion bill is **S.B. 267** by **King**.)

**H.B. 898 (Stucky) – Increased Punishment for Passing Certain Vehicles:** increases the penalties for drivers who pass certain stopped emergency or utility vehicles on a roadway without either slowing down or changing lanes.

**H.B. 925 (Dutton) – Firearm Regulation:** would, among other things:

1. with some exceptions, prohibit a person within Texas from manufacturing or causing to be manufactured, distributing, transporting, or importing into Texas, or causing to be distributed, transported, or imported into Texas, keeping for sale, offering or exposing for sale, or giving or lending any assault weapon, .50 caliber rifle, or unserialized firearm;
2. with some exceptions, prohibit a person from purchasing, selling, offering to sell, or transferring ownership of any firearm precursor part in Texas that is not a federally regulated firearm precursor part;
3. prohibit a person from selling, supplying, delivering, or giving possession or control of a firearm to any person who is under 21 years of age, with some exceptions, including an exception for a firearm that is not a handgun to a person who is 18 years of age or older and is an active peace officer or reserve peace officer who is authorized to carry a firearm in the course and scope of employment;
4. provide that Numbers 1, 2, and 3, above, do not apply to the sale of an assault weapon, .50 caliber rifle, unserialized firearm, or firearm precursor part to, or the purchase, transportation, importation, sale or other transfer, or manufacture of an assault weapon, .50 caliber rifle, unserialized firearm, or firearm precursor part by, any law enforcement agency or public entity that employs peace officers, or any authorized law enforcement representative thereof, if that agency, entity, or representative is not prohibited by law from possessing an assault weapon, .50 caliber rifle, unserialized firearm, or firearm precursor part;
5. provide that, so long as the firearm or firearm precursor part is transported in compliance with the provisions of the bill, an individual may sell, deliver, or transfer an assault weapon, .50 caliber rifle, unserialized firearm, or firearm precursor part to an authorized representative of a city, city and county, county, or state government, or of the federal government, provided that the entity is acquiring the weapon as part of an authorized, voluntary program in which the entity is buying or receiving weapons from private individuals;
6. require that enforcement of the bill is enforced exclusively through private civil actions;
7. prohibit a political subdivision, including a city, a district, county, or city attorney, or an executive or administrative officer or employee of Texas or a political subdivision of Texas from enforcing the bill or filing a civil action under the bill against any person;
8. provide that the fact that conduct violates the bill is not an independent basis for enforcement of any other law of Texas, or the denial, revocation, suspension, or

withholding of any right or privilege conferred by the law of Texas or a political subdivision of Texas, including any business licenses and permits, or a threat to do the same, by Texas, a political subdivision of Texas, a district, county, or city attorney, or an executive or administrative officer or employee of Texas or a political subdivision of Texas, or a board, commission, or similar body assigned authority to do so under law, against any person;

9. provide that any person, other than an officer or employee of Texas or political subdivision of Texas, may bring a civil action against any person who: (a) knowingly violates Numbers 1, 2, or 3, above; (b) knowingly engages in conduct that aids or abets another person in violating Numbers 1, 2, or 3, above, regardless of whether the person knew or should have known that the person aided or abetted would be violating Numbers 1, 2, or 3, above; or (c) knowingly commits an act with the intent to engage in the conduct described by Number 9(a) or (b);
10. provide that if a claimant prevails in an action under the bill, the court shall award injunctive relief, statutory damages in an amount not less than \$10,000 for each weapon or firearm precursor part as to which the defendant violated the bill and for each weapon or firearm precursor part as to which the defendant aided or abetted a violation of the bill, and attorney's fees and costs;
11. provide that a state official, or a district, county, or city attorney may not intervene in an action brought under the bill but the bill does not prohibit a state official, or a district, county, or city attorney from filing an amicus curiae brief in the action;
12. provide that an action may not be brought under the bill against a federal government, state, or political subdivision, or an employee of a federal government, state, or political subdivision on the basis of acts or omissions in the course of discharge of official duties;
13. provide that a political subdivision has governmental immunity, and each officer and employee of a political subdivision of Texas has official immunity in any action, claim, or counterclaim or any type of legal or equitable action that challenges the validity of any provision or application of the bill, on constitutional grounds or otherwise;
14. provide that any person, including an entity, attorney, or law firm, that seeks declaratory or injunctive relief to prevent Texas, a political subdivision of Texas, a governmental entity or public official in Texas, or a person in Texas from enforcing any statute, ordinance, rule, regulation, or other type of law that regulates or restricts firearms, or that represents any litigant seeking that relief, is jointly and severally liable to pay the attorney's fees and costs of the prevailing party; and
15. provide that, for the purposes of Number 14, above, a party is considered the "prevailing party" if a court: (a) dismisses any claim or cause of action brought by the party seeking the declaratory or injunctive relief described by Number 14, above, regardless of the reason for the dismissal; or (b) enters judgment in favor of the party opposing the declaratory or injunctive relief described by Number 14, above, on any claim or cause of action.

**H.B. 928 (Dutton) – Asset Forfeiture:** would require: (1) a final conviction for an underlying offense in order to pursue forfeiture of contraband; and (2) a court to dismiss a contraband forfeiture proceeding on proof of a dismissal or acquittal of the underlying offense, regardless of whether the owner or interest holder has met any requirements under the Texas Rules of Civil Procedure in the forfeiture proceeding, including answering the state’s civil complaint.

**H.B. 931 (Dutton) – Officer Training:** would create the officer training advisory committee to conduct a study of the Texas Commission on Law Enforcement’s training programs that are established and maintained for individuals seeking to be peace officers, county jailers, school marshals, public security officers, and telecommunicators.

**H.B. 936 (Dutton) – Deadly Force:** would provide that: (1) a peace officer is justified in using deadly force against another when and to the degree the peace officer reasonably believes the deadly force is immediately necessary to make an arrest, or to prevent escape after arrest, if: (a) the use of force would have been justified under state law; (b) the person to be arrested or attempting to escape after arrest possesses a deadly weapon; and (c) the peace officer reasonably believes: (i) the conduct for which arrest is authorized included the use or attempted use of deadly force; or (ii) there is a substantial risk that the person to be arrested or attempting to escape after arrest will cause death or serious bodily injury to the actor or another if the arrest or apprehension is delayed; and (2) a person who is not a peace officer but is acting in a peace officer’s presence and at the officer’s direction is justified in using deadly force against another when and to the degree the person reasonably believes the deadly force is immediately necessary to make a lawful arrest, or to prevent escape after a lawful arrest, if: (a) the use of force would have been justified under state law; (b) the person to be arrested or attempting to escape after arrest possesses a deadly weapon; and (c) the actor reasonably believes: (i) the felony or offense against the public peace for which arrest is authorized included the use or attempted use of deadly force; or (ii) there is a substantial risk that the person to be arrested or attempting to escape after arrest will cause death or serious bodily injury to another if the arrest or apprehension is delayed.

**H.B. 938 (Dutton) – Use of Force:** would amend current law to provide that the standard for: (1) the justified use of force against a person by a peace officer, a person acting in a peace officer’s presence and at the officer’s direction or a person other than a peace officer is an objectively reasonable standard; (2) the justified use of deadly force against a person by a peace officer or a person acting in a peace officer’s presence and at the officer’s direction is an objectively reasonable standard; and (3) the justified use of any force, including deadly force, by a guard employed by a correctional facility or a peace officer to prevent the escape of a person from a correctional facility is an objectively reasonable standard.

**H.B. 946 (Dutton) – Spoliation:** would, among other things, in criminal proceedings: (1) require the state, except as permitted by other law, to preserve evidence in its possession, custody, or control and prevent the destruction, alteration, or loss of that evidence; and (2) after a hearing outside the presence of the jury, allow for the court to make a spoliation determination against the state for evidence that is destroyed, altered, or lost by an act or omission of the state.

**H.B. 974 (Zwiener) – Crowd Control:** would provide that each law enforcement agency shall adopt a policy on crowd control that prohibits its peace officers from using less lethal projectiles

(ammunition commonly known as “rubber bullets,” “wooden bullets,” “sponge rounds,” and “bean bag rounds”) to control the activity or movement of a gathering of people.

**H.B. 978 (Ordaz) – Pet Groomers:** would, among other things: (1) create a criminal offense for pet cruelty by a pet groomer; and (2) authorize the city or county in which the conduct occurs to sue to collect a civil penalty, which may be retained by the city or county along with the reasonable costs of investigation, reasonable attorney’s fees, and reasonable expert witness fees.

**H.B. 1031 (Slaton) – Remote Vehicle Disabling Technology:** would: (1) create a state jail felony offense if a person: (a) manufactures, distributes, or possesses with intent to distribute remote vehicle disabling technology (RVDT) that is capable of being: (i) activated or engaged by a motor vehicle manufacturer or governmental entity, and (ii) installed on a light truck or passenger car; (b) installs on a light truck or passenger car RVDT that is capable of being activated or engaged by the vehicle manufacturer or a governmental entity; or (c) sells a light truck or passenger car on which RDVT is installed that is capable of being activated or engaged by the vehicle manufacturer or a governmental entity; and (2) subject a vehicle dealer’s or manufacturer’s license to revocation.

**H.B. 1036 (Meza) – Discharge of Weapon:** would: (1) require a law enforcement agency that is authorized to employ peace officers to adopt a policy regarding a peace officer discharging a firearm at or in the direction of a moving vehicle; and (2) provide that such policy must prohibit a police officer from discharging a firearm at or in the direction of a moving vehicle unless the peace officer discharges the firearm only when and to the degree the officer reasonably believes is immediately necessary to protect the officer or another person from the use of unlawful deadly force by an occupant of the vehicle by means other than by using the moving vehicle to strike any person.

**H.B. 1059 (Thierry) – Prostitution:** would provide that: (1) a child may not be referred to juvenile court for prostitution; (2) a law enforcement officer taking possession of a child suspected of engaging in prostitution shall: (a) use best efforts to deliver the child to the child’s parent or another person entitled to take possession of the child; (b) in the event the officer cannot find an individual under (a), above, take the child to a local service provider who will facilitate the assignment of a caseworker; or (c) in the event an individual under (a) and (b), above, is unavailable, transfer possession of the child to the Department of Family Protective Services; and (3) a person may not be prosecuted for prostitution that the person committed when younger than 17 years of age.

**H.B. 1076 (Neave-Criado) – Peace Officer Licensing:** would provide that: (1) a political subdivision, including a city, that commissions and employs peace officers may commission and employ as a peace officer a legal permanent resident of the United States; and (2) the Texas Commission on Law Enforcement (TCOLE) shall issue a peace officer license to a person who is a legal permanent resident of the United States if the person meets the requirements to obtain a license and TCOLE’s rules.

**H.B. 1094 (Cunningham) – Disposition of Abandoned or Unclaimed Personal Property:** would, among other things, provide that: (1) for purposes of any unclaimed or abandoned personal property, a person designated by the city to dispose of the property may, instead of sending a notice to the last known address of the owner of the property by certified mail, place a one-time notice

on the internet website and social networking website of the law enforcement agency that seized the property; and (2) the notice described in (1), above, shall state that if the owner does not claim the property before the 90th day after the date of the notice, the property shall be disposed of, and the proceeds placed in the city treasury.

**H.B. 1152 (Vo) – Licensing Veterans as Peace Officers:** would: (1) allow a political subdivision, including a city, to employ, as a peace officer, a legal permanent resident of the United States who is an honorably discharged veteran of the armed forces of the United States; and (2) require that the Texas Commission on Law Enforcement issue a peace officer license to a person who is a legal permanent resident of the United States if the person: (a) meets the requirements to be a peace officer; and (b) is an honorably discharged veteran of the armed forces of the United States.

**H.B. 1178 (Rogers) – Blood Search Warrants:** would remove the requirement that a magistrate be an attorney licensed by this state to issue a search warrant to collect a blood specimen from a person who is arrested for certain intoxication offenses.

**H.B. 1200 (Reynolds) – Medical Marihuana:** would: (1) authorize the possession, use, cultivation, distribution, transportation, and delivery of medical cannabis for medical use by qualifying patients with certain debilitating medical conditions; (2) provide for medical cannabis registry identification cards; (3) authorize the licensing of dispensing organizations and testing facilities; and (4) authorize an application fee for licenses to operate a dispensing organization.

**H.B. 1233 (Gonzalez) – Crime Stoppers Tips:** would provide that: (1) a law enforcement agency must acknowledge in its written statement to the attorney representing the state that, among other information, any crime stoppers tips that are required to be disclosed have been disclosed; and (2) a law enforcement agency that receives a tip shall disclose the tip to the attorney representing the state if the agency files a case with the attorney representing the state related to the criminal activity or the conduct described in the tip.

**H.B. 1289 (Campos) – Child Abuse and Neglect Investigation Training:** would provide, among other things, that the Department of Family and Protective Services: (1) develop a training program for each person who investigates any instance of suspected child abuse or neglect at the state or local level; and (2) collaborate with appropriate law enforcement agency personnel in developing and implementing the training program.

**H.B. 1341 (Wu) – Marihuana:** would, among other things: (1) repeal the Texas Compassionate Use Act; (2) repeal criminal offenses related to marihuana, including delivery and possession of marihuana; and (3) remove certain regulations related to the cultivation, manufacture, delivery, and possession of marihuana and cannabis.

**H.B. 1346 (Bucy) – Alcohol Sales:** would authorize: (1) a local option election to be held on the proposition of whether to prohibit or legalize the sale of liquor for off-premise consumption on Sunday; and (2) in an area where the sale on Sunday of liquor for off-premises consumption has been approved by local option election: (a) the holder of a package store permit to sell, offer for sale, or deliver liquor on Sunday between 10 a.m. and 9 p.m.; (b) the holder of a wholesaler's permit to sell, offer for sale, or deliver liquor to a retailer anytime on Sunday; and (c) the holder

of a local distributor's permit to sell, offer for sale, or deliver liquor to a retailer on Sunday between 5 a.m. and 9 p.m.

**H.B. 1347 (Dutton) – Resisting Arrest:** would require the complaint, information, or indictment in the prosecution of a criminal case in which the sole allegation is that a person has resisted arrest to state the underlying offense for which the person was resisting arrest.

**H.B. 1354 (Sherman) – Police Department Minimum Salary:** would: (1) require cities with a population of less than 5,000 to provide a salary of at least \$55,000 to each eligible member of the police department; (2) provide that to be eligible for the minimum salary, a member of the police department must: (a) be a full-time employee; and (b) annually file with the city an affidavit stating that the member has never been dishonorably discharged by any law enforcement agency and is not currently under investigation for an alleged misconduct for which the member may be dishonorably discharged; (3) provide that a city is entitled to an assistance payment from the state for each city fiscal year to assist the city in paying the minimum salary required by (1), above, in an amount that equals the difference of \$55,000 and the member's salary as paid by the city; (4) provide that the city may not reduce the portion of a salary paid to a member of the police department by the city as a result of receiving an assistance payment for that member; (5) the city must submit, not later than the 30<sup>th</sup> day after the first day of the city's fiscal year, an application and affidavits from (2)(b), above, to the comptroller to receive the assistance payment; and (6) require the comptroller to remit the applicable assistance payment to a city from available state money not later than the 30<sup>th</sup> day after the date the comptroller receives the city's completed application.

**H.B. 1398 (Moody) – Extreme Risk Protective Orders:** would, among other things: (1) provide that, in certain circumstances, courts may issue an extreme risk protective order against a person exhibiting dangerous behavior or conduct as a result of a serious mental illness, including any behavior or conduct related to the person's use of firearms, requiring the person to relinquish his or her firearms; (2) require local law enforcement agencies to: (a) take possession of a person's firearms when a court issues an extreme risk protective order against that person and to immediately provide the person a written copy of the receipt for the firearm and written notice of the procedure for return of the firearm; (b) if applicable, notify the court that issued the extreme risk protective order that the person who is the subject of the order has relinquished the firearm not later than seven days after the law enforcement agency receives the firearm; (c) conduct a check of state and national criminal history record information to verify whether the person may lawfully possess a firearm not later than 30 days after receiving notice from the court that the extreme risk protective order has expired; and (d) if the check described in (2)(c), above, verifies that the person may lawfully possess a firearm, provide written notice to the person by certified mail stating that the firearm may be returned to the person if the person submits a written request before the 121<sup>st</sup> day after the date of the notice; (3) provide that a local law enforcement agency in possession of a firearm relinquished because of an extreme risk protective order may not destroy the firearm but may sell the firearm to a licensed firearms dealer if the check in (2)(c), above, shows that the person may not lawfully possess a firearm or the person does not submit a written request as required by (2)(d), above; (4) provide that the proceeds from the sale of a firearm in (3), above, shall be paid to the owner of the seized firearm, less the cost of administering the bill with respect to the firearm; and (5) provide that a law enforcement officer or other employee of a law

enforcement agency is subject to punishment for contempt of court if the officer or employee violates the bill with the intent to withhold a firearm from a person who, at the time the violation occurred: (a) was the subject of an extreme risk protective order that was rescinded or that expired; and (b) may lawfully possess the firearm.

**H.B. 1405 (Geren) – Expunction:** would, among other things, provide that a peace officer, firefighter, detention officer, county jailer, or emergency medical services employee is eligible for an expunction of arrest records and files if: (1) such person has completed a public safety employees treatment court program; (2) the person has not previously received an expunction of arrest records and files for completion of a public safety employees treatment court program; and (3) the person submits an affidavit to the court attesting to the fact described in (2), above.

**H.B. 1421 (Campos) – Failure to Report Offense:** would enhance the penalty for the offense of failure to report that an elderly person or a person with a disability has been abused, neglected, or exploited to a state jail felony if it is shown on the trial of the offense that the actor is a peace officer who encountered the abused, neglected, or exploited person in the course of discharging his or her duties as a peace officer.

**H.B. 1454 (Anchia) – Immigration:** would repeal certain provisions governing state and local enforcement of immigration laws and other provisions related to immigration law, such as the requirement that a law enforcement agency honor a detainer request. (Companion bill is **S.B. 106** by **Menéndez**.)

**H.B. 1479 (Ramos) – Surrender of Firearms:** would: (1) provide that, on conviction of a person for certain family violence offenses or issuance of certain protective orders, a court shall provide written notice to the person convicted or subject to the protective order that he/she is: (a) prohibited from acquiring, possessing, or controlling a firearm; and (b) ordered to surrender all firearms the person owns; (2) provide that a person in (1), above, shall surrender a firearm by: (a) selling the firearm to a licensed dealer; or (b) surrendering the firearm to a law enforcement agency for holding or disposition; (3) require a law enforcement agency that takes possession of a firearm under (2)(b), above, to follow certain policies and procedures for collecting, storing, returning, selling, or destroying the firearm; and (4) allow the agency to impose a reasonable fee for storing a firearm.

**H.B. 1537 (Howard) – Handle with Care Notice:** would, among other things, provide that: (1) a law enforcement agency that determines, in the course of providing law enforcement services, that an individual who is enrolled as a student in a public primary or secondary school has experienced a traumatic event, may submit a handle with care notice (HWCN) to the superintendent or other designated school employee at the school at which the student is enrolled; (2) the HWCN must include, if known: (a) the student's name, age, and grade level; (b) the school at which the student is enrolled; and (c) a brief description of the traumatic event experienced by the student; (3) a law enforcement agency shall submit the HWCN using an electronic system that: (a) stores the number of notices sent and the zip code from which each notice was sent; and (b) automatically sends a copy of the HWCN to the regional education service center serving the school where the student is enrolled; (4) the Texas Commission on Law Enforcement shall establish and maintain a one-hour training program for peace officers and other employees of law enforcement agencies that

provides information on the implementation of procedures relating to HWCNs; and (5) a law enforcement agency must ensure law enforcement officers and other agency employees receive appropriate training regarding a HWCN, including by requiring appropriate agency personnel to attend the training established and maintained under (4), above.

**H.B. 1639 (Canales) – Variable Speed Limit Program:** would provide that: (1) the Texas Transportation Commission may establish a variable speed limit program to allow the temporary lowering of a speed limit to address inclement weather, congestion, road construction, or any other condition that affects the safe and orderly movement of traffic on a roadway for which the commission has the authority to establish a speed limit; and (2) a speed limit established under the variable speed limit program: (a) must be based on an engineering and traffic investigation; (b) may be effective for all or part of the highway for any period of day or night as TXDOT determines necessary; and (c) is only effective when notice of the speed limit is posted on a sign, including on a stationary or portable changeable message sign, not less than 500 feet but not more than 1,600 feet before the point at which the speed limit begins.

**H.B. 1644 (Romero) – Mental Health Response Study:** would, among other things: (1) require the Health and Human Services Commission to conduct a study to evaluate the availability, outcomes, and efficacy of using mental health response teams and mental health professionals to assist in reducing the number of incarcerations of individuals with mental illnesses, substance abuse disorders, or intellectual or developmental disabilities; (2) provide that in conducting such study, the commission shall: (a) include an assessment of whether the information suggests that municipalities would benefit from mental health response teams assisting traditional law enforcement officers in efforts to: (i) reduce the incarceration rates of persons with mental illness, substance abuse disorder, and intellectual or developmental disorders; (ii) increase the number of referrals to community resources and treatment for persons described in (2)(a)(i), above; (iii) reduce the use of force when responding to emergency calls that involve persons described in (2)(a)(i), above; and (iv) gain an understanding about persons described by (2)(a)(i), above; (b) evaluate the fiscal and staffing implications to a law enforcement agency for agency use of a mental health response team to respond remotely to emergency calls; and (c) evaluate the impact of certain funding sources on establishing mental health response teams across the state, especially the impact to the establishment, staffing, and maintenance of those teams; and (3) require the commission to gather information from the study from each city with a population greater than 100,000.

**H.B. 1675 (Holland) – Border Operations Training Program:** would, among other things, provide that: (1) the Department of Public Safety, in coordination with local law enforcement agencies, shall establish and administer a border operations training program for peace officers employed by local law enforcement agencies that will prepare the officers to: (a) collaborate and cooperate with and assist any law enforcement agency in the interdiction, investigation, and prosecution of criminal activity in the Texas-Mexico border region; and (b) collaborate and cooperate with and assist district attorneys, county attorneys, the border prosecution unit, and other prosecutors in the investigation and prosecution of allegations of criminal activity in the Texas-Mexico border region.

**H.B. 1711 (Canales) – Asset Forfeiture Proceedings:** would: (1) provide that contraband is not subject to seizure and forfeiture if the property is not otherwise unlawful to possess and the admissibility of the property as evidence would be prohibited in the prosecution of the underlying offense; and (2) limit the admissibility of evidence in an asset forfeiture proceeding.

**H.B. 1714 (Canales) – Asset Forfeiture Proceedings:** would: (1) raise the state’s burden of proof from preponderance of the evidence to clear and convincing evidence in proceedings related to the seizure of property and forfeiture hearings; (2) limit the transfer of forfeitable property to the federal government; and (3) limit law enforcement agency or Texas National Guard cooperation in federal forfeiture actions.

**H.B. 1724 (Raymond) Public Emergency Contacts:** would provide, among other things, that: (1) each city manager, mayor, and director of a municipal health department must submit their personal contact information to the Texas Division of Emergency Management to be used during a declared state of disaster or public health emergency; and (2) that information submitted under (1), above, is confidential and exempt from disclosure under the Public Information Act.

**H.B. 1728 (Cunningham) – Judicial Liability for Bail Conditions:** among other things, would: (1) set minimum bail amounts for certain offenses involving violence punishable as a second-degree felony or higher; (2) create a criminal offense and establish penalties for a judge or magistrate who: (a) releases on bail a defendant who is charged with committing a felony while released on bail for a prior felony in violation of the Texas Constitution; or (b) or sets a bail amount less than the minimum amount required under (1), above; (3) establish a cause of action against a judge or magistrate who released a person on bail by a victim of an offense committed by a person released on bail, or the victim’s estate if the victim is deceased, for damages incurred as a result of the released person’s offense, if: (a) the person was released on bail for an offense described in (1), above; and (b) the judge or magistrate set a bail amount less than the minimum amount required under (1), above; and (4) for an action brought under (3), above, waive the public servant liability limit, impose a maximum \$10 million damages cap, and prohibit a judge or magistrate from asserting judicial immunity or other forms of immunity as a defense.

**H.B. 1776 (E. Thompson) – Emergency Services Districts:** would: (1) require an emergency services district (ESD) to receive the written consent of a city council if it seeks to expand the district to include territory in a city’s limits or its extraterritorial jurisdiction; (2) provide that, if the city council does not consent to the expansion within 60 days, a majority of the qualified voters and owners of at least 50 percent of the territory in the city limits or extraterritorial jurisdiction that would have been included in the ESD may petition the city council to make fire control and emergency medical and ambulance services available in the territory; (3) provide that if a city council refuses or fails to act on a petition under (2), above, the refusal or inaction serves as consent for the territory that is subject of the petition to be included in the ESD; (4) require an ESD to receive the written consent of a city council if it seeks to expand the district to include territory designated an industrial district by a city; (5) provide that if a city council consents to the expansion of an ESD into its city limits or extraterritorial jurisdiction, then the expansion may take place in the same manner as other territory under state law; (6) provide that a city council’s consent to expansion of an ESD expires six months after the date consent is given; and (7) provide that this

bill does not apply if an ESD proposes to expand in the unincorporated area of a county with a population of 3.3 million or more. (Companion bill is **S.B. 659** by **Eckhardt**.)

**H.B. 1840 (Goodwin) – Law Enforcement Study:** would establish a 17-member panel to study the regulation of persons licensed by the Texas Commission on Law Enforcement (TCOLE) and the entities authorized by law to employ those persons, and such study shall consider the following: (1) the standards of conduct applicable to licensed persons, including whether statewide standards should be developed and who should develop, review, and update those standards; (2) the education and training requirements for licensed persons, including: (a) the requirements for the issuance of each type of license and the frequency at which those requirements are reviewed and updated; and (b) the continuing education requirements for each type of license and the frequency at which those requirements are reviewed and updated; (3) TCOLE’s regulation of training programs and schools; and (4) the accountability to the public of licensed persons and of entities authorized by law to employ such persons, including: (a) the need for statewide standards applicable to the entities and who should develop, review, and update those standards; (b) changes to TCOLE’s authority to discipline a license holder for violations of law or other misconduct; (c) appropriate procedures to protect a license holder’s rights during a disciplinary proceeding; and (d) the reporting of terminations.

**H.B. 1874 (Noble) – Asset Forfeiture Proceedings:** would provide that: (1) on dismissal of a forfeiture proceeding or on a court’s determination that property is not subject to forfeiture, a court shall enter an order requiring the law enforcement agency responsible for seizing the property to reimburse the applicable owner or interest holder for reasonable attorney’s fees; (2) if possible, the law enforcement agency shall make the payment out of money available in asset forfeiture funds; and (3) the Office of Court Administration shall promulgate a schedule of attorney’s fees that may be used to determine a reasonable amount of attorney’s fees to award under (1), above.

**H.B. 1885 (Canales) – Variable Speed Limit Program:** would provide that: (1) the Texas Transportation Commission may establish a variable speed limit program allowing the temporary lowering of a speed limit to address inclement weather, congestion, road construction, or any other condition that affects the safe and orderly movement of traffic on a roadway for which the commission has the authority to establish a speed limit; and (2) a speed limit established under the program: (a) must be based on an engineering and traffic investigation; (b) may not be more than 10 miles per hour below the existing prima facie speed limit for the roadway; (c) may be effective for all or part of the highway for any period of day or night as TxDOT determines necessary; and (d) is only effective when notice of the speed limit is posted not less than 500 feet but not more than 1,000 feet before the point at which the new speed limit begins.

**H.B. 1894 (Cain) – Prohibition of Extreme Risk Protective Orders:** would, among other things: (1) prohibit cities from adopting a rule, ordinance, order, policy, or other similar measure relating to an extreme risk protective order unless state law specifically authorizes it; and (2) create a state jail offense if a person enforces or attempts to enforce an extreme risk protective order against another person in this state.

**H.B. 1927 (Hull) – Emergency Detentions of a Child:** would, among other things, provide that: (1) a peace officer who takes a person into custody for an emergency detention must use age-

appropriate trauma-informed practices in responding to the situation; (2) a parent, guardian, conservator, or other person standing in parental relation to a child who is made aware that the child is being placed under an emergency detention under (1), above, has the right to take custody of the child and may voluntarily seek treatment or services for the child from a provider of the person's choice; (3) a peace officer may not place a child under an emergency detention without first attempting to contact the child's parent, guardian, conservator, or other person standing in parental relation to the child and informing the person about the person's right under (2), above; (4) if a peace officer transports a child to a facility, the officer must include a statement describing the officer's attempt to contact a parent, guardian, conservator, or other person standing in parental relation to the child, as required by (3), above, in the emergency detention form the officer files with the facility; and (5) a peace officer may not use handcuffs, electrical devices, chemical agents, or any other similar devices intended for use in the control or management of detainees to apprehend a child 10 years of age or younger for purposes of an emergency detention.

**H.B. 1954 (Vo) – Licensing Veterans as Peace Officers:** would: (1) allow a political subdivision, including a city, to appoint or employ, as a peace officer, a legal permanent resident of the United States who is an honorably discharged veteran of the armed forces of the United States; and (2) require that TCOLE issue a peace officer license to a person who is a legal permanent resident of the United States if the person: (a) meets the requirements to be a peace officer; and (b) is an honorably discharged veteran of the armed forces of the United States.

**H.B. 1964 (Hernandez) – Accident Reports:** would provide that on written request and payment of any required fee, the Department of Transportation or a governmental entity shall release accident report information to an employee or authorized representative of a vehicle storage facility that stored a vehicle involved in the accident.

**H.J.R. 91 (Canales) – Cannabis:** would amend the Texas Constitution to provide that the legislature by law shall authorize and regulate the possession, cultivation, and sale of cannabis in Texas. (Companion is **S.J.R. 22** by Eckhardt.)

**S.B. 87 (Johnson) – Marihuana Concentrate:** would: (1) define marihuana concentrate as the resin extracted from marihuana or a compound, manufacture, salt, derivative, mixture, or preparation of the resin; and (2) add marihuana concentrate as a controlled substance subject to criminal penalties for possession or delivery of marihuana concentrate. (Companion bill is **H.B. 127** by Canales.)

**S.B. 106 (Menéndez) – Immigration:** would repeal certain provisions governing state and local enforcement of immigration laws and other provisions related to immigration law, such as the requirement that a law enforcement agency honor a detainer request.

**S.B. 133 (West) – Use of Chemical Irritant Spray:** would provide that peace officers or school security personnel performing security-related duties on school property or at a school-sponsored activity may not restrain or use a chemical irritant spray on a student 10 years of age or younger unless the student poses a serious risk of harm to the student or another person. (Companion bill is **H.B. 459** by Hull.)

**S.B. 140 (West) – No-Knock Warrants:** would provide that: (1) only the following magistrates may issue a warrant authorizing a no-knock entry: (a) a district court judge; (b) a statutory county court judge; (c) a judge of a county court who is an attorney licensed by the state; (d) a judge of municipal court of record who is an attorney licensed by the state; or (e) any magistrate if the county in which the warrant is issued does not have: (i) a municipal court of record with a courtroom located in that county and a judge who is an attorney licensed by this state; (ii) a county court judge who is an attorney licensed by this state; or (iii) a statutory county court judge; and (2) a magistrate listed in (1), above, may issue a no-knock warrant only if: (a) the complaint is submitted concurrently with a statement that approves the use of a no-knock entry and that is signed by the chief administrator of the law enforcement agency employing the affiant or by the chief administrator’s designee; and (b) the warrant requires each peace officer executing the warrant be in uniform or otherwise clearly identifiable as a peace officer. (Companion bill is **H.B. 504** by **Wu**.)

**S.B. 144 (Gutierrez) – Extreme Risk Protective Orders:** would, among other things: (1) provide that, in certain circumstances, courts may issue an extreme risk protective order against a person exhibiting dangerous behavior or conduct, including any behavior or conduct related to the person’s use of firearms, requiring the person to relinquish his or her firearms; (2) require local law enforcement agencies to: (a) take possession of a person’s firearms when a court issues an extreme risk protective order against that person and to immediately provide the person a written copy of the receipt for the firearm and written notice of the procedure for return of the firearm; (b) if applicable, notify the court that issued the extreme risk protective order that the person who is the subject of the order has relinquished the firearm not later than seven days after the law enforcement agency receives the firearm; (c) conduct a check of state and national criminal history record information to verify whether the person may lawfully possess a firearm not later than 30 days after receiving notice from the court that the extreme risk protective order has expired; and (d) if the check described in (c), above, verifies that the person may lawfully possess a firearm, provide written notice to the person by certified mail stating that the firearm may be returned to the person if the person submits a written request before the 121st day after the date of the notice; (3) provide that a local law enforcement agency in possession of a firearm relinquished because of an extreme risk protective order may not destroy the firearm but may sell the firearm to a licensed firearms dealer if the check in (2)(c), above, shows that the person may not lawfully possess a firearm or the person does not submit a written request as required by (2)(d), above; and (4) provide that the proceeds from the sale of a firearm in (3), above, shall be paid to the owner of the seized firearm, less the cost of administering this article with respect to the firearm. (Companion bill is **H.B. 123** by **Goodwin**.)

**S.B. 183 (Miles) – Official Oppression:** would provide that the offense of official oppression is a second-degree felony if the public servant, at the time of the offense, is a licensed peace officer and: (1) causes bodily injury to another or threatens another with imminent bodily injury; and (2) while engaging in the conduct described in (1), above, causes serious bodily injury to another, or uses or exhibits a deadly weapon.

**S.B. 208 (Eckhardt) – Marihuana:** would, among other things, reduce criminal penalties for delivery and possession of marihuana.

**S.B. 209 (Eckhardt) – Cannabis:** would, among other things: (1) authorize the cultivation, manufacture, processing, distribution, sale, testing, transportation, delivery, transfer, possession, use, and taxation of cannabis and cannabis products; (2) provide that a person may prohibit or restrict the possession, consumption, cultivation, distribution, processing, sale, or display of cannabis or cannabis products on property the person owns, occupies, or manages; (3) provide that a commissioners court of a county may order an election to approve the operation of cannabis growers, cannabis establishments, or cannabis testing facilities in the county; (4) provide that a county that authorizes the operation of cannabis growers, cannabis establishments or cannabis testing facilities in the county may adopt regulations consistent with the bill governing the hours of operation, location, manner of conducting business, and number of cannabis growers, cannabis establishments, or cannabis testing facilities; and (5) require a license to operate as a cannabis grower, cannabis establishment, cannabis secure transporter, or cannabis testing facility. (See **S.J.R. 22**, below.)

**S.B. 218 (Eckhardt) – Disciplinary Action Against Peace Officers:** would: (1) require the Texas Commission on Law Enforcement to establish grounds under which the commission shall suspend or revoke a peace officer license on a determination by the commission that the license holder’s continued performance of duties as a peace officer constitutes a threat to the public welfare, including a lack of competence in performing duties, illegal drug use or addiction that substantially impairs the officer’s ability to perform duties, lack of truthfulness in court proceedings or other governmental operations, failure to follow the directives of a supervising officer or to follow the policies of the employing law enforcement agency, and certain discriminatory conduct; and (2) prohibit the commission from considering whether an officer is prosecuted for or convicted of an offense based on the conduct that is the ground for suspension or revocation.

**S.B. 219 (Eckhardt) – Texas Commission on Law Enforcement:** would provide, among other things, that:

1. the Texas Commission on Law Enforcement (TCOLE) shall establish a fee for the issuance of a license as follows: (a) \$80 for a peace officer license; and (b) \$25 for a license other than a peace officer license;
2. TCOLE shall develop and make available, to all law enforcement agencies, a model policy and associated training materials regarding the use of force by peace officers, and such policy must: (a) be designed to minimize the number and severity of incidents in which peace officers use force and include an emphasis on conflict de-escalation and the use of force in a manner proportionate to the threat posed and to the seriousness of the alleged offense; and (b) be consistent with the guiding principles on the use of force issued by the Police Executive Research Forum;
3. in developing a model policy described under Number 2, above, TCOLE shall consult with: (a) law enforcement agencies and organizations, including the Police Executive Research Forum and other national experts on police management and training; and (b) community organizations;

4. on request of a law enforcement agency, TCOLE shall provide the agency with training regarding the policy developed under Number 2, above;
5. TCOLE, by rule, shall establish grounds under which it shall suspend or revoke a peace officer license on a determination that the license holder's continued performance of duties as a peace officer constitutes a threat to the public welfare;
6. the grounds under Number 5, above, must include: (a) lack of competence in performing the license holder's duties as a peace officer; (b) illegal drug use or an addiction that substantially impairs the license holder's ability to perform the license holder's duties as a peace officer; (c) lack of truthfulness in court proceedings or other governmental operations; (d) failure to follow the directives of a supervising officer or to follow the policies of the employing law enforcement agency; (e) discriminatory conduct; or (f) conduct indicating a pattern of: (i) excessive use of force; (ii) abuse of official capacity; (iii) inappropriate relationships with persons in the custody of the license holder; (iv) sexual harassment or sexual misconduct while performing the license holder's duties as a peace officer; or (v) misuse of information obtained as a result of the license holder's employment as a peace officer and related to the enforcement of criminal offenses;
7. a body worn camera policy does not have to require an officer be provided access to any recording of an incident involving the officer before the officer is required to make a statement about the incident;
8. a recording created with a body worn camera and documenting an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer may be released to the public regardless of whether criminal matters have been finally adjudicated and all related administrative investigations have concluded;
9. a law enforcement agency shall permit a person who is depicted in a recording of an incident described by Number 8, above, or, if the person is deceased, the person's authorized representative, to view the recording, on request of the applicable person, provided any authorized representative who is permitted to view the recording was not a witness to the incident; and
10. a law enforcement agency shall adopt a policy for releasing to the public a recording described by Number 8, above, that prioritizes access to the recording in the following order: (a) the civilian oversight system associated with the law enforcement agency, if any; (b) the officer who used deadly force or is under investigation and the individual who is the subject of the recording, or if the individual is deceased, the individual's authorized representative, and any attorney representing the officer, individual, or representative; and (c) the public.

**S.B. 224 (Alvarado) – Catalytic Converter Theft:** among other things, creates a presumption that a person in possession of two or more catalytic converters unlawfully appropriated the catalytic converters, unless the actor: (1) is the owner of each vehicle from which the catalytic converters were removed; or (2) possessed the catalytic converters in the ordinary course of engaging in a business that is required to be licensed or registered, or is otherwise regulated, by this state or a political subdivision of this state, including: (a) an automotive wrecking and salvage yard; (b) a registered metal recycling entity; (c) a registered vehicle dealer; or (d) a garage or shop that is engaged in the business of repairing motor vehicles; or (3) is an employee or agent of a person described by (2), above, and the actor possessed the catalytic converters while performing a duty within the scope of that employment or agency.

**S.B. 252 (Alvarado) – Licensing Veterans as Peace Officers:** would: (1) allow a political subdivision, including a city, to employ, as a peace officer, a legal permanent resident of the United States who is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge; and (2) require that the Texas Commission on Law Enforcement issue a peace officer license to a person who is a legal permanent resident of the United States if the person: (a) meets the requirements to be a peace officer; and (b) is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge.

**S.B. 253 (Eckhardt) – Firearm Signage:** would authorize a person to provide notice that firearms are prohibited on property by posting a sign that: (1) includes, in both English and Spanish, language that is identical to or substantially similar to the following statements, depending on the situation: (a) “No firearms permitted on this property”; (b) “No concealed handguns permitted on this property”; or (c) “No openly carried handguns permitted on this property”; (2) appears on a white background with black block letters at least one inch in height; (3) contains a pictogram that shows, on a white background, a handgun drawn in black ink within a red circle of at least six inches in diameter and a diagonal red line across the handgun; and (4) is displayed in a conspicuous manner clearly visible to the public.

**S.B. 267 (King) – Accreditation Grant Program:** would, among other things, provide that the governor’s criminal justice division shall establish and administer a grant program to provide financial assistance, in an amount that does not exceed \$50,000, to law enforcement agencies for the purpose of becoming accredited or maintaining accreditation: (1) through the Texas Police Chiefs Association Law Enforcement Best Practices Recognition Program; (2) by the Commission on Accreditation for Law Enforcement Agencies, Inc.; (3) by the International Association of Campus Law Enforcement Administrators; or (4) by an association or organization designated by the division. (Companion bill is **H.B. 892** by **Burrows**.)

**S.B. 269 (Perry) – Residential Picketing:** would provide that a person commits an offense that is a Class B misdemeanor if the person engages in picketing before or about the dwelling of any individual with the intent to harass or disturb the individual in the individual’s dwelling.

**S.B. 285 (Eckhardt) – Asset Forfeiture:** would provide, among other things, that: (1) if contraband, other than money, is seized by law enforcement, law enforcement shall notify the owner at the time the owner is taken into or released from custody; (2) if there is no prosecution or conviction following the seizure, the magistrate shall notify the person found in possession of

the contraband that the state may initiate a proceeding to destroy or forfeit the property seized; (3) the person may contest the destruction or forfeiture by appearing before the magistrate on the 30th day after the date the notice was posted; (4) at a proceeding in (2), above, the state has the burden of proving it is entitled to destroy or forfeit the property or proceeds by proving by a preponderance of the evidence that the property or proceeds are contraband; (5) if the state fails to prove by a preponderance of the evidence, the property or proceeds, including the interest earned on the proceeds if the proceeds were deposited in an interest-bearing bank account, must be returned to the interested party not later than the 61st day after the date of the magistrate's ruling; (6) if money is seized in connection with a gambling offense, the state or the political subdivision of the state that employs the law enforcement agency must either deposit the money in an interest-bearing bank account or deposit or store the money in a readily accessible and secure manner until a final judgment is rendered concerning the violation or in a forfeiture proceeding in (2), above; (7) if the state or political subdivision fails to comply with (6), above, a person may bring a civil action against the state or political subdivision for damages incurred by the failure; and (8) sovereign immunity of this state and governmental immunity of a political division to suit and from liability are waived to the extent of liability created by (7), above.

**S.B. 357 (Hall) – Peace Officers:** would provide, among other things, that a peace officer who receives compensation for private employment as a patrolman, guard, extra job coordinator, or watchman is exempt from certain private security regulations (licensing, continuing education, criminal history check, etc.) if the peace officer is compensated at least at the minimum wage rate by the state or a political subdivision of the state

**S.B. 376 (Johnson) – Peace Officer Licensing:** would provide that: (1) a political subdivision, including a city, that commissions and employs peace officers may commission and employ as a peace officer a legal permanent resident of the United States; and (2) the Texas Commission on Law Enforcement (TCOLE) shall issue a peace officer license to a person who is a legal permanent resident of the United States if the person meets the requirements to obtain a license and TCOLE's rules. (Companion bill is **H.B. 1076** by **Neave Criado**.)

**S.B. 386 (Hall) – Capital Murder of Peace Officer or Firefighter:** would provide that an actor charged with capital murder of a peace officer or fireman is presumed to have known that the person murdered was a peace officer or fireman if the person: (1) was wearing a distinctive uniform or badge indicating the person's employment as a peace officer or fireman; or (2) made an identification as a peace officer or fireman to the actor.

**S.B. 405 (Eckhardt) – Lost or Stolen Firearm Reporting:** would provide that: (1) a peace officer who receives a report from an owner of a firearm that the firearm was lost or stolen shall report the loss or theft to the Department of Public Safety (DPS); (2) require the report to include: (a) the name of the owner; (b) any available information about the firearm; and (c) the date that the owner became aware the firearm was lost or stolen; (3) DPS shall regularly send all reports received under (1), above, to the National Crime Information Center; and (4) failure to report to a peace officer or law enforcement agency a lost or stolen firearm by an owner within 24 hours after the time the person became aware the firearm was lost or stolen constitutes a criminal offense.

**S.B. 432 (Middleton) – Catalytic Converter Theft:** would, among other things: (1) provide that an actor in possession of property consisting of a catalytic converter that has been removed from a motor vehicle is presumed to have unlawfully appropriated the property unless the actor: (a) is the owner of the vehicle from which the catalytic converter was removed; (b) possessed the catalytic converter in the ordinary course of engaging in a business that is required to be licensed or registered or is otherwise regulated, by this state or a political subdivision of this state, including: (i) an automotive wrecking and salvage yard; (ii) a metal recycling entity; (iii) a motor vehicle dealer; or (iv) a garage or shop that is engaged in the business of repairing motor vehicles; or (c) is an employee or agent of a person described by (1), above, and the actor possessed the catalytic converter while performing a duty within the scope of that employment or agency; and (2) create a state jail felony if the value of property stolen is less than \$30,000 and the property stolen is a catalytic converter.

**S.B. 443 (Menéndez) – Peace Officer Training:** would provide that as part of the minimum curriculum requirements for a training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments, the program must include instruction on interacting with persons with Alzheimer’s disease and other dementias, including techniques for recognizing symptoms, communicating effectively, employing alternatives to physical restraints, and identifying signs of abuse, neglect, or exploitation. (Companion bill is **H.B. 568** by **Bowers**.)

**S.B. 446 (Menendez) – Red Light Cameras:** would provide that photographic traffic signal enforcement contracts, including those executed before May 17, 2019, are void. (Companion bills **H.B. 167** and **H.B. 177** by **Cortez**)

**S.B. 465 (Bettencourt) – Catalytic Converter Theft:** would, among other things: (1) provide that a person commits an offense if the person intentionally or knowingly possesses a catalytic converter that has been removed from a motor vehicle and the person is not a person who is authorized to possess the catalytic converter; (2) provide that an offense under (1), above, is a state jail felony, unless the person has been previously convicted of the same offense or engaged in conduct constituting a conspiracy to commit a certain offense with respect to a catalytic converter, in which case the offense is a third-degree felony; (3) create a state jail felony for criminal mischief if a motor vehicle that is damaged, destroyed, or tampered with during the removal or attempted removal of a catalytic converter from the motor vehicle and the amount of pecuniary loss is less than \$30,000; and (4) create a state jail felony for theft if the value of property stolen is less than \$30,000 and the property stolen is a catalytic converter.

**S.B. 496 (Zaffirini) – Emergency Dispatcher Training:** would require the Texas Commission on Law Enforcement, in consultation with the Texas A&M Engineering Extension Service, to conduct a study to identify potential improvements to training provided to 9-1-1 emergency service call takers and dispatchers.

**S.B. 497 (Zaffirini) – Kratom Products:** would impose regulations on the sale of Kratom and Kratom products, including labelling and prohibiting the sale to a minor, and authorize a city attorney, among others, to bring an action to recover a civil penalty for violation of those regulations. (Companion bill is **H.B. 861** by **Lozano**.)

**S.B. 521 (West) – Termination Report:** would: (1) require the head of a law enforcement agency or the head’s designee to: (a) submit a report to the Texas Commission on Law Enforcement (TCOLE) regarding a person licensed by TCOLE who separates from the law enforcement agency for any reason; (b) indicate in the report required under (a), above, whether the license holder was suspected of misconduct, including engaging in criminal conduct, regardless of whether the license holder was arrested for, charged with, or convicted of an offense, even if the license holder was not terminated for misconduct; and (2) repeal the provision that provides that: (a) information related to employment records that are submitted to TCOLE is confidential and is not subject to disclosure under the Texas Public Information Act, unless the person resigned or was terminated due to substantiated incidents of excessive force or violations of the law other than traffic offenses; and (b) a TCOLE member or other person may not release employment records that are submitted to TCOLE.

**S.B. 528 (West) – Titling Requirement Exception:** would, among other things, provide that: (1) a metal recycler or used automotive parts recycler may purchase a motor vehicle without obtaining a title in certain circumstances; (2) a metal recycler or used automotive parts recycler under (1), above, shall obtain certain information from the seller or seller’s agent regarding the vehicle and seller; (3) a metal recycler or used automotive parts recycler under (1), above, shall submit information obtained in (2), above, to the Texas Department of Motor Vehicles (DMV) and the National Motor Vehicle Title Information System not later than 24 hours after the close of business on the day the vehicle was received; (4) not later than 48 hours after receiving information from a recycler under (3), above, the DMV shall notify the recycler whether the vehicle has been reported stolen; (5) if the DMV notifies a recycler under (4), above, that a motor vehicle has been reported stolen, the recycler shall notify the appropriate local law enforcement agency of the current location of the vehicle and identifying information of the person who sold the vehicle; (6) the records required to be maintained by a metal recycler or used automotive parts recycler must be open to inspection by a representative of the DMV or a law enforcement officer during reasonable business hours; (7) it is a Class C misdemeanor offense for, among other things, failing to obtain or falsifying information required to be obtained or submitted under (2) and (3), above; and (8) money generated from penalties collected for offenses under (7), above, may be used only for enforcement, investigation, prosecution, and training activities related to motor vehicle related offenses.

**S.B. 529 (West) – Extreme Risk Protective Orders:** would, among other things: (1) provide that, in certain circumstances, courts may issue an extreme risk protective order against a person exhibiting dangerous behavior or conduct as a result of a serious mental illness, including any behavior or conduct related to the person’s use of firearms, requiring the person to relinquish his or her firearms; (2) require local law enforcement agencies to: (a) take possession of a person’s firearms when a court issues an extreme risk protective order against that person and to immediately provide the person a written copy of the receipt for the firearm and written notice of the procedure for return of the firearm; (b) if applicable, notify the court that issued the extreme risk protective order that the person who is the subject of the order has relinquished the firearm not later than seven days after the law enforcement agency receives the firearm; (c) conduct a check of state and national criminal history record information to verify whether the person may lawfully possess a firearm not later than 30 days after receiving notice from the court that the extreme risk protective order has expired; and (d) if the check described in (c), above, verifies that

the person may lawfully possess a firearm, provide written notice to the person by certified mail stating that the firearm may be returned to the person if the person submits a written request before the 121<sup>st</sup> day after the date of the notice; (3) provide that a local law enforcement agency in possession of a firearm relinquished because of an extreme risk protective order may not destroy the firearm but may sell the firearm to a licensed firearms dealer if the check in (2)(c), above, shows that the person may not lawfully possess a firearm or the person does not submit a written request as required by (2)(d), above; and (4) provide that the proceeds from the sale of a firearm in (3), above, shall be paid to the owner of the seized firearm, less the cost of administering this article with respect to the firearm.

**S.B. 530 (West) – Law Enforcement Peer Support Network:** would: (1) require the Caruth Police Institute located at the University of North Texas at Dallas to develop a peer support network for law enforcement officers; (2) provide that information related to a law enforcement officer’s participation in peer-to-peer support and other peer-to-peer services under the network is confidential and not subject to disclosure under the Texas Public Information Act; and (3) provide that the Texas Commission on Law Enforcement may not: (a) take disciplinary action against an officer based solely on the officer’s participation in peer-to-peer support; or (b) consider the officer’s participation in peer-to-peer support during any disciplinary proceeding.

**S.B. 571 (West) – Police Reform:** this bill known as the – “George Floyd Law Enforcement Accountability Act” – would make numerous changes related to interactions between peace officers and individuals detained or arrested on the suspicion of the commission of crimes, peace officer liability for those interactions, and the disciplinary of peace officers in certain cities. Of primary importance to cities, the bill would:

1. with respect to qualified immunity, provide that:
  - a. a person may bring an action for any appropriate relief, including legal or equitable relief, against a peace officer who, under the color of law, deprived the person of or caused the person to be deprived of a right, privilege, or immunity secured by the Texas Constitution;
  - b. a person must bring an action not later than two years after the day the cause of action accrues;
  - c. regardless of any other law, a statutory immunity or limitation on liability, damages, or attorney’s fees does not apply, and qualified immunity or a defendant’s good faith but erroneous belief in the lawfulness of the defendant’s conduct is not a defense;
  - d. a court shall award reasonable attorney’s fees and costs to a prevailing plaintiff, and if a judgment is entered in favor of a defendant, the court may award reasonable attorney’s fees and costs to the defendant only for defending claims the court finds frivolous;

- e. regardless of any other law, a public entity, including a city, shall indemnify a peace officer employed by the entity for liability incurred by and a judgment imposed against the officer, except that an entity is not required to indemnify a peace officer employed by the entity if the officer was convicted of a criminal violation for the conduct that is the basis for the action;
2. with respect to the duties and powers of a peace officer, provide that:
- a. an officer shall: (i) make an identification as a peace officer before taking any action within the course and scope of the officer's official duties, unless the identification would render the action impracticable; (ii) intervene if the use of force by another peace officer: (A) violates state or federal law or a policy of any entity served by the other officer; (B) puts any person at risk of bodily injury, unless the officer reasonably believes that the other officer's use of force is immediately necessary to avoid imminent harm to a peace officer or other person; or (C) is not required to apprehend or complete the apprehension of a suspect; and (iii) provide aid immediately to any person who needs medical attention, including a person who needs medical attention as a result of the use of force by a peace officer;
3. with respect to cite and release, provide that:
- a. the Texas Southern University, in consultation with other law-enforcement related entities shall publish a written model policy regarding the issuance of citations for misdemeanor offenses, including traffic offenses, that are punishable by fine only, and such policy must provide a procedure for a peace officer, on a person's presentation of appropriate identification, to verify the person's identity and issue a citation to the person;
  - b. each law enforcement agency shall adopt a written policy regarding the issuance of citations for misdemeanor offenses, including traffic offenses, that are punishable by fine only, and such policy must meet the requirements for the model policy; and
  - c. a law enforcement agency may adopt the model policy;
4. with respect to de-escalation and proportionate response, provide that:
- a. each law enforcement agency shall adopt a detailed written policy regarding the use of force by peace officers, and such policy must: (i) emphasize conflict de-escalation and the use of force in a manner proportionate to the threat posed and to the seriousness of the alleged offense; (ii) mandate that deadly force is only to be used by peace officers as a last resort; and (iii) affirm the sanctity of human life and the importance of treating all persons with dignity and respect;
  - b. a law enforcement agency may adopt the model policy developed by the Texas Commission on Law Enforcement (TCOLE) or may adopt its own policy;

- c. a peace officer or any other person may not, without a warrant, arrest an offender for a misdemeanor punishable by fine only, other than certain assault offenses or public intoxication;
  - d. a peace officer may not, without a warrant, arrest a person who only commits one or more offenses punishable by fine only, other than certain assault offenses or public intoxication;
  - e. a peace officer who is charging a person, including a child, with committing an offense that is a misdemeanor punishable by fine only, other than public intoxication, shall instead of taking the person before a magistrate, issue a citation, except for certain assault offenses that are misdemeanors punishable by fine only, the officer may, instead of taking the person before a magistrate, issue a citation to the person;
  - f. TCOLE shall develop and make available to all law enforcement agencies a model policy and associated training materials regarding the use of force by peace officers, and the model policy must: (i) be designed to minimize the number and severity of incidents in which peace officers use force; and (ii) be consistent with the requirements of Number 4(a), above, and the guiding principles on the use of force issued by the Police Executive Research Forum; and
  - g. on request of a law enforcement agency, TCOLE shall provide the agency with training regarding the policy developed under Number 4(f), above;
5. with respect to disciplinary procedures for police officers in cities with a population of over 50,000, that have adopted civil service, or have not adopted collective bargaining, provide that:
- a. the city shall implement a progressive disciplinary matrix for its police officers if the city has not adopted civil service, and shall adopt rules necessary to implement the matrix; and
  - b. a meet and confer agreement: (i) must implement the progressive disciplinary matrix; and (ii) may not conflict with and does not supersede a statute, ordinance, order, civil service provision, or rule concerning the disciplinary actions that may be imposed on a police officer under the progressive disciplinary matrix;
6. with respect to certain cities that are subject to civil service, provide that:
- a. the civil service commission shall implement a progressive disciplinary matrix for infractions committed by police officers that consists of a range of progressive disciplinary actions applied in a standardized way based on the nature of the infraction and the officer's prior conduct record, including removal, suspension, change of duty or assignment, demotion, deduction of points from a promotional examination grade, retraining, a written warning, or a written reprimand;

- b. the progressive disciplinary matrix must include: (i) standards for disciplinary actions relating to the use of force against another person, including the failure to de-escalate force incidents in accordance with departmental policy; (ii) standards for evaluating the level of discipline appropriate for uncommon infractions; and (iii) presumptive actions to be taken for each type of infraction and any adjustment to be made based on a police officer's previous disciplinary record;
  - c. a hearing examiner must presume a disciplinary action applied to a police officer under a progressive disciplinary matrix is reasonable unless the facts indicate that the police department inappropriately applied a category of offense to the particular violation;
7. with respect to police officers in cities that are subject to collective bargaining, provide that:
- a. a city shall implement a progressive disciplinary matrix, as described by Number 6, above, for its police officers if the city has not adopted civil service;
  - b. the city shall adopt rules necessary to implement the progressive disciplinary matrix; and
  - c. a collective bargaining agreement may not with an ordinance, order, statute, or rule concerning the disciplinary actions that may be imposed on police officers under a progressive disciplinary matrix implemented by the city;
8. with respect to justified use of force, provide that:
- a. a peace officer, or a person acting in a peace officer's presence and at the officer's direction, is justified in using nonlethal force against another when and to the degree the force is immediately necessary to make or assist in making an arrest or search, or to prevent or assist in preventing escape after arrest, if: (i) before using force, the actor: (A) manifests the actor's purpose to arrest or search and identifies the actor as a peace officer or as a person acting at a peace officer's direction, unless the actor reasonably believes the actor's purpose and identity are already known by or cannot reasonably be made known to the person for whom the arrest or search is authorized; (B) attempts to de-escalate the situation; and (C) issues a warning that force will be used; (ii) the force used is proportionate to the threat posed and to the seriousness of the alleged offense; (iii) the actor immediately terminates the use of force the moment the person against whom force is used becomes compliant or is subdued; and (iv) the use of force does not present a serious risk of injury to any person other than the actor or the person against whom the force is used;
  - b. a person who is not a peace officer or acting at a peace officer's direction is justified in using nonlethal force against another when and to the degree the force is immediately necessary to make or assist in making a lawful arrest, or to prevent or assist in preventing escape after lawful arrest if: (i) before using force, the actor:

(A) manifests the actor's purpose to arrest and the reason for the arrest or reasonably believes the actor's purpose and the reason are already known by or cannot reasonably be made known to the person for whom arrest is authorized; (B) attempts to de-escalate the situation; and (C) issues a warning that force will be used; (ii) the force used is proportionate to the threat posed and to the seriousness of the alleged offense; (iii) the actor immediately terminates the use of force the moment the person against whom force is used becomes compliant or is subdued; and (iv) the use of force does not present a serious risk of injury to any person other than the actor or the person against whom the force is used;

- c. a peace officer is only justified in using deadly force against another when and to the degree the deadly force is immediately necessary to make an arrest, or to prevent escape after arrest, if the use of force would have been justified under Number 8(a), above, and: (i) the person for whom arrest is authorized poses an imminent threat of death or serious bodily injury to the actor or another; (ii) the deadly force is used only against the person for whom arrest is authorized; (iii) the actor immediately terminates the use of deadly force the moment the imminent threat of death or serious bodily injury is eliminated; and (iv) no lesser degree of force could have eliminated the imminent threat of death or serious bodily injury;
  - d. A person who is not a peace officer but is acting in a peace officer's presence and at the officer's direction is justified in using deadly force against another when and to the degree the deadly force is immediately necessary to make a lawful arrest, or to prevent escape after a lawful arrest, if the use of force would have been justified under Number 8(b), above, and: (i) the person for whom arrest is authorized poses an imminent threat of death or serious bodily injury to another; (ii) the deadly force is used only against the person for whom arrest is authorized; (iii) the actor immediately terminates the use of deadly force the moment the imminent threat of death or serious bodily injury is eliminated; and (iv) no lesser degree of force could have eliminated the imminent threat of death or serious bodily injury; and
  - e. the provision that provides that there is no duty to retreat before using justified deadly force is repealed;
9. provide that the use of force or deadly force against a person is not justified if the force or deadly force is used in a manner that impedes the normal breathing or circulation of the blood of the person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth; and
10. provide that a peace officer may not arrest a person found only committing one or more misdemeanors related to traffic offenses that are punishable by fine only and shall issue a written notice to appear if the person makes a written promise to appear in court.

**S.B. 573 (Hughes) – First Responder Key Box Requirements:** would provide that a city that adopts a fire code requiring the owner or occupant of a building to maintain an exterior key box to

provide first responders with access to the building or a restricted area may not require the key box to come from a specific manufacturer or vendor.

**S.B. 575 (Gutierrez) – Immunity Waiver for Constitutional Violations:** would provide that: (1) an injured party may bring an action for any appropriate relief, including legal or equitable relief, against a peace officer who, under color of law, subjects or causes to be subjected, including failing to intervene, any other person to the deprivation of any individual rights, provided that the civil action must be commenced within two years after the cause of action accrues; (2) statutory immunities and limitations on liability, damages, or attorneys fees do not apply to claims brought under (1), above; (3) qualified immunity is not a defense to liability under (1), above; (4) a court shall award reasonable attorneys fees and costs to a prevailing plaintiff, but if a judgment is entered in favor of a defendant, the court may award reasonable attorneys fees and costs to the defendant for defending claims the court finds frivolous; (5) a peace officer’s employer shall indemnify its peace officers for any liability incurred and for any judgment or settlement entered against the peace officer for claims arising under (1), above, except if the peace officer’s employer determines the peace officer did not act upon a good faith and reasonable belief that the action was lawful, then the peace officer is personally liable and shall not be indemnified by the peace officer’s employer for five percent of the judgment or settlement or \$25,000, whichever is less; (6) if the peace officer’s portion of the judgment is uncollectible from the peace officer, the peace officer’s employer or insurance shall satisfy the full amount of the judgment or settlement; and (7) a public entity does not have to indemnify a peace officer if the peace officer was convicted of a criminal violation for the conduct from which the claim arises.

**S.B. 616 (Blanco) – Motorcycle Profiling:** would provide that: (1) a peace officer may not engage in a law enforcement-initiated action based, in whole or in part, on an individual operating a motorcycle or wearing motorcycle-related or motorcycle club-related paraphernalia rather than on the individual’s behavior or on information identifying the individual as having engaged in criminal activity; (2) an individual against whom a peace officer has engaged in motorcycle profiling may bring an action against the peace officer or the governmental unit employing the peace officer to recover damages arising from the motorcycle profiling and for an injunction against future violations; (3) an individual who establishes that a peace officer engaged in motorcycle profiling against the individual is entitled to recover reasonable attorney’s fees and litigation costs; (4) a governmental unit is vicariously liable under the doctrine of respondeat superior for damages arising from motorcycle profiling engaged in by a peace officer employed by the governmental unit; (5) a governmental unit’s sovereign or governmental immunity to suit and from liability is waived to the extent of liability created; and (6) a peace officer may not assert official immunity as a defense to liability.

**S.B. 648 (Middleton) – Enforcement of Criminal Offenses:** would, among other things, provide that: (1) a prosecuting attorney may not adopt, enforce, or implement a policy or practice, whether formal or informal, under which the prosecuting attorney or subordinate of the attorney refuses to bring charges against individuals who commit certain offenses; (2) any resident of this state may file a complaint with the attorney general if the person asserts facts supporting an allegation that a prosecuting attorney in the county where that individual resides has violated or is violating (1), above; (3) a law enforcement agency may not suspend or terminate the employment of, or take other adverse personnel action against, a peace officer or other employee who in good faith submits

a complaint to the attorney general under (2), above, including a complaint based on the refusal by a prosecuting attorney to prosecute a criminal offense in connection with an affidavit made by a peace officer or other employee alleging that probable cause exists to believe a person committed a criminal offense; (4) a peace officer or other employee whose employment is suspended or terminated or who is subject to adverse personnel action in violation of (3), above, may bring an action for: (a) injunctive relief, compensatory damages, court costs, and reasonable attorney's fees; and (b) is entitled to reinstatement of the officer's or employee's former position or an equivalent position, compensation for wages lost during the period of suspension or termination, and reinstatement of fringe benefits and seniority rights lost because of the suspension or termination; and (5) a law enforcement agency shall inform its employees of their rights under this bill by posting a sign in a prominent and visible location in the agency.

**S.B. 659 (Eckhardt) – Emergency Services Districts:** would: (1) require an emergency services district (ESD) to receive the written consent of a city council if it seeks to expand the district to include territory in a city's limits or its extraterritorial jurisdiction; (2) provide that, if the city council does not consent to the expansion within 60 days, a majority of the qualified voters and owners of at least 50 percent of the territory in the city limits or extraterritorial jurisdiction that would have been included in the ESD may petition the city council to make fire control and emergency medical and ambulance services available in the territory; (3) provide that if a city council refuses or fails to act on a petition under (2), above, the refusal or inaction serves as consent for the territory that is subject of the petition to be included in the ESD; (4) require an ESD to receive the written consent of a city council if it seeks to expand the district to include territory designated an industrial district by a city; (5) provide that if a city council consents to the expansion of an ESD into its city limits or extraterritorial jurisdiction, then the expansion may take place in the same manner as other territory under state law; (6) provide that a city council's consent to expansion of an ESD expires six months after the date consent is given; and (7) provide that this bill does not apply if an ESD proposes to expand in the unincorporated area of a county with a population of 3.3 million or more. (Companion bill is **H.B. 1776** by **E. Thompson**.)

**S.B. 661 (LaMantia) – Transporting Person with Disability Registration:** would, among other things, require: (1) an application for vehicle registration to provide space for the applicant to voluntarily indicate that the applicant may transport a person with a disability; and (2) the Department of Public Safety to establish a system to include information received under (1), above, in the Texas Law Enforcement Telecommunications System for the purpose of alerting a peace officer who makes a traffic stop that the operator of the stopped vehicle may be transporting a person with a disability.

**S.B. 665 (Johnson) – Asset Forfeiture Reporting:** would provide that:

1. when property is seized or forfeited under this bill or under an agreement with the federal government, the law enforcement agency that seized the property shall submit certain information to the attorney general, to the extent the information is available or applicable;
2. the attorney general shall establish and maintain a case tracking system to collect and organize data regarding property seized or forfeited;

3. the attorney general shall assign the responsibility for submitting the information required in Number 1, above, to appropriate state or local law enforcement agencies;
4. if property was seized from a confidential informant, the law enforcement agency may delay submitting the information required under Number 1T, above, for any period in which the informant continues to cooperate with the agency;
5. if a law enforcement agency responsible for submitting information to the attorney general under Number 1, above, has not seized any property during the period specified by the attorney general, the agency shall file a report stating that no property was seized;
6. the attorney general shall establish and make available to the public an Internet website with a searchable database that includes:
  - a. the information submitted to the attorney general for inclusion in the case tracking system under Number 1, above;
  - b. the total amount of funds expended from the proceeds of property seized or forfeited;
  - c. an itemized list of any other expenditure of proceeds that was received from a forfeiture, including payments to trade associations, lobbyists, and other agencies; and;
  - d. the total value of seized and forfeited property held by the law enforcement agency at the end of the state fiscal year;
7. a law enforcement agency that expends funds from the proceeds of property seized or forfeited shall submit a report to the attorney general not later than the 30th day after the end of the state fiscal year, unless the attorney general extends the 30-day period for a period determined by the attorney general if the attorney general finds good cause for the extension;
8. a law enforcement agency in violation of Number 7, above, is subject to a civil penalty for each violation:
  - a. in an amount equal to \$500, or 25 percent of the forfeiture proceeds received by the law enforcement agency, whichever is greater; or
  - b. in a reasonable amount determined by the office of the attorney general;
9. sovereign immunity of this state and governmental immunity of a political subdivision to suit and from liability is waived to the extend of liability created by Number 8, above;

10. the attorney general may charge a reasonable fee to a law enforcement agency that submits information under Number 1, above, or Number 6, above, to cover the costs associated with maintaining the case tracking system and Internet website;
11. the attorney general shall compile and submit to the governor, lieutenant governor, and the speaker of the house of representatives a report summarizing activity related to property seized and forfeited; and
12. all information and reports submitted to the attorney general or published by the attorney general are public information subject to disclosure under the Texas Public Information Act.

**S.B. 704 (Paxton) – Genetic and Biometric Information:** would, among other things, provide that:

1. a direct-to-individual genetic testing company may not disclose an individual's genetic data to a law enforcement entity or other governmental body unless: (a) the company first obtains the individual's express written consent; or (b) the entity or governmental body obtains a warrant, or complies with another valid legal process required by the company;
2. a peace officer may require a business that collects and analyzes genetic information to provide information about an individual's genetic traits or biological relationships by obtaining a warrant or by obtaining the consent of the individual;
3. a court may issue a warrant for genetic information held by a business that collects and analyzes genetic information to provide information about an individual's genetic traits or biological relationships only if the applicant for the warrant shows that reasonable investigative leads have been pursued and have failed to identify the perpetrator of an alleged criminal offense;
4. a peace officer who obtains a warrant with respect to genetic information held by a business described by Number 3, above, may apply to the court issuing the warrant for an order commanding the business to whom the warrant is directed not to disclose to any person the existence of the warrant, and such order is effective for the period the court considers appropriate;
5. a court shall enter the order described in Number 4, above, if the court determines that there is reason to believe that notification of the existence of the warrant will lead to an adverse result, including: (a) endangering the life or physical safety of an individual; (b) flight from prosecution; (c) destruction of or tampering with evidence; (d) intimidation of a potential witness; or (e) otherwise seriously jeopardizing an investigation or unduly delaying a trial;
6. unless an order is issued under Number 5, above, the peace officer who executes a warrant for the genetic information of a customer shall notify the customer of the existence of the warrant;

7. a governmental body may not capture or possess a biometric identifier of an individual or require a biometric identifier as a prerequisite for providing a governmental service to the individual unless the governmental body: (a) has specific, explicit statutory authority that allows the governmental body to: (i) capture or possess the biometric identifier; or (ii) require the individual's biometric identifier as a prerequisite for providing a governmental service to the individual; (b) obtains the voluntary, written consent of the individual or the individual's legal guardian; (c) is a health care provider or health care facility that captures, possesses, or requires the individual's biometric identifier in the provision of health care services to the individual; or (d) is a criminal justice agency that captures, possesses, or requires the individual's biometric identifier while engaged in the administration of criminal justice;
8. a governmental body shall promptly destroy a sample of genetic material obtained from an individual for a genetic test after the purpose for which the sample was obtained is accomplished unless: (a) the sample is retained under a court order; (b) the individual authorizes retention of the sample for medical treatment or scientific research; (c) the sample was obtained for research authorized by an institutional review board and retention of the sample is subject to certain requirements;
9. with certain exceptions, genetic information is confidential and privileged regardless of the source of the information and a governmental body that holds an individual's genetic information may not disclose or be compelled to disclose, by subpoena or otherwise, that information unless the disclosure is specifically authorized by the individual;
10. a governmental body may redisclose genetic information without an individual's authorization for actuarial or research studies if: (a) a tested individual could not be identified in any actuarial or research report; and (b) any materials that identify a tested individual are returned or destroyed as soon as reasonably practicable.
11. a person who collects a specimen from an individual to test for a specific disease may not use or analyze the specimen for a purpose unrelated to the test without the individual's express consent to the use or analysis for another purpose;
12. a person who obtains an individual's specimen or other personal information in relation to the collection of COVID-19 data may not disclose that information without the express consent of the individual; and
13. a person who violates Numbers 11 and 12, above, is subject to a civil penalty of not more than \$1,000 for each violation and the attorney general may bring an action to recover the civil penalty.

**S.B. 709 (Campbell) – School Marshals:** would, among other things: (1) allow school volunteers of a school district, open-enrollment charter school, private school, or public junior college who

hold a license to carry a handgun to obtain training for appointment as a school marshal from the Texas Commission on Law Enforcement (TCOLE); and (2) require TCOLE to submit identifying information for each person who participates in the training program in (1), above, to the chief law enforcement officer of the local municipal law enforcement agency if the person is employed or volunteers at a campus of a school district, open-enrollment charter school, private school, or public junior college located within a municipality.

**S.J.R. 22** (Eckhardt) – **Cannabis**: would amend the Texas Constitution to provide that the legislature by law shall authorize and regulate the possession, cultivation, and sale of cannabis in Texas. (See **S.B. 209**, above.)

### **Sales Tax**

**H.B. 24** (Neave Criado) – **Sales Tax Exemption**: would exempt maternity clothing from the sales tax.

**H.B. 43** (Spiller) – **Value Added Tax**: would, among other things, repeal local sales and use taxes and authorize a political subdivision that was authorized to impose a sales and use tax to impose a value added tax not to exceed two percent.

**H.B. 48** (Neave Criado) – **Sales Tax Exemption**: would exempt children’s diapers and baby wipes from the sales tax.

**H.B. 70** (Howard) – **Sales Tax Exemption**: would exempt feminine hygiene products from the sales tax.

**H.B. 105** (Noble) – **Sales Tax Exemption**: would exempt the furnishing of an academic transcript from sales taxes. (Companion bill is **S.B. 65**.)

**H.B. 164** (Canales) – **Sales Tax Exemption**: would exempt the sale, use, or consumption of college textbooks from sales taxes during two seven-day periods, one beginning in August and one beginning in January.

**H.B. 199** (Howard) – **Sales Tax Exemption**: would exempt child and adult diapers from the sales tax.

**H.B. 268** (Toth) – **Value Added Tax**: would, among other things, repeal local sales and use taxes and authorize a political subdivision that was authorized to impose a sales and use tax to impose a value added tax not to exceed two percent.

**H.B. 346** (Jetton) – **Sales Tax Exemption**: would exempt certain school supplies purchased by a teacher from the sales taxes.

**H.B. 432** (Schofield) – **Sales Tax Sourcing**: would, among other things, generally provide that for purposes of city sales and use taxes, sales of taxable items are consummated at the location in

the state where the item was stored immediately before shipment, delivery, or transfer of possession to the customer.

**H.B. 510 (Wu) – Sales Tax Exemption:** would exempt feminine hygiene products from the sales tax. (Companion bill is **S.B. 128** by Springer.)

**H.B. 577 (Leo-Wilson) – Value Added Tax:** would, among other things, repeal local sales and use taxes and authorize a political subdivision that was authorized to impose a sales and use tax to impose a value added tax not to exceed two percent.

**H.B. 640 (Julie Johnson) – Street Maintenance Sales Tax:** would, among other things, provide that: (1) for a city in which a majority of the voters voting in each of the last two consecutive elections concerning the adoption or reauthorization of the street maintenance sales tax favored adoption or reauthorization and in which the tax has not expired since the first of those two consecutive elections, the city may call an election to reauthorize the tax for a period of eight or ten years, instead of four years; and (2) revenue from the street maintenance sales tax may be used to maintain and repair: (a) a city street or sidewalk; and (b) a city water, wastewater, or stormwater system located in the width of a way of a city street.

**H.B. 688 (Cole) – Sales Tax Exemption:** would exempt a personal computer or tablet computer from the sales tax during the same weekend that school supplies and backpacks are exempt from the sales tax.

**H.B. 1037 (Meza) – Sales Tax Exemption:** would exempt taxable items used to assist persons with intellectual, developmental, or cognitive disabilities from the sales and use tax.

**H.B. 1216 (Dean) – Marketplace Seller:** would exclude from the definition of “marketplace seller” an affiliate of the marketplace provider.

**H.B. 1265 (Button) – Sales Tax Exemption:** would exempt certain wound care dressing products and feminine hygiene products from the sales tax. (Companion bill is **S.B. 379** by **Huffman**.)

**H.B. 1465 (Bucy) – Local Sales Tax Sourcing:** would provide that: (1) a location that, under the law in effect on August 31, 2019, was a place of business of the retailer for purposes of certain economic development agreements, entered into by a retailer and a city on or before August 31, 2019, remains a place of business of the retailer for the term of the agreement; and (2) during the term of the agreement, the sale of a taxable item is consummated at that place of business if the sale would have been consummated at that place of business under the law in effect on August 31, 2019. (Companion bill is **S.B. 333** by **Schwertner**.)

**H.B. 1887 (Thierry) – Sales Tax Exemption:** would exempt maternity clothing from the sales and use tax.

**S.B. 65 (Zaffirini) – Sales Tax Exemption:** would exempt the furnishing of an academic transcript from sales taxes. (Companion bill is **H.B. 105**.)

**S.B. 128 (Springer)** – **Sales Tax Exemption:** would exempt feminine hygiene products from the sales tax. (Companion Bill is **H.B. 510** by **Wu.**)

**S.B. 278 (Eckhardt)** – **Sales Tax Exemption:** would exempt the sale, use, or consumption of college textbooks from sales taxes during two seven-day periods designated by the comptroller, one beginning in August and one beginning in January. (Companion bill is **H.B. 164** by **Canales.**)

**S.B. 327 (Hall)** – **Sales Tax Exemption:** would exempt the following emergency preparation items from the sales tax: hand warmer, lantern tool, highway flare, sewing kit, Swiss Army knife, nylon rope, foldable shovel, wrench, pliers, sleeping bag, waterproof matches, and water purifier.

**S.B. 333 (Schwertner)** – **Local Sales Tax Sourcing:** would provide that: (1) a location that, under the law in effect on August 31, 2019, was a place of business of the retailer for purposes of certain economic development agreements, entered into by a retailer and a city on or before August 31, 2019, remains a place of business of the retailer for the term of the agreement; and (2) during the term of the agreement, the sale of a taxable item is consummated at that place of business if the sale would have been consummated at that place of business under the law in effect on August 31, 2019.

**S.B. 340 (Springer)** – **Sales Tax Exemption:** would exempt child and adult diapers from the sales tax.

**S.B. 341 (Springer)** – **Mixed Beverage Tax:** would exclude a nonprofit entity temporary event permittee that sells only wine and malt beverages containing alcohol in excess of one-half of one percent by volume but not more than 17 percent by volume from the definition of “permittee” for purposes of the mixed beverage gross receipts and sales tax so that those permittees are not subject to the taxes.

**S.B. 379 (Huffman)** – **Sales Tax Exemption:** would exempt certain wound care dressing products and feminine hygiene products from the sales tax. (Companion bill is **H.B. 1265** by **Button.**)

**S.B. 612 (Johnson)** – **Street Maintenance Sales Tax:** would, among other things, provide that: (1) for a city in which a majority of the voters voting in each of the last two consecutive elections concerning the adoption or reauthorization of the street maintenance sales tax favored adoption or reauthorization and in which the tax has not expired since the first of those two consecutive elections, the city may call an election to reauthorize the tax for a period of eight or ten years, instead of four years; and (2) revenue from the street maintenance sales tax may be used to maintain and repair: (a) a city street or sidewalk; or (b) a city water, wastewater, or stormwater system located in the width of a way of a city street. (Companion bill is **H.B. 640** by **Julie Johnson.**)

### **Community and Economic Development**

**H.B. 92 (Landgraf)** - **Residential Food Production:** would, among other things, (1) prohibit a municipality and a property owners’ association from adopting or enforcing an ordinance or restrictive covenant that prohibits any of the following activities on a residence homestead

property: (a) the growing of fruits and vegetables; (b) the raising or keeping of: (i) six or fewer domestic fowl; or (ii) six or fewer adult rabbits; or (c) installing for on-site use: (i) a solar or wind-powered energy device; (ii) an underground shelter; (iii) rain barrels or a rainwater harvesting system; or (iv) a standby electric generator; (2) allow a municipality and a property owners' association to impose: (a) reasonable regulations on the growing of fruits and vegetables on a residence homestead that do not have the effect of prohibiting growing those plants, including a requirement that the growing area be maintained in good condition if visible from the street or adjoining property and for the trimming or removal of a tree for the maintenance of a utility easement; and (b) reasonable regulations on the raising and keeping of rabbits and fowl on a residence homestead to control odor, noise, safety, or sanitary conditions that do not have the effect of prohibiting the raising or keeping of these animals, including: (i) limitations on the number of animals that is more than the minimum number allowed by this law or a total combined number of eight fowl and rabbits; (ii) a prohibition on raising or keeping of a rooster; (iii) defining the minimum distance between an animal shelter and a residential structure; (iv) requiring fencing or shelter sufficient to contain the animals; (v) defining the minimum requirements for combined housing and outdoor space as provided by this law; (vi) adopting requirements to address sanitary conditions to prevent offensive odors or pests; or (vii) requiring that the animals be kept in the side or rear yard; and (3) provide that an adopted ordinance or restrictive covenant that violates this law is void. (See **H.J.R. 9**, below.)

**H.B. 149 (Murr) – Sale of Parkland:** would allow any home rule city to sell park land owned by the city without an election if: (1) the park is of two acres or less; (2) the park is no longer usable and functional as a park; (3) the proceeds of the sale will be used to acquire land for park purposes; (4) a public hearing on the proposed conveyance is held by the city council and it is found that the property is no longer usable and functional as a park; and (5) the park is conveyed pursuant to an ordinance adopted by the city council, unless within 60 days from the date of the public hearing the city council is presented with a petition opposing the conveyance, in which case the city council shall either deny the conveyance or shall approve the conveyance subject to holding an election.

**H.B. 163 (Spiller) – Lobby Registration:** would provide that a person who has established an attorney-client relationship with a political subdivision to provide legal services and who is entitled to receive compensation, reimbursement, or expenses under an agreement under which the person is retained or employed by the political subdivision is not required to register as a lobbyist.

**H.B. 170 (Spiller) – Community Advocacy:** would: (1) prohibit the governing body of a public entity, including a city, from spending public money or providing other compensation to a lobbyist to communicate directly with one or more members of the legislative branch to influence legislation pending before the legislature unless the expenditure is: (a) authorized by a majority vote of the governing body of the entity in an open meeting of the governing body; and (b) voted on by the governing body as a stand-alone item on the agenda at the meeting; (2) require a public entity that contracts with a lobbyist to publish on the entity's Internet website: (a) the amount of money authorized for the purpose of contracting with the person; (b) the name of the person, (c) a copy of the contract; (d) the amount of money, if any, spent by the entity for membership fees or dues to a nonprofit state association or organization of similarly situated entities that contracts with a lobbyist; and (e) a copy of any current legislative agenda or resolution adopted by the entity; (3) prohibit a lobbyist that contracts with a public entity from communicating directly with a member

of the legislative branch on behalf of the entity regarding legislation pending before the legislature that specifically proposes to amend Tax Code Sections 26.04 or 26.041 (dealing with calculation of property tax rates); (4) prohibit a public entity from providing reimbursement to a lobbyist for an expenditure made by the person for food, beverages, or entertainment; (5) provide that if a public entity does not comply with (1) - (4), above, a resident of or person receiving services from the entity may file a sworn complaint with the Texas Ethics Commission against the entity; (6) provide that an officer or employee of a public entity is not prevented from: (a) providing information for a member of the legislative branch; (b) appearing before a legislative committee; or (c) communicating directly with one or more members of the legislative branch to influence legislation pending before the legislature; and (7) repeal the requirement that a political subdivision prominently display on its website a disclosure and itemization of certain expenditures relating to lobbying activities after entering into a consulting services contract.

**H.B. 183 (Gates) – Dissolution of Municipal Management Districts:** would, among other things, provide for the dissolution of a municipal management district (MMD) by written petition filed with the MMD’s board of directors by the owners of the majority of the assessed value of the property subject to assessment or taxation by the district.

**H.B. 234 (Bernal) – Real Property Sales Price Disclosure:** would provide that: (1) a person may not record an instrument conveying commercial or industrial real property under a contract for sale unless the instrument discloses the sales price of the property; (2) the purchaser of any commercial or industrial property for which an instrument is recorded in violation of (1), above, is liable to the state for a civil penalty in an amount equal to five percent of the sales price of the property; (3) the attorney general or the county or district attorney for the county in which the commercial or industrial property is located may bring suit to recover a penalty from (2), above; and (4) an instrument conveying only a mineral interest in real property need not disclose the sales price.

**H.B. 254 (Bernal) – Sale of Distilled Spirits:** would, among other things, authorize the holder of distiller’s and rectifier’s permit to sell distilled spirits at a civic or distilled spirits festival, farmers’ market, celebration, or similar event.

**H.B. 265 (Bernal) – Housing Discrimination:** would: (1) prohibit housing discrimination under the Texas Fair Housing Act on the basis of sexual orientation or gender identity; and (2) prohibit the Texas Workforce Commission from deferring proceedings and referring a complaint about discrimination described in (1), above, to a city if the city does not have laws prohibiting the alleged discrimination.

**H.B. 276 (Cortez) – Residential Food Production:** would, among other things, (1) prohibit a city from adopting or enforcing an ordinance that prohibits any of the following activities on a single-family residential lot: (a) the growing of fruits and vegetables; or (b) the raising of six or fewer domestic fowls or six or fewer rabbits; (2) allow a city to impose reasonable regulations on the growing of the fruits and vegetables in the front, side, or rear yard of a residence, including: (a) a requirement that the growing area be maintained in good condition of visible from the street faced by the lot or from an adjoining lot; and (b) a requirement for the trimming or removal of a tree as necessary for the maintenance of a utility easement; (3) allow a city to impose reasonable regulations on the raising or keeping of fowls or rabbits on a single-family residential lot to control

odor, noise, safety, or sanitary conditions that do not have the effect of prohibiting the raising or keeping of the fowl or rabbits, including: (a) a limit on the number of fowl or rabbits that is more than the minimum number allowed by (1), above, or a total combined number of eight fowl and rabbits; (b) a prohibition on raising or keeping of a rooster; (c) the minimum distance between an animal shelter and a residential structure other than the animal owner's own residence; (d) a requirement for fencing or shelter sufficient to contain the fowl or rabbits on the owner's property; (e) minimum requirements for combined housing and outdoor space of at least 20 square feet per fowl and nine square feet per rabbit; (f) a requirement to address sanitary conditions in a manner that prevents accumulation of animal waste in a quantity sufficient to create an offensive odor or attract pests; or (g) a requirement that the fowl or rabbits may only be kept in the side or rear yard of a residence; (4) provide that the requirements in (1) and (2), above, do not apply to a condominium unit; and (5) provide that an ordinance adopted by a city that violates state law is void.

**H.B. 297 (Bernal) – Payday and Auto Title Lending:** would provide for the statewide regulation of payday and auto title lenders. Of primary importance for cities, the bill would: (1) provide that a city ordinance regulating credit access businesses is not preempted by state law; and (2) provide that, if a city ordinance conflicts with a provision of state law, the more stringent regulation controls.

Additionally, the bill would, among other things:

(1) require the contract and other documents provided by a credit access business to be written wholly in English or the language in which the contract is negotiated, and read in their entirety in the language in which the contract is negotiated to any consumer who cannot read; (2) prohibit a credit services organization from assisting a consumer in obtaining an extension of consumer credit in any form other than a single-payment payday loan, multiple-payment payday loan, single payment auto title loan, or multiple-payment auto title loan; (3) provide that each day of a continuing violation of a provision related to state notice and disclosure requirements or state licensing and regulation requirements by a credit services organization constitutes a separate offense; (4) provide that the general limitations on payday and auto title loans in the bill apply to any consumer physically located in this state at the time the loan is made, regardless of whether the loan was made in person in this state; (5) require a credit access business to require certain types of documentation to establish a consumer's income for purposes of extending credit; (6) provide specific limitations on the structure of single-payment and multiple-payment payday and auto title loans; (7) require any refinance of a payday or auto title loan to: (a) be authorized by state law; (b) be in the same form as the original loan; and (c) meet all requirements applicable to the original loan; and (8) require a credit access business to maintain a complete set of records of all loans and retain the records until the third anniversary of the date of the loan.

**H.B. 299 (Murr) – Recovery Housing:** would, among other things: (1) prohibit a city or county from adopting or enforcing an ordinance, order, or other regulation that prevents a recovery house from operating in a residential community; and (2) require the Health and Human Services Commission to adopt minimum standards for certification as a recovery house that are consistent with standards from the National Alliance for Recovery Residences and authorize one or more

credentialing organizations to develop and administer a voluntary certification program for recovery housing.

**H.B. 376 (Rogers) – Landowner’s Bill of Rights:** would provide that the Landowner’s Bill of Rights must additionally include: (1) notice of a landowner’s right to submit a report of decreased value of the landowner’s remaining property to the county appraisal district office after a taking; and (2) a copy of the report of decreased value issued by the comptroller.

**H.B. 427 (VanDeaver) – Excavation Notice:** would provide, among other things, that within a certain timeframe before beginning excavation, a person who intends to excavate shall: (1) notify a notification center; and (2) place at least one temporary sign displaying certain required information at or near the excavation site, which sign may not be removed until the excavation is complete; however, the sign required in (2), above, may only be placed on: (a) property by owner consent; (b) a public highway in a location that does not obstruct traffic; or (c) a street lamp or utility sign, pole, or fixture.

**H.B. 540 (Longoria) – Library Construction Grants:** would: (1) add construction grants for the establishment of new public libraries or the improvement of existing libraries to the list of possible grants programs that may be established by the Texas State Library and Archives Commission; and (2) allow libraries and library systems to use state grants for new construction, rehabilitation, or renovation of a library or the infrastructure of a library. (Companion bill is **S.B. 197** by **Eckhardt.**)

**H.B. 586 (E. Thompson) – Annexation of Roadways:** would provide that: (1) a city may annex a road right-of-way (ROW) that: (a) is contiguous to the city’s boundary or to an area being simultaneously annexed by the city; (b) is either: (i) parallel to the boundary of the city or to an area being simultaneously annexed by the city; or (ii) connects the boundary of the city to an area being simultaneously annexed by the city or to another point on the city’s boundary; and (c) does not result in the city’s boundaries surrounding any area that was not already in the city’s extraterritorial jurisdiction (ETJ) immediately before the annexation of the ROW; (2) a city may annex a ROW under (1), above, only if: (a) the owner of the ROW or the governing body of the political subdivision that maintains the ROW requests the annexation of the ROW in writing; or (b) both the city provides written notice of the annexation to the owner of the ROW or the governing body of the political subdivision that maintains the ROW not later than the 61st day before the date of the proposed annexation and the owner or the governing body of the political subdivision that maintains the ROW does not submit a written objection to the city before the date of the proposed annexation; and (3) an annexation of ROW described by (1)(b)(ii), above, does not expand the city’s ETJ.

**H.B. 615 (Patterson) – Economic Development Corporation:** would authorize an economic development corporation, by election, to spend on a project for: (1) general infrastructure, limited to the development, improvement, maintenance, or expansion of streets and roads, water supply facilities, or sewage facilities; or (2) improving, enhancing, or supporting public safety, including: (a) expenditures for improving public safety facilities; (b) expenditures for public safety equipment and for first responders and other personnel; and (c) other expenditures that enhance the level of services provided by public safety facilities.

**H.B. 643 (Patterson) – Sexually Oriented Businesses:** would provide that a commercial enterprise that provides a drag performance for an audience of two or more individuals is a sexually oriented business.

**H.B. 696 (Rogers) – Excavation Notice:** would provide that not later than two hours after receipt of a notice of intent to excavate, a notification center shall notify each landowner in the proposed area of excavation.

**H.B. 708 (Shaheen) – Sexually Oriented Businesses:** would provide that a commercial enterprise that provides a drag performance for an audience of two or more individuals is a sexually oriented business.

**H.B. 780 (Collier) – Homeless Housing:** would expand the ability of the Texas Department of Housing and Community Affairs to administer a homeless housing and services program in each city in the state with a population of 285,500 or more to include programs to prevent homelessness resulting from displacement due to economic development activities.

**H.B. 783 (Meza) – Cemeteries:** would, in a city in a county with a population of more than 750,000 or a city in a county adjacent to a county with a population of more than 750,000, provide that: (1) an individual, corporation, partnership, firm, trust, or association may file a written application with the city council to establish or use a cemetery located inside the city limits; and (2) the city council by ordinance shall prescribe the information to be included in the application in (1), above, and may authorize the establishment or use of the cemetery if the city council determines and states in the ordinance that the establishment or use of the cemetery does not adversely affect public health, safety, and welfare.

**H.B. 787 (Patterson) – Tax Incentives:** would provide that: (1) a business entity is ineligible to receive a tax incentive if the entity assists an employee to obtain an abortion, including by paying all or part of any charges associated with the procedure or costs associated with traveling to a location for the procedure; and (2) a business entity that is receiving a tax incentive on the date the entity becomes ineligible under (1), above, may not receive an incentive: (a) after December 31 of the calendar year in which the entity becomes ineligible for a property tax incentive; or (b) after the date the entity becomes ineligible for any other incentive other than a property tax incentive.

**H.B. 834 (Campos) – Homelessness:** would, among other things: (1) provide that the Department of Housing and Community Affairs may implement and administer a pilot program to solicit donations made by text message for the benefit of local programs that provide services to homeless individuals and families in municipalities with a population of 285,000 or more; and (2) provide that of any money donated under the program, the department shall allocate: (a) not less than 65 percent for costs associated with housing homeless individuals and families; (b) not less than 20 percent for transportation costs; (c) not less than five percent for the promotion of the program; and (d) not more than 10 percent for overhead and administrative costs.

**H.B. 866 (Oliverson) – Plat or Plan Submissions Limitations:** provides, among other things, that a city may not: (1) require a person to fulfill any prerequisites or conditions or obtain any approvals before filing a copy of a plan or plat; (2) delay the starting date for calculating any

timeframe to approve or disapprove a plan or plat by not considering the date the plan or plat was filed as the starting date; or (3) refuse to accept, acknowledge, process, or act on a filed copy of the plan or plat.

**H.B. 912 (Campos) – Homelessness:** would, among other things: (1) provide that the Texas Department of Housing and Community Affairs (TDHCA) may: (a) operate the transitional housing pilot program in coordination with one or more cities or counties; and (b) provide a grant from the Ending Homelessness fund to a city or county with which TDHCA coordinates to operate the program; and (2) require TDHCA to give priority in issuing grants from the Ending Homelessness fund to cities and counties that coordinate with TDHCA in the operation of the transitional housing pilot program.

**H.B. 913 (Campos) – Homelessness Data System:** would: (1) require the Texas Interagency Council on Homelessness to collaborate with a state agency designated by the council to establish a statewide homelessness data system through which state agencies and local governmental entities are able to access and share information related to individuals experiencing homelessness; (2) provide that, in developing the data system, the council and the state agency designated by the council shall, among other things, consult with representatives of the entities in (1), above, to determine the challenges faced by those entities in addressing homelessness and how best to improve the responses to those challenges; and (3) require the data system established in (1), above, to: (a) to the extent permitted by a data sharing agreement, collect data from other homelessness data systems maintained or operated by a state agency, local law enforcement agency, or other entity of Texas; and (b) collect, aggregate, analyze, and share homelessness information submitted to the data system with entities that have access to the system.

**H.B. 953 (Dutton) – Tax Preferences:** would: (1) require a select commission to review all state and local “tax preferences” and develop a review schedule under which tax preferences are reviewed once during each six-year period; (2) require the commission in (1), above, to file a final report on tax preferences to the governor and the presiding officers of the Senate Finance Committee and the House Ways and Means Committee not later than September 1 of each even-numbered year; (3) provide that a tax preference included in a final report under (2), above, expires on the second anniversary of the date the final report is filed, unless reauthorized by law; and (4) provide that each tax preference enacted by the legislature that becomes law on or after September 1, 2024, expires six years after the date it takes effect, unless the legislature provides an earlier or later expiration date. (See **H.J.R. 60**, below.)

**H.B. 983 (Leo-Wilson) – Land Use Regulation of Schools:** would provide, among other things, that: (1) cities shall consider an open-enrollment charter school a school district for purposes of, among other things, zoning, permitting, platting, subdivision, construction and site development, land development regulation, application processing and timelines, regulation of architectural features, business licensing, franchises, utility services, signage, the requirements for posting bonds or securities, contract requirements, and fees and assessments; (2) cities may not take any action that prohibits an open-enrollment charter school from operating a public school campus, educational support facility, athletic facility, or administrative office that it could not take against a school district; (3) sections (1) and (2), above, apply to property owned or leased by the charter school; (4) charter schools may be exempt from city ordinances and regulations related to

municipal drainage utility systems; and (5) charter schools are treated the same as school districts with regard to development agreements between a city and a school located in an area annexed for limited purposes.

**H.B. 1014 (Plesa) - Housing Authority:** would require any housing authority policy permitting tenant ownership of a pet to comply with all applicable county or municipal restrictions on dangerous dogs .

**H.B. 1148 (Rosenthal) – Housing Assistance Regulation:** would repeal the provisions in current law that generally prohibit a city or county from adopting or enforcing an ordinance or regulation that prohibits an owner, lessee, sublessee, assignee, managing agent, or other person having the right to lease, sublease, or rent a housing accommodation from refusing to lease or rent the housing accommodation to a person because the person’s lawful source of income to pay rent includes funding from a federal housing assistance program.

**H.B. 1158 (Darby) – Clean Energy Projects:** would: (1) remove the requirement that an application for a permit for an advanced clean energy project under the Clean Air Act had to be received by the commission before January 1, 2020; (2) add to the list of programs that may be considered for a new technology implementation grant: (a) the installation of a system to reduce or eliminate carbon dioxide emissions; and (b) projects that utilize technology to capture, use, reuse, store, or sequester carbon dioxide emissions for the principal purpose of preventing carbon dioxide from entering the atmosphere and are constructed integral or adjacent to a petrochemical plant or an electric generation facility, including a facility powered by coal, natural gas, hydrogen, or ammonia; and (3) exempt from the sales tax components of tangible personal property used in connection with the capture, use, reuse, storage, or sequestration of carbon dioxide emissions for the principal purpose of preventing carbon dioxide from entering the atmosphere.

**H.B. 1159 (Anderson) - Housing Authority:** would require any housing authority policy permitting tenant ownership of a pet to comply with all applicable county or municipal restrictions on dangerous dogs imposed under the Health and Safety Code. (Companion bill is **S.B. 349** by **Campbell**.)

**H.B. 1193 (Turner) – Housing Discrimination Prevention:** provides that a property owners' association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts, or has the effect of prohibiting or restricting, a property owner from renting a dwelling to a person based on the person's method of payment.

**H.B. 1246 (Craddick) – Automatic Disannexation:** (1) defines “full municipal services” to mean (a) the provision of (i) police protection; (ii) fire protection, including fire hydrants; (iii) emergency medical services; and (iv) certain solid waste collection services; and (b) the operation and maintenance of (i) water and wastewater facilities; (ii) roads and streets including road and street lighting; and (iii) any other facility, building, or service owned by the city; and provides that (2) any area in which the city is not providing or causing the provision of full municipal services is disannexed as of December 31, 2023 unless the city is not currently required to provide full municipal services under a service plan or has entered into a regulatory plan or other written agreement to extend the time for providing or waive provision of full municipal services; (3)

should a city fail or refuse to recognize the disannexation of an area under section (2), above, a person owning property located in the area may bring an action against the city to compel disannexation of the portion of the property located in the city and may recover attorney's fees and court costs; and (4) governmental immunity is waived for purposes of section (3), above. (Companion bill is **S.B. 369** by **Campbell**.)

**H.B. 1266** (**Schatzline**) – **Sexually Oriented Businesses**: would provide that a commercial enterprise that provides a drag performance for an audience of two or more individuals is a sexually oriented business. (Companion bill **S.B. 476** by **Hughes**).

**H.B. 1279** (**Tepper**) – **Reduction of Extraterritorial Jurisdiction**: would provide, among other things, that the extraterritorial jurisdiction of a city is the unincorporated area contiguous to the corporate boundaries located within: (1) 250 feet of those boundaries, for cities with fewer than 5,000 inhabitants; (2) 500 feet of those boundaries, for cities with 5,000 to 24,999 inhabitants; (3) 1,000 feet of those boundaries, for cities with 25,000 to 49,999 inhabitants; (4) one-quarter mile of those boundaries, for cities with 50,000 to 99,999 inhabitants; and (5) one-half mile of those boundaries, for cities with 100,000 or more inhabitants.

**H.B. 1286** (**Guillen**) – **RV Parks**: would: (1) adopt certain construction safety standards applicable to certain privately owned and operated recreation vehicle parks or campgrounds on which sites for recreational vehicles, recreational park trailers, or other camping units are offered primarily for use by the public for overnight stays; and (2) prohibit a city from adopting a policy, rule, ordinance, or order that regulates environmental health and sanitation, electrical distribution system safety, liquefied petroleum gas storage and dispensing safety, or fire protection, if the policy, rule, ordinance, or order imposes more stringent standards than those adopted in (1), above.

**H.B. 1292** (**Campos**) – **Homeless Showers**: would provide that a city with a population of 500,000 or more shall: (1) provide homeless individuals residing in the municipality with access to mobile showers in a sufficient number to allow daily shower access by each person residing in the municipality and sufficient access to address the hygienic needs and prevention of hygienic-related illnesses in the municipality's homeless population; and (2) use all available federal money, including money provided under the American Rescue Plan Act of 2021, that is available to implement (1), above.

**H.B. 1307** (**Toth**) – **Disannexation**: would: (1) authorize registered voters in a certain area to petition a city for disannexation of the area; and (2) authorize registered voters in a certain area to petition for release of the area from a city's extraterritorial jurisdiction.

**H.B. 1348** (**Stucky**) – **Regulation of Veterinarians**: would provide a city may not adopt or enforce a regulation that: (1) regulates the practice of veterinary medicine; or (2) prohibits a veterinarian from performing a procedure on an animal that is not prohibited by other law.

**H.B. 1381** (**Hernandez**) – **Zoning Hearing**: would require a zoning commission to hold at least one public hearing on a preliminary report related to a proposed change in zoning classification before submitting a final report to the city's governing body.

**H.B. 1384 (Ordaz) – Payday and Auto Title Lending:** would provide that the annual percentage rate of an extension of consumer credit in the form of a deferred presentment transaction that is entered into by a consumer residing in a disaster area and that a credit access business obtains for the consumer or assists the consumer in obtaining may not exceed 30 percent during the designated disaster period.

**H.B. 1389 (Guillen) – Nuisance:** would provide that a city requirement relating to the height or maintenance of vegetation does not apply to an agricultural operation.

**H.B. 1392 (Craddick) – Texas Grow Fund Grant Program:** would, among other things, establish the Texas Grow Fund Grant Program to award grants to eligible applicants to construct or maintain roads, schools, health care facilities, and other infrastructure in areas the Texas Grow Fund Commission determines to be significantly affected by oil and gas production.

**H.B. 1439 (Hernandez) – Graffiti:** would: (1) repeal the requirement that a city offer to remove graffiti from a property owner's property at no cost; and (2) reduce the number of days that a property owner has to remove graffiti after receiving notice from the city from 15 days to 10 days (Companion bill is **S.B. 368** by Alvarado.)

**H.B. 1492 (Ordaz) – Real Property for Economic Development:** would, among other things: (1) provide that a city that has entered into an economic development agreement authorized by Chapter 380 of the Local Government Code with an entity may transfer to the entity real property or an interest in real property for consideration if: (a) the agreement requires the entity to use the property in a manner that primarily promotes a public purpose of the city relating to economic development; and (b) the agreement includes provisions under which the city is granted sufficient control to ensure that the public purpose is accomplished and the city receives the return benefit; (2) prohibit the city from transferring for consideration real property or an interest in real property the city owns, holds, or claims as a public square or park; (3) provide that before a city may transfer real property or an interest in real property under an agreement as provided by the bill, the city must provide notice to the public published in a newspaper of general circulation in the county in which the property is located or, if there is no such newspaper, by any means for the city to provide public notice authorized by statute or by ordinance of the city; (4) provide that the notice in (3), above, must: (a) include a description of the property, including its location; (b) be provided within 10 days before the date the property or an interest in the property is transferred; and (c) be published for two separate days within the period prescribed by (4)(b), above, if the notice is published in a newspaper; (5) prohibit the city from may transferring real property for consideration if the property was acquired by the city from the previous owner by the exercise of eminent domain authority or the threat of the exercise of eminent domain authority; and (6) provide that the prohibition in (5), above, does not apply if: (a) the city offers the previous owner an opportunity to repurchase the property at the current market value and the previous owner declines the offer; or (b) the city cannot locate the previous owner with reasonable effort. (Companion bill is **S.B. 543** by Blanco.)

**H.B. 1514 (Holland) – Zoning Protest Threshold:** would provide that to be valid, a zoning protest must be written and signed by the owners of at least fifty percent of either: (1) the area of

the lots or land covered by the proposed change; or (2) the area of the land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

**H.B. 1526 (Harris) – Parkland Dedication:** would provide, among other things, that for a city with a population of more than 800,000: (1) the city must designate every area within the city as either suburban, urban or central business district; (2) the appraisal district must calculate average land values for each district in the city; (3) a city that requires a landowner to dedicate a portion of the landowner's property for parkland use under a development application shall require the landowner to: (a) pay a fee in lieu of land dedication in accordance with a formula based on the average land values calculated in (2), above; (b) dedicate up to ten percent of the land subject to the development application for park use; or (c) require both a fee and a dedication of land in amounts calculated according to a formula, which can result, under certain circumstances, in the city paying money to the landowner; (4) a landowner may make a written request to the city requesting a determination of the dedication amount required by (3), above; and (5) if the city fails to respond to the request from (4), above, within 30 days, the city may not require a parkland dedication or charge a fee-in-lieu of dedication. (Companion bill is **S.B. 558** by **Hughes**.)

**H.B. 1557 (Campos) – Homelessness:** would: (1) require the Texas Department of Public Safety to establish and administer a homeless impact grant program to provide grants for the provision of additional security and sanitation services for homeless individuals in areas for which a public improvement district has been created; and (2) authorize a city or county that has created a public improvement district to apply for and use a grant under the program if: (a) the district is located in a county with an unsheltered homeless individual count that exceeds 500 according to the most recent point-in-time homeless census; and (b) the services for which the grant will be made are an authorized public improvement project of the district.

**H.B. 1677 (Jetton) – Homelessness:** would: (1) require a state registrar, a local registrar, or a county clerk to issue a homeless individual's birth record to the homeless individual without a fee; (2) require the Department of State Health Services to adopt a process to verify a person's status as a homeless individual and prescribe the documentation necessary for the issuance of a certified copy of a birth record; (3) require the Department of Public Safety (DPS) to adopt a process to verify a person is a homeless individual; (4) provide that an individual who can verify a homeless individual's status for the purposes of (2) and (3), above, includes the director of a law enforcement agency of a political subdivision that appoints or employes peace officers; and (5) require DPS to exempt a homeless individual from the payment of fees for the issuance of a driver's license or personal identification certificate only if there is a sufficient amount in the identification fee exemption account to waive the fees.

**H.B. 1785 (Walle) – Center for Elimination of Disproportionality and Disparities:** would provide that: (1) the Center for Elimination of Disproportionality and Disparities is renamed as the Office for Health Equity (Office); (2) the powers of the Office include, among others, that the Office may coordinate with local health authorities to investigate and report on issues related to health and health access disparities among women and racial, multicultural, disadvantaged, ethnic, and regional populations, and across age brackets and linguistic groups in Texas; (3) if a public health disaster or public health emergency is declared in response to an epidemic or pandemic, the Office shall conduct an ongoing study to assess the disproportionate effects from the epidemic or

pandemic among women and racial, multicultural, disadvantaged, ethnic, and regional populations, and across age brackets and linguistic groups in Texas; (4) the Office shall submit an annual report on the results in (3), above, to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature; and (5) the Office shall conduct a study to assess the disproportionate effects of the COVID-19 pandemic among the population categories described by (3), above, that includes an assessment of the items required under the bill and submit a written report on the results of the study and any recommendations for legislative or other action.

**H.B. 1707 (Klick) – Land Use Regulation of Schools:** would provide, among other things, that: (1) cities shall consider an open-enrollment charter school a school district for purposes of, among other things, zoning, permitting, platting, subdivision, construction and site development, land development regulation, application processing and timelines, regulation of architectural features, business licensing, franchises, utility services, signage, the requirements for posting bonds or securities, contract requirements, and fees and assessments; (2) cities may not take any action that prohibits an open-enrollment charter school from operating a public school campus, educational support facility, athletic facility, or administrative office that it could not take against a school district; (3) the provisions in (1) and (2), above, apply to property owned or leased by the charter school; (4) charter schools may be exempt from city ordinances and regulations related to municipal drainage utility systems; and (5) charter schools are treated the same as school districts with regard to development agreements between a city and a school located in an area annexed for limited purposes. (Companion bill **S.B. 472** by **Hughes**.)

**H.B. 1750 (Burns) – Regulation of Agricultural Operation:** would, among other things:

1. provide that a city may not impose a governmental requirement that applies to agricultural operations located in the corporate boundaries of the city unless the city council makes a finding by resolution, based on a report described in Number 2, below, that there is evidence that the requirement is reasonably necessary to protect persons who reside in the immediate vicinity or persons on public property in the immediate vicinity of the agricultural operation from the danger of: (a) the likelihood of an explosion; (b) flooding; (c) an infestation of vermin or insects; (d) physical injury; (e) the significant spread of an identified disease that is directly attributable to the agricultural operation; (f) the removal of lateral or subjacent support; (g) an identified source of contamination of water supplies; (h) radiation; (i) improper storage of toxic materials; (j) crops planted or vegetation grown in a manner that will cause traffic hazards; or (k) discharge of firearms or other weapons;
2. provide that before making a finding described in Number 1, above, the city council must obtain and review a report prepared by the city health officer or a consultant that: (a) identifies evidence of the health hazards related to agricultural operations; (b) determines the necessity of regulation and the manner in which agricultural operation should be regulated; (c) states whether each manner of regulation under (b), above, will restrict or prohibit a generally accepted agricultural practice; and (d) if applicable, includes an explanation why the report recommends a manner of regulation that will restrict the use of a generally accepted agricultural practice;

3. prohibit a city from imposing a governmental requirement that directly or indirectly: (a) prohibits the use of generally accepted agricultural practices listed in the manual prepared by the Texas A&M AgriLife Extension Service; (b) prohibits or restricts the growing or harvesting of vegetation for animal feed or forage, except as provided by Number 4, below; (c) prohibits the use of pesticides or other measures to control vermin or disease-bearing insects to the extent necessary to prevent an infestation; (d) requires an agricultural operation be designated for an agricultural use or farm, ranch, wildlife management, or timber production under the Texas Constitution;
4. provide that a city may impose a maximum height for vegetation that applies to agricultural operations only if: (a) the maximum vegetation height is at least 12 inches; and (b) the requirement applies only to portions of an agricultural operation located no more than 10 feet from a property boundary that is adjacent to a public sidewalk, street, or highway; and
5. provide that a governmental requirement of a city relating to the relating to the restraint of a dog does not apply if the dog is being used to protect livestock on property controlled by the property owner.

**H.B. 1757 (Cortez) – Low Income Housing Tax Credits:** would provide that for a city with a population of 600,000 or more, the Texas Department of Housing and Community Affairs may approve an application for housing tax credits for certain developments if, before the 90th day after applicable notice was given by the applicant, the city fails to: (1) hold a hearing as required; and (2) pass a resolution or otherwise object to the application through an official decree.

**H.B. 1852 (Holland) – Limitations on TCEQ District Creation:** would provide that the Texas Commission on Environmental Quality could no longer create groundwater conservation districts, municipal management districts, or any district authorized under certain section of the Texas Constitution, including municipal utility districts.

**H.B. 1863 (Thierry) – Unauthorized Signs:** would provide for a civil penalty of up to \$5,000 to be collected from a person: (1) who places or commissions the placement of an unauthorized sign on the right-of-way of a public road; or (2) whose commercial advertisement is placed on a sign described in (1), above. (Companion bill is **H.B. 190** by Miles.)

**H.B. 1917 (Walle) – Tenant Readiness and Landlord Incentive Programs:** would, among other things, provide that the Texas Department of Housing and Community Affairs shall create the Texas Tenant Readiness and Landlord Incentive Program to enable the department to contract with and provide funding to local governmental entities, including city housing authorities, to assist and provide certain incentives to landlords with respect to, individuals and families who: (1) are currently experiencing homelessness; (2) are fleeing certain violence; or (3) have a high risk of housing instability, including persons experiencing chronic homelessness and persons with disabilities.

**H.B. 1922 (Dutton) – Reauthorization of Building Permit Fees:** would provide that a city fee charged as a condition to constructing, renovating, or remodeling a structure is abolished on the

10th anniversary after the date the fee is adopted or most recently reauthorized unless the governing body of the city: (1) holds a public hearing on the reauthorization of the fee; and (2) reauthorizes the fee by vote of the governing body.

**H.J.R. 9 (Landgraf) – Property Rights:** would amend the Texas Constitution to: (1) provide that an individual has the right to conduct activities on the individual’s homestead property to secure access to food, water, electric power, and shelter, subject to laws protecting public health and safety; and (2) enable the legislature to enact laws to protect the rights in (1), above.

**H.J.R. 26 (Schofield) – Post-Condemnation Repurchase Rights:** would amend the Texas Constitution to entitle a person from whom a real property interest is acquired by an entity through eminent domain for a public use, or that person’s heirs, successors, or assigns, to repurchase the property under certain circumstances subject to certain conditions.

**H.J.R. 60 (Dutton) – Tax Preferences:** would amend the Texas Constitution to require the periodic review of state and local tax preferences. (See **H.B. 953**, above.)

**H.J.R. 81 (Schofield) - Eminent Domain:** would amend the Texas Constitution to provide that “public use” does not include the taking of property for transfer to a private entity. (Note: the current constitutional provision provides that property may not be taken to transfer to a private entity “for the primary purpose of economic development or enhancement of tax revenues.”)

**H.J.R.97 (Geren) – Casino Gaming and Sports Wagering:** would amend the Texas Constitution to, among other things:

1. authorize casino gaming pursuant to casino licensing at destination resorts in the following metropolitan statistical areas in which pari-mutuel wagering has been approved: (a) two destination resorts in the Dallas-Fort Worth-Arlington metropolitan statistical area; (b) two destination resorts in the Houston-The Woodlands-Sugar Land metropolitan statistical area; (c) one destination resort in the San Antonio-New Braunfels metropolitan statistical area; (d) one destination resort in the Corpus Christi metropolitan statistical area; and (e) one destination resort in the McAllen-Edinburgh-Mission metropolitan statistical area;
2. authorize and regulate the conduct of sports wagering;
3. establish the Texas Gaming Commission as a state agency with broad authority to promulgate, adopt, and enforce necessary rules to strictly regulate casino gaming and sports wagering and provide for the Texas Gaming Commission’s qualifications, appointment procedures, and member terms;
4. establish general casino license qualifications, including demonstrating that: (a) the issuance of a casino license will not be detrimental to the public interest; (b) the financial ability to complete the development and operate the destination resort at which the applicant will conduct casino gaming; (c) adequate experience in resort development, resort management, and casino gaming operations; and (d) detailed

estimate of the applicant's total new development investment in the destination resort;

5. provide that the legislature or the Texas Gaming Commission may establish additional rules and requirements governing: (a) the issuance and continued qualifications for holding a casino license; (b) transfer of casino licenses, (c) qualifications for the issuance of new casino licenses to persons that are not initial qualified applicants; and (d) penalties for the unlawful conduct of casino gaming and sports wagering;
6. require the legislature to: (a) impose a 15 percent tax on the gross casino gaming revenue of each casino license holder; and (b) impose a tax on sports wagering revenue;
7. provide that a destination resort at which casino gaming is conducted under a casino license may be located anywhere within the metropolitan statistical area for which the license was issued;
8. prohibit the use of state or local public money or facilities developed or built with state or local public assistance or tax incentives of any kind to develop or operate a destination resort;
9. prohibit the state, a state agency, or political subdivision from imposing a tax on the casino gaming revenue of a casino license holder or a tax or fee on the non-gaming revenue of a casino license holder's operations at a destination resort other than the tax in Number 6, above, or a tax or fee generally applicable to a business operating in the state;
10. establish casino license application fees to fund and support the administration and management of the Texas Gaming Commission; and
11. provide that that state shall annually allocate a portion of the revenue received from taxes imposed on gross casino revenue of casino license holders to be used as horse purse money.

**S.B. 59 (Zaffirini) – Notice for Tax Sales:** would require a political subdivision that sells property in a property tax sale to provide notice of water and wastewater requirements if the real property subject to the sale is presumed to be for residential use.

**S.B. 103 (Johnson) – Tax Preferences:** would, among other things: (1) require the comptroller to identify each state and local tax preference and develop a review schedule under which tax preferences are reviewed once during each six-year period; (2) require the Legislative Budget Board (LBB) to periodically review each state and local tax preference according to the schedule created by the comptroller; (3) require the LBB to file a preliminary report on tax preferences to the Senate Finance Committee and the House Ways and Means Committee not later than September 1 of each even-numbered year; (4) require the Senate Finance Committee and the House

Ways and Means Committee to review the preliminary report and, not later than December 1 of each even-numbered year, provide to the governor, lieutenant governor, and speaker of the house a final report on the reviews of tax preferences; and (5) provide that each tax preference enacted by the legislature that becomes law on or after September 1, 2024, expires six years after the date it takes effect, unless the legislature provides an earlier or later expiration date. (See **S.J.R. 14**, below.)

**S.B. 197 (Eckhardt)** – **Library Construction Grants**: would: (1) add construction grants for the establishment of new public libraries or the improvement of existing libraries to the list of possible grants programs that may be established by the Texas State Library and Archives Commission; and (2) allow libraries and library systems to use state grants for new construction, rehabilitation, or renovation of a library or the infrastructure of a library. (Companion bill is **H.B. 540** by **Longoria**, above.)

**S.B. 147 (Kolkhorst)** – **Property Ownership Prohibition**: would provide that the following may not purchase or otherwise acquire title to real property in Texas: (1) a governmental entity of China, Iran, North Korea, or Russia (the Specified Nations); (2) a company or other entity that is: (a) headquartered in one of the Specified Nations; (b) directly or indirectly held or controlled by the government of one of the Specified Nations; or (c) owned by or the majority of stock or other ownership interest of which is held or controlled by individuals who are citizens of the Specified Nations; (3) a company or other entity that is owned by or the majority of stock or other ownership interest of which is held or controlled by a company or entity described by (2), above; or (4) an individual who is a citizen of one of the Specified Nations.

**S.B. 149 (Springer)** – **City Regulation**: would: (1) prohibit a city from adopting or enforcing an ordinance, rule, or regulation that imposes a restriction, condition, or regulation on commercial activity; (2) allow a city to adopt and enforce an ordinance, rule, or regulation that: (a) is essential to directly regulating a uniquely local concern that the city council determines cannot be of similar concern in another city because of the uniqueness of the local concern; (b) is essential to necessary regulation of local land use; (c) is essential to protecting citizens' physical safety; (d) is expressly authorized to be adopted by a state statute; or (e) requires nondiscrimination in the provision of employment or service to any person on the basis of any state or federally protected class, sexual orientation, or gender identity; (3) provide that a city acting under (2)(a), above, must contemporaneously adopt a detailed written statement describing the uniquely local concern and the basis for the determination that the concern cannot be of similar concern in another city; and (4) provide that, for purposes of (2)(d), above, a state statute that provides the statute does not preempt or affect municipal regulatory authority may not be construed to expressly authorize an ordinance, rule, or regulation.

**S.B. 175 (Middleton)** – **Community Advocacy**: would: (1) prohibit a political subdivision from spending public funds to: (a) hire an individual required to register as a lobbyist for the purpose of lobbying a member of the Texas legislature; or (b) pay a nonprofit state association or organization that: (i) primarily represents political subdivisions; and (ii) hires or contracts with an individual required to register as a lobbyist; (2) provide that if a political subdivision engages in activity prohibited by (1), above, a taxpayer or resident of the political subdivision is entitled to injunctive relief to prevent any further prohibited activity and any further payments of public funds; and (3)

provide that a taxpayer or resident who prevails in an action under (2), above, is entitled to recover reasonable attorney's fees and costs from the political subdivision.

**S.B. 190 (Miles) – Unauthorized Signs:** would provide for a civil penalty of up to \$5,000 to be collected from a person (1) who places or commissions the placement of an unauthorized sign on the right-of-way of a public road, or (2) whose commercial advertisement is placed on a sign described in (1), above.

**S.B. 201 (Eckhardt) – Property Valuation in Condemnation:** would provide that when valuing property subject to a conservation easement for the purposes of condemnation, the value of the property being condemned as well as any damages to the owner's remaining property shall be valued based on the property's highest and best use as though the property was not burdened by a conservation easement.

**S.B. 259 (Springer) – Filing of Plats, Plans and Building Permits:** provides, among other things, that: (1) unless specifically authorized by another state law, a city may not: (a) require a person to submit or obtain approval of any document or fulfill any other prerequisites or conditions before the person files a copy of the plan or plat with the city; or (b) refuse to accept a filed copy of the plan or plat; (2) not later than the 45th day after the date an application for a building permit is submitted, a city must either: (a) grant or deny the permit; or (b) provide written notice to the applicant stating the reasons why the city has been unable to grant or deny the permit application in the time required; and (3) a city may not: (a) deny a permit solely because the city cannot comply with requirements in (2), above; or (b) require an applicant to waive the requirements of (2), above.

**S.B. 349 (Springer) - Housing Authority:** would require any housing authority policy permitting tenant ownership of a pet to comply with all applicable county or municipal restrictions on dangerous dogs imposed under the Health and Safety Code.

**S.B. 367 (Alvarado) – Relocation Assistance Limitation:** provides that a person is not considered to be displaced in connection with an acquisition of real property for purposes of qualifying for relocation assistance if: (1) the person moves or discontinues the person's business, moves personal property, or moves from the person's dwelling as a direct result of code enforcement; and (2) the code enforcement is due to the person's negligence or abandonment of the person's real property.

**S.B. 369 (Campbell) – Automatic Disannexation:** (1) defines “full municipal services” to mean (a) the provision of (i) police protection; (ii) fire protection, including fire hydrants; (iii) emergency medical services; and (iv) certain solid waste collection services; and (b) the operation and maintenance of (i) water and wastewater facilities; (ii) roads and streets including road and street lighting; and (iii) any other facility, building, or service owned by the city; and provides that (2) any area in which the city is not providing or causing the provision of full municipal services is disannexed as of December 31, 2023 unless the city is not currently required to provide full municipal services under a service plan or has entered into a regulatory plan or other written agreement to extend the time for providing or waive provision of full municipal services; (3) should a city fail or refuse to recognize the disannexation of an area under section (2), above, a person owning property located in the area may bring an action against the city to compel disannexation of the portion of the property located in the city and may recover attorney's fees and

court costs; and (4) governmental immunity is waived for purposes of section (3), above. (Companion bill is **H.B. 1246** by **Craddick**.)

**S.B. 472 (Hughes) - Land Use Regulation of Schools:** would provide, among other things, that: (1) cities shall consider an open-enrollment charter school a school district for purposes of, among other things, zoning, permitting, platting, subdivision, construction and site development, land development regulation, application processing and timelines, regulation of architectural features, business licensing, franchises, utility services, signage, the requirements for posting bonds or securities, contract requirements, and fees and assessments; (2) cities may not take any action that prohibits an open-enrollment charter school from operating a public school campus, educational support facility, athletic facility, or administrative office that it could not take against a school district; (3) sections (1) and (2), above, apply to property owned or leased by the charter school; (4) charter schools may be exempt from city ordinances and regulations related to municipal drainage utility systems; and (5) charter schools are treated the same as school districts with regard to development agreements between a city and a school located in an area annexed for limited purposes. (Companion bill is **H.B. 983** by **Leo-Wilson**.)

**S.B. 491 (Hughes) – Limitation on Building Height Regulation:** would, among other things, provide that a city with a population of more than 725,000 may not adopt or enforce a zoning regulation that limits the height of a building on a lot based on the lot's proximity to another lot that is located more than 50 feet from the original lot.

**S.B. 494 (Hughes) - Plat or Plan Submissions Limitations:** would provide, among other things, that a city may not: (1) require a person to fulfill any prerequisites or conditions or obtain any approvals before filing a copy of the plan or plat; (2) delay the starting date for calculating any timeframe to approve or disapprove a plan or plat by not considering the date the plan or plat was filed as the starting date; or (3) refuse to accept, acknowledge, process, or act on a filed copy of the plan or plat. (Companion bill is **H.B. 866** by **Oliverson**.)

**S.B. 511 (Hall) – Abortion and Economic Development:** would, among other things, provide that a business entity is ineligible to receive a tax incentive if the entity assists, refers, or otherwise encourages a woman to obtain an abortion.

**S.B. 543 (Blanco) – Real Property for Economic Development:** would, among other things: (1) provide that a city that has entered into an economic development agreement authorized by Chapter 380 of the Local Government Code with an entity may transfer to the entity real property or an interest in real property for consideration if: (a) the agreement requires the entity to use the property in a manner that primarily promotes a public purpose of the city relating to economic development; and (b) the agreement includes provisions under which the city is granted sufficient control to ensure that the public purpose is accomplished and the city receives the return benefit; (2) prohibit the city from transferring for consideration real property or an interest in real property the city owns, holds, or claims as a public square or park; (3) provide that before a city may transfer real property or an interest in real property under an agreement as provided by the bill, the city must provide notice to the public published in a newspaper of general circulation in the county in which the property is located or, if there is no such newspaper, by any means for the city to provide public notice authorized by statute or by ordinance of the city; (4) provide that the notice in (3), above,

must: (a) include a description of the property, including its location; (b) be provided within 10 days before the date the property or an interest in the property is transferred; and (c) be published for two separate days within the period prescribed by (4)(b), above, if the notice is published in a newspaper; (5) prohibit the city from may transferring real property for consideration if the property was acquired by the city from the previous owner by the exercise of eminent domain authority or the threat of the exercise of eminent domain authority; and (6) provide that the prohibition in (5), above, does not apply if: (a) the city offers the previous owner an opportunity to repurchase the property at the current market value and the previous owner declines the offer; or (b) the city cannot locate the previous owner with reasonable effort. (Companion bill is **H.B. 1492** by **Ordaz**.)

**S.B. 558** (**Hughes**) – **Parkland Dedication**: would provide, among other things, that for a city with a population of more than 800,000: (1) the city must designate every area within the city as either suburban, urban or central business district; (2) the appraisal district must calculate average land values for each district in the city; (3) a city that requires a landowner to dedicate a portion of the landowner's property for parkland use under a development application shall require the landowner to: (a) pay a fee in lieu of land dedication in accordance with a formula based on the average land values calculated in (2), above; (b) dedicate up to ten percent of the land subject to the development application for park use; or (c) require both a fee and a dedication of land in amounts calculated according to a formula, which can result, under certain circumstances, in the city paying money to the landowner; (4) a landowner may make a written request to the city requesting a determination of the dedication amount required by (3), above; and (5) if the city fails to respond to the request from (4), above, within 30 days, the city may not require a parkland dedication or charge a fee-in-lieu of dedication. (Companion bill is **H.B. 1526** by **Harris**.)

**S.B. 572** (**Kolkhorst**) – **Regulation of Unlicensed Residential Facilities**: would provide, among other things, that with regard to a residential facility that is not licensed by the state and in which three or more unrelated individuals reside in a unit in the facility, a general-law city may: (1) designate an area in which a residential facility may be located; and (2) take other measures necessary to protect the health and safety of the individuals residing in such a residential facility.

**S.B. 570** (**West**) - **Housing Discrimination**: would: (1) prohibit housing discrimination based on the source of income; and (2) prohibit the Texas Workforce Commission from deferring proceedings and referring a complaint about discrimination under (1), above, to a city if the city does not have laws prohibiting the alleged discrimination.

**S.B. 674** (**Eckhardt**) – **Applicable Construction Codes**: would, among other things, provide: (1) for the adoption of certain international codes related to construction as the codes existed on May 1, 2023, including the following: (a) the energy efficiency chapter of the International Residential Code as the energy code for single-family residential construction; (b) the International Energy Conservation Code as the energy code for all other residential, commercial, and industrial construction; (c) the International Residential Code as the municipal residential building code; (d) the National Electrical Code as the municipal electrical construction code applicable to all residential and commercial electrical construction, alteration, remodeling, enlargement or repair; (e) the International Building Code as the municipal commercial building code; (f) a fire code that either: (i) conforms to either: (A) the International Fire Code, as published by the International

Code Council or (B) the Uniform Fire Code, as published by the National Fire Protection Association; or (ii) establishes protective measures that exceed the standards of the codes described by section (1)(f)(i), above; and (2) that a city may consider amendments made by the International Code Council to the Residential and Building Codes after May 1, 2023.

**S.J.R. 14 (Johnson) – Tax Preferences:** would amend the Texas Constitution to require the periodic review and expiration of state and local tax preferences. (See **S.B. 103**, above.)

## **Elections**

**H.B. 39 (Murr) – Election Fraud:** would increase the penalty for certain election fraud offenses to a state jail felony.

**H.B. 52 (Spiller) – Illegal Voting:** would increase the penalty for illegal voting to a felony of the second degree and the penalty for attempt to illegally vote to a state jail felony.

**H.B. 67 (Ortega) – Early Voting by Mail:** would provide, among other things, that any qualified voter is eligible for early voting by mail. (Companion bill is **S.B. 120** by **Menendez**.)

**H.B. 75 (Zwiener) – Voter Identification:** would provide that an identification card issued by a Texas public university is an acceptable form of identification for voting provided that the card: (1) contains the person’s photograph, date of birth, and full legal name; and (2) has not expired, or if expired, has expired no earlier than four years before the date of presentation.

**H.B. 153 (Swanson) – Voting Options:** would provide, among other things, that a voter shall be given the opportunity to select “I choose not to vote in this race” instead of voting for the candidate(s) appearing on the ballot or the write-in candidate(s) for each race.

**H.B. 161 (Toth) – Early Voting Ballots:** would require, among other things: (1) an early voting ballot voted by mail to include a unique code readable by an electronic device that may be used to verify the authenticity of the ballot; (2) the early voting ballot board to identify the unique code included on each ballot with an electronic device and compare the code on the ballot to the codes recorded by the early voting clerk; and (3) rejection of the ballot if the recorded code on the ballot does not match that recorded by the early voting clerk.

**H.B. 190 (Swanson) – Petitions and Ballot Propositions:** would, among other things:

1. require that a petition for a city election contain or have attached a caption for the proposed measure that identifies the proposed measure by its chief features, describing its character and purpose with such definiteness and certainty that voters are not misled;
2. provide that unless the caption is modified under Number 11, below, the city council in a home-rule city must proceed with an election requested by a petition despite a complaint that the petition violates Number 1, above, and in doing so shall comply with all ordinary timelines and requirements for the election;

3. require a proposition proposing an amendment to a city charter or a voter-initiated initiative or referendum as requested by a petition to use wording identical to the caption of any corresponding petition described in Number 1, above, as applicable;
4. provide that if a court orders a home-rule city to order a new election if a contested election is declared void, a qualified voter of the home-rule city may seek from the court a writ of mandamus to compel the city council to use wording identical to the caption of the corresponding petition;
5. authorize a qualified voter of a home-rule city to seek from the court a writ of mandamus to compel the city council to use ballot proposition language identical to the caption of the corresponding petition;
6. require a court to give absolute priority to a mandamus petition brought under Number 5, above, and require the court to make its determination without delay and prior to the deadline for printing ballots;
7. authorize the court to award a petitioner who substantially prevails in an action under Number 5, above, reasonable attorney's fees, expenses, and court costs;
8. waive governmental immunity to suit and liability to the extent of liability created by Number 7, above;
9. authorize the city council of a home-rule city or a qualified voter of the home-rule city to file a complaint with the secretary of state alleging that a caption under Number 1, above, is invalid;
10. require the secretary of state to review a caption alleged to be invalid not later than the seventh day after the date the secretary receives the complaint;
11. provide that if the secretary of state determines that caption is invalid, the secretary of state shall modify the caption and provide the modified caption to the home-rule city for use as a ballot proposition, but only after seeking input from the persons who signed or circulated the petition and only to the extent necessary for compliance with Number 1, above;
12. provide that action by the secretary of state determining that a caption is invalid may not be considered by a court as evidence that the caption does not comply with the standard expressed in Number 1, above;
13. provide that 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 legibly provides enough information to demonstrate that the signer is eligible to have signed the petition and signed the petition on or after the 180<sup>th</sup> day before the petition was filed;

14. require the secretary of state to adopt a standard petition form for petition-initiated city elections and publish the form on the secretary's website;
15. prohibit a city from requiring the submission of information on or with a petition that the standard petition form published by the secretary of state does not provide for or require to be provided;
16. provide that a person who circulates or submits a petition is not required to use the secretary of state's standard petition form;
17. require the city secretary to determine the validity of a petition, including the petition signatures, not later than the 30<sup>th</sup> day after the date the city receives the petition;
18. prohibit a city secretary from invalidating a petition on the grounds of an inadequate caption, but authorize the city secretary to file a complaint under Number 9, above, and modify the caption as directed by the secretary of state;
19. prohibit a city from restricting who may collect petition signatures;
20. provide that a city may repeal a charter amendment adopted by a petition-initiated election only by a petition-initiated election held for the specific purpose of repealing the amendment;
21. prohibit a city from repealing a charter amendment adopted by a petition-initiated election by adopting a new or revised city charter; and
22. repeal the authority for: (a) a city secretary to verify signatures by statistical sample; and (b) charter provisions or ordinances governing the validity or verification of petition signatures to remain effective if they were in effect on September 1, 1985.

**H.B. 222 (Slaton) – Illegal Voting:** would increase the penalty for illegal voting to a felony of the second degree and the penalty for attempt to illegally vote to a state jail felony.

**H.B. 241 (Bucy) – Early Voting by Mail:** would provide, among other things, that any qualified voter is eligible for early voting by mail. (Companion bill is **S.B. 120** by **Menendez**.)

**H.B. 259 (Goodwin) – Preferential Voting:** would, among other things, provide that: (1) the governing body of a city or school district may authorize, by majority vote, the use of a preferential voting system for the election of an officer of the city or school district; (2) the system must allow a voter to rank each candidate for an office through a numerical designation from the candidate the voter favors most to the candidate the voter favors least; and (3) a runoff election shall not be held for an office to which preferential voting applies.

**H.B. 281 (Bucy) – Voter Registration:** would, among other things: (1) require the voter registrar to appoint at least one election officer serving each polling place as a regular deputy registrar; and (2) provide that a person may register to vote at a polling place at which the person would be

allowed to vote if the person submits a voter registration application, presents adequate proof of identification, and submits an affidavit stating the person is eligible to vote and voting only once in the election on the day the person offers to vote.

**H.B. 294 (Schofield) – Federal Elections:** would, among other things, provide that: (1) a primary or general election for a federal office, other than the office of the president or vice president of the United States, or a resulting runoff election (a “federal election”) is a separate election from any other election in the state; (2) a federal election may not list on the federal ballot any proposition or election for state or county office; (3) to the extent feasible, a federal election and an election that is not a federal election (a “state election”) shall be held separately and concurrently using the same precincts and polling locations; and (4) the secretary of state shall adopt rules to enact the provisions of (1)-(3), above, and the rules adopted must reduce voter disruption and confusion to the greatest extent possible, including rules requiring use of the same area in which voters are being accepted for voting and the same voting stations for state and federal elections.

**H.B. 296 (Bucy) – Mobility Impaired Voters:** would: (1) require an election officer to accept a person who is offering to vote and has a mobility problem that substantially impairs the person’s ability to ambulate before accepting others offering to vote at the polling place and who arrived before the person; and (2) provide that if a voter is eligible for early voting by mail on the ground of disability, the balloting materials may be provided by e-mail in PDF format, through a scanned format, or by any other method of electronic transmission authorized by the secretary of state in writing.

**H.B. 302 (Bucy) – Election Day Holiday:** would designate the first Tuesday after the first Monday in November of an even-numbered year as a state holiday.

**H.B. 315 (Cortez) – Early Voting Ballot:** would provide that: (1) the official application form for an early voting ballot must include a statement prescribed by the secretary of state explaining the benefits of furnishing an applicant’s telephone number, including how that information assists the early voting clerk; and (2) the secretary of state shall make the statement described in (1), above, available on the secretary of state’s website.

**H.B. 317 (Bucy) – Early Voting:** would provide, among other things, that: (1) a voter registrar’s office shall not remain open for purposes of providing voter registration information during extended hours or weekend hours if early voting by personal appearance is required to be conducted for extended hours or weekend hours; (2) an authority ordering an election may order early voting by personal appearance at the main early voting polling place to be conducted during an early voting period extended from the fourth day before election day for any number of consecutive days up to and including the day before election day; and (3) an authority that extends early voting under (1), above, shall order personal appearance voting at the main early voting polling place to be conducted for at least 12 hours on any weekday or Saturday and for at least five hours on any Sunday of the extended early voting period.

**H.B. 354 (Bucy) – Voter Identification:** would provide, among other things, that the following documents are an acceptable form of photo identification for purposes of voting at an election: (1)

an official Native American identification card or tribal document that: (a) contains the voter's photograph and address; and (b) is issued by a tribal organization or by a tribe that is federally recognized and located in the state; (2) an identification card issued by a Texas public or private institution of higher education that contains the voter's photograph; or (3) an identification card issued by a Texas state agency that contains the voter's photograph.

**H.B. 357 (Bucy) – Early Voting by Mail:** would provide that the online tool developed or provided by the secretary of state to each early voting clerk that enables a person who submits an application for a ballot to be voted by mail to track the location and status of the person's application and ballot on the secretary's website and on an applicable county's website must require the voter to provide the following additional information, before permitting the voter to access the information: (1) the voter's date of birth; and (2) the voter's driver's license number, personal identification card number or the last four digits of the voter's social security number.

**H.B. 359 (Bucy) – Mail in Ballots:** would: (1) require election notice posted on a county's website to include: (a) the location of each polling place that will be open on election day; (b) the location of each polling place that will be open for early voting; and (c) each location that will be available to voters to deliver a marked ballot voted by mail; (2) authorize a voter to deliver a marked ballot voted by mail in person to the early voting clerk's office or to another designated location while the polls are open on election day or during the early voting period; (3) provide that a voter delivering a marked ballot in person may return only the voter's own ballot; and (4) authorize the county clerk to designate any of the following locations for delivering marked ballots under (2), above: (a) the early voting clerk's office; (b) any polling place open for early voting or for election day; or (c) any suitable location that meets criteria prescribed by the secretary of state.

**H.B. 365 (Bucy) – Early Voting By Mail:** would provide, among other things, that: (1) for a ballot to be voted by mail on the ground of absence from the county of residence, the early voting ballot application must include an e-mail address for the applicant to which the ballot is sent by electronic transmission; (2) the officially prescribed application form for an early voting ballot on an application for a ballot to be voted by mail must include, in the space for an applicant applying on the ground of absence from the county of residence, that the applicant wishes to receive the balloting materials by electronic transmission and provide an e-mail address; (3) a voter voting by mail on the ground of absence from the voter's county of residence may elect to receive the balloting materials by electronic transmission on the voter's application for an early voting ballot to be voted by mail; (4) balloting materials to be sent by electronic transmission as described in (3), above, include: (a) the appropriate ballot; (b) ballot instructions, including instructions that inform a voter that the ballot must be returned by mail to be counted; (c) instructions prescribed by the secretary of state on how to create a ballot envelope and carrier envelope or signature sheet for the ballot; and (d) a list of certified write-in candidates, if applicable; (5) the balloting materials described in (3), above, may be provided by e-mail to the voter: (a) in a portable document format or similar file type or through a scanned format; or (b) by any other method of electronic transmission authorized by the secretary of state in writing; (6) an e-mail address used to request balloting materials described in (3), above, is confidential and does not constitute public information for purposes of the Texas Public Information Act, and an early voting clerk shall ensure that the voter's e-mail address is excluded from public disclosure; and (7) a marked ballot received through electronic transmission as provided by (3), above, shall be returned to the early

voting clerk by mail or common or contract carrier through procedures prescribed by the secretary of state.

**H.B. 371 (Bucy) – Runoff Elections:** would: (1) provide that a runoff election shall be held on the sixth Saturday after the date of the main election; and (2) repeal the provision that allows a home-rule city charter to provide for a runoff election date later than provided by state law.

**H.B. 374 (Bucy) – Early Voting by Mail:** would provide that an application for a ballot to be voted by mail serves as an application both for a ballot for the main election and for any resulting runoff election unless the applicant indicates otherwise on the application.

**H.B. 378 (Bucy) – Voter Registration and Campaigning:** would, with the exception of reasonable restrictions on the time, place, or manner, prevent a political subdivision, property owners' association, homeowners' association, or property manager from adopting or enforcing a rule, order, ordinance, or policy, that prevents an individual from accessing private property for the purpose of registering voters or communicating political messages.

**H.B. 380 (Bucy) – Election Database:** would, among other things, require: (1) the secretary of state to post on the secretary of state's public Internet website a database of election information, including: (a) the name of the authority giving notice of an election; (b) each office to be filled at the election; (c) whether the office is elected at large or by district; and (d) the dates of the preceding and next election for the office; (2) a political subdivision other than a county, including a city, to provide the information described in (1), above, to the county in electronic format in January of each year; (3) the secretary of state to post on the secretary of state's Internet website a database containing information about officeholders and candidates for office including, among other positions, the office of mayor or a position on the city council, to include the following information: (a) name; (b) office title, including any district, place, or position and a notation that the person is an incumbent; (c) if the office is elected at large or by district; (d) the date of the previous and next election for the office; (e) public mailing address; (f) public telephone number, if available; (g) public e-mail address, if available; and (h) if the individual has filed as a write-in candidate; (4) a political subdivision, including a city, to provide information about a candidate or officeholder to the county in which the political subdivision is located, and the county shall forward that information to the secretary of state; and (5) the secretary of state to make the name, office, and party affiliation of the holder of a partisan elected office, the office of mayor, or a position on the governing body of a city or board of trustees of an independent school district available on the secretary of state's Internet website for as long as the person holds that office.

**H.B. 386 (J. Gonzalez) – Voter Accommodation:** would: (1) require an election officer to designate a parking space at each polling place for a voter who is physically unable to enter the polling place without personal assistance or likelihood of injuring the voter's health that is not a parking space designated specifically for persons with disabilities; (2) require the parking space to be clearly marked with a sign: (a) indicating that the space is reserved for use by a voter who is unable to enter the polling place; and (b) displaying, in large font that is clearly readable from a vehicle, a telephone number that a voter may call or text to request assistance from an election officer at the polling place; and (3) provide, as an alternative to displaying a phone number under

(2)(b), above, that a parking space may provide the voter with a button or intercom that the voter may use to request assistance from an election officer.

**H.B. 397 (Goldman) – Illegal Voting:** would increase the penalty for illegal voting to a felony of the second degree and the penalty for attempt to illegally vote to a state jail felony.

**H.B. 426 (Schofield) – Primary Runoff Election Date:** would set the primary runoff election date for a non-federal office as the second Tuesday in April following the general primary election.

**H.B. 455 (Schofield) – General Election:** would authorize a political subdivision other than a county or municipal utility district to change the date on which it holds its general election for officers to the November uniform election date.

**H.B. 488 (Meza) – Voter Registration:** would, among other things: (1) require the voter registrar to appoint at least one election officer serving each polling place as a regular deputy registrar; and (2) provide that a person may register to vote at the polling place located in the precinct of the person's residence if the person submits a voter registration application and presents adequate proof of identification on the day the person offers to vote.

**H.B. 499 (Meza) – Countywide Polling Place:** would authorize the secretary of state to select any county to participate in the countywide polling place program. (Companion bill is **S.B. 117** by **Menendez**.)

**H.B. 502 (Meza) – Early Voting by Mail:** would, among many other things, authorize early voting by mail for any qualified voter and provide for implementing procedures. (Companion bill is **S.B. 120** by **Menendez**.)

**H.B. 549 (Swanson) – Election Marshals:** would provide, among other things, that:

1. the secretary of state has authority to take appropriate action to protect against violations of the Election Code;
2. the secretary of state shall appoint a state election marshal who reports to the secretary of state;
3. the state election marshal shall appoint election marshals for each Department of Public Safety (DPS) region such that there is one election marshal for each 1,000,000 people who reside in the region;
4. appointments described in Number 3, above: (a) must be made not later than the 60<sup>th</sup> day before the date early voting is scheduled to begin in an election held on a uniform election date in November or a primary election; and (b) shall be in effect for 90 days, and may be extended by the state election marshal if the election marshal is conducting an investigation;

5. the state election marshal shall designate an election marshal in each DPS region as the chief election marshal for the region;
6. the chief election marshal for a region shall assign election marshals to each alleged violation of Election Code occurring in the region as described by Number 9, below;
7. to be qualified as a state election marshal or an election marshal, a person must: (a) be licensed as a peace officer by the Texas Commission on Law Enforcement; (b) be commissioned by the DPS; (c) and have received training in election law from the secretary of state;
8. an election marshal has the powers and duties of a state inspector and other powers and duties as assigned by law;
9. a state inspector or election marshal shall promptly investigate an alleged violation of the Election Code that is: (a) supported by an affidavit or unsworn declaration; and (b) submitted to the state inspector or chief election marshal, and if submitted to the chief election marshal, assigned to the election marshal; and
10. if an election marshal investigates an alleged violation and finds probable cause exists that a violation is occurring or is likely to occur, the election marshal: (a) shall exercise all lawful means to prevent the violation from continuing or occurring; (b) may seek such orders, processes, or warrants from a court that the election marshal finds necessary to prevent the violation from continuing or occurring; and (c) may also file appropriate criminal charges.

(Companion bill is **S.B. 220** by **Bettencourt**.)

**H.B. 589** (Toth) – **Election Audits**: would provide, among other things, that:

1. a person who participated in an election as a candidate, county chair of a political party, a presiding judge, an alternate presiding judge or the head of a specific-purpose political committee that supports or opposes a ballot measure may issue a written request to the county clerk for an explanation and supporting documentation for: (a) an action taken by an election officer that appears to violate the Election Code; (b) irregularities in precinct results; or (c) inadequacy or irregularity of documentation required to be maintained the Election Code;
2. no later than the 20<sup>th</sup> day after a request is received under Number 1, above, the county clerk shall provide the requested explanation and any supporting documentation;
3. a requestor described under Number 1, above, who is not satisfied with the explanation and supporting documentation provided under Number 2, above, may issue a request for further explanation and supporting documentation to the county clerk;

4. not later than the 10th day after the date a request under Number 3, above, the county clerk shall provide the requested explanation and any supporting documentation;
5. a requestor who is not satisfied with the explanation and supporting documentation provided under Number 4, above, may issue a request to the secretary of state for an audit of the issue described under Number 1, above;
6. not later than the 30<sup>th</sup> day after the date the secretary of state receives a request for an audit under Number 5, above, the secretary must determine whether the information submitted by the requestor sufficiently explains the irregularity identified under Number 1, above, and if insufficient, the secretary shall immediately begin an audit of the identified irregularity at the expense of the county;
7. on conclusion of the audit, the secretary of state shall provide notice of the findings of the audit to the person who submitted the request for the audit and the county clerk, and shall provide special notice to a county clerk detailing any violation of the Election Code found during the conduct of an audit;
8. if the county clerk does not remedy a violation detailed in the special notice described in Number 7, above, by the 30th day after the date the clerk receives the notice, the secretary of state shall assess a civil penalty of \$500 for each violation not remedied and, if possible, remedy the violation on behalf of the county clerk.
9. if the secretary of state is not able to remedy the violation on behalf of the county clerk, the secretary shall assess an additional penalty under Number 8, above, for each day the county clerk does not remedy the violation until the violation is remedied;
10. the secretary of state shall maintain a record of county clerks who have been assessed a civil penalty under Number (8), above, and shall publish the record on the secretary's website; and
11. the attorney general may bring an action to recover a civil penalty that has not been paid.

**H.B. 676 (Bucy) – Provisional Voting:** would provide that: (1) an election officer serving a polling place is a deputy voter registrar and has the same authority as a regular deputy registrar; (2) a voter registration certificate may contain an explanation of the voter's rights or duties under the Election Code, including the procedure for voting after changing residence to another county; (3) the registrar shall cancel a voter's registration immediately on receipt of notice that a voter has voted a provisional ballot in another county; (4) after changing residence to another county, a person shall be accepted for provisional voting if: (a) the person would have been eligible to vote in the county of former residence on election day if still residing in that county; (b) the person is registered to vote in the county of former residence at the time the person: (i) offers to vote in the county of new residence; or (ii) submitted a voter registration application in the county of new residence; (c) voter registration for the person in the county of new residence is not effective on or before election day; and (d) the person offers to vote in the person's new county of residence: (a) at any polling place during the early voting period; (b) at any polling place on election day if the

county participates in the countywide polling place program; or (c) at the polling place of the precinct in which the person resides on election day if the county does not participate in the countywide polling place program; (5) not later than the 30th day after the election, the voter registrar shall notify the voter registrar for the voter's former county of residence that the voter was accepted for voting; (6) a person may cast a provisional ballot if the person would be eligible to vote in the election, but for the requirement to be a registered voter, and executes a specific affidavit; and (7) a provisional ballot cast shall be accepted if its determined from the information in the affidavit or contained in public records that the person: (a) is registered to vote in the county of the person's former residence; (b) has not previously voted in the election; and (c) is eligible to vote in the election, but for the requirement to be a registered voter

**H.B. 701 (J. Gonzalez) – Early Voting By Mail:** would provide that: (1) the secretary of state shall implement a program to allow a person to complete an application for an early voting ballot by mail over the internet from the official website of the State of Texas; (2) the program must: (a) permit an applicant to electronically sign the application; (b) deliver a completed application to the early voting clerk for the election who serves the election precinct of the applicant's residence; and (c) permit an applicant to check the status of the applicant's application; and (3) the program implemented under (2), above, must require a person to provide the following information before allowing the person to complete an application for an early voting ballot by mail: (a) the person's name and voter registration number or registration address; (b) the voter's driver's license number or personal identification card number issued by the Department of Public Safety; and (c) the last four digits of the person's social security number.

**H.B. 705 (J. Gonzalez) – Election Lawsuits:** would provide that a district attorney shall defend an action, including an action for writ of mandamus, brought against an election judge or election clerk that alleges that the judge or clerk violated a provision of the Election Code while acting in the judge's or clerk's official capacity in the county served by the district attorney.

**H.B. 789 (Rogers) – Candidate Qualifications:** would amend current state law by adding a requirement that for a person to be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, the person must have paid all child support due and payable by the person unless: (1) the person has made all due payments under a payment plan; or (2) the child support due is being contested or negotiated. (See **H.J.R. 54**, below.)

**H.B. 824 (Buckley) – Uniform Election Date:** would authorize the governing body of a political subdivision, other than a county or municipal utility district, that holds its general election for officers on the May uniform election date to, not later than December 31, 2024, change the date on which it holds its general election for officers to the November uniform election date.

**H.B. 863 (Schofield) – Local Debt or Tax Elections:** would provide that an election for the issuance of bonds or a tax increase must be held on the November uniform election date.

**H.B. 919 (Slaton) – Early Voting:** would, among other things: (1) provide that the period for early voting by personal appearance begins on the eighth day before election day and continues through the day before election day; and (2) repeal the current law providing that for an election held on the uniform election date in May and any resulting runoff election, the period for early

voting by personal appearance begins on the 12th day before election day and continues through the fourth day before election day.

**H.B. 941 (Dutton) – Final Convictions:** would provide that a person who is ineligible for public office because of a final felony conviction may be made eligible by being released from the disabilities resulting from the conviction only if the release is made by a court of competent jurisdiction.

**H.B. 1003 (Shaheen) – Poll Watcher:** would, among other things, provide that a person is ineligible to serve as a watcher in an election if the person has been finally convicted of a felony of the first or second degree.

**H.B. 1020 (Reynolds) – Transgender Voters:** would: (1) provide that an indication of gender on a form of identification used for voting that does not align with the gender expression or identity of the person seeking to vote does not invalidate the form of identification for the purpose of accepting a voter for voting; and (2) require each program, standard, or material for any election official training to include: (a) guidance for election workers to accept photo identification that may not align with the voter’s presenting gender expression or identity; and (b) information about voters who identify as transgender and their historical disenfranchisement.

**H.B. 1160 (Rogers) – Candidate Qualifications:** would amend current state law by adding a requirement that for a person to be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, the person must have paid all child support due and payable by the person unless: (1) the person has made all due payments under a payment plan; or (2) the child support due is being contested or negotiated. (See **H.J.R. 54**, below.)

**H.B. 1180 (Paul) – Mail Ballot Applications:** would, among other things, provide that: (1) an early voting by mail ballot application must be submitted not later than the close of regular business in the early voting clerk’s office or 12 noon, whichever is later, on the 15<sup>th</sup> day before election day; (2) a carrier envelope containing a marked ballot voted by mail must: (a) arrive at the address on the carrier envelope not later than 5 p.m. on the day before election day; (b) be placed for delivery by mail or common or contract carrier on or before the fourth day before election day; and (c) bear a cancellation mark of a common or contract carrier indicating placement for delivery on or before the fourth day before election day; (3) a marked ballot voted by mail that arrives after the prescribed time in (2), above, shall be counted if: (a) the ballot was cast from an address outside the United States; (b) the carrier envelope was placed for delivery before the time the polls are required to be closed on election day; and (c) the ballot arrives at the address on the carrier envelope not later than the fifth day after the date of the election; (4) the early voting clerk shall post notice of each delivery of balloting materials for ballots voted by personal appearance that is to be made before the time for opening the polls on election day; (5) the notice described in (4), above, shall: (a) be posted at the main early voting polling place and on the internet website of the entity conducting the election for at least 24 hours immediately preceding the delivery; (b) include the dates and times that the early voting ballot board will convene to review or count ballots, if that information is known at the time the early voting clerk posts the notice; (6) at least 24 hours before each delivery, the early voting clerk shall notify the county chair of each political party having a nominee on the ballot of the time the delivery is to be made, and such notice must be in

writing, by email, or by telephone; (7) the jacket envelopes containing early voting ballots voted by mail may be delivered to the ballot voting board between the end of the 20<sup>th</sup> day before the last period for early voting by personal appearance and the closing of the polls on election day, or as soon as practicable, at the time or times specified by the presiding judge of the board; (8) the jacket envelopes of early voting ballots voted by mail that are hand delivered in person on election and received by the early voting clerk at or before 3 p.m. on election day shall be delivered to the presiding judge of the early voting ballot board as soon as practicable on election day; (9) the jacket envelopes of early voting ballots voted by mail that are hand delivered in person on election day and received by the early voting clerk after 3 p.m. on election day shall be delivered to the presiding judge of the early voting ballot board at the time overseas mail in ballots are delivered to the presiding judge; (10) the early voting clerk shall post notice of each delivery of ballot materials described in (7), above, that is made before the time for opening the polls on election day, on the main early voting polling place and on the internet website of the entity conducting the election continuously for 24 hours immediately preceding the delivery; (11) the notice described in (10), above, must include the dates and times that the early voting ballot board will convene to review or count ballots, if that information is known at the time the early voting clerk posts the notice; (12) at least 24 hours before each delivery described in (7), above, the early voting clerk shall notify, in writing, by email, or by telephone, the county chair of each political party having a nominee on the ballot of the time the delivery is made; and (13) not later than 72 hours before the initial date and time that the central counting station begins operations in an election, the central counting station manager shall post notice of the dates and times that the station will operate in the election in the place used for posting notice of meetings of the governing body of and on the internet website of the entity conducting the elections.

**H.B. 1208 (Guillen) – Voting:** would, among other things, provide that: (1) a child under 18 years of age may accompany the child's parent to a voting station, and if the child is under 14 years of age, may read or mark the ballot at the direction of the parent; and (2) reading or marking a ballot under (1), above, does not constitute assisting a voter to vote.

**H.B. 1210 (Guillen) – May Uniform Election Date:** would change the May uniform election dates to either: (1) the first Tuesday in May in an odd-numbered year; or (2) the fourth Tuesday in May in an even-numbered year, for an election held by a political subdivision other than a county or ordered by the governor.

**H.B. 1217 (Swanson) –Temporary Branch:** would, among other things: (1) repeal the provision in current law that provides for the days and hours of voting by personal appearance at a temporary branch polling place in certain counties with a population of less than 100,000; and (2) provide for the days and hours of early voting by personal appearance at all temporary branch polling places.

**H.B. 1269 (Cole) – Early Voting:** would provide that: (1) the early voting ballot board shall verify and count provisional ballots not later than the 10th day after the date of an election; (2) the early voting ballot board shall determine whether to accept mail ballots not later than the 10th day after the date of an election; and (3) the presiding judge of the early voting ballot board shall deliver written notice of the reason for the rejection of a ballot to the voter at the residence address on the ballot application not later than the 10th day after the local canvass.

**H.B. 1270 (Cole) – Voter Registration:** would, among other things: (1) provide that the voter registrar shall appoint, as a regular deputy registrar, at least one election officer serving each polling place for early voting by personal appearance or on election day; (2) provide that a person who would be eligible to vote in an election but for the requirement to be a registered voter must be accepted during voting by personal appearance for voting the ballot for the precinct of the person's residence as shown by the identification presented if the person: (a) submits a voter registration application that complies with state law to an election officer at the polling place; and (b) presents as proof of identification a form of photo identification that complies with state law and states the person's current address, or another form of identification along with proof of residency that complies with state law; and (3) require persons voting under (2), above, to be processed separately at the polling place from persons who are voting under regular procedures.

**H.B. 1272 (Cole) – Early Voting:** would provide that the period for early voting by personal appearance would begin on the first business day after the last day a voter registration becomes effective.

**H.B. 1273 (Cole) – Early Voting Hours:** would, among other things, provide that: (1) the voter registrar's office shall remain open for providing voter registration information during the hours that the main early voting polling place is open for voting; (2) the authority ordering an election, including city council, may order early voting by personal appearance at the main early voting polling place to be conducted: (a) on one or more Saturdays or Sundays during the early voting period; or (b) during an extended early voting period continuing for any number of consecutive days up to and including the day before election day; (3) the authority authorized to order extended early voting under (2), above, that orders the voting during an extended early voting period shall order personal appearance voting at the main early voting polling place to be conducted for at least 12 hours on any weekday or Saturday and for at least five hours on any Sunday of the extended early voting period; (4) the election order and the election notice must state the dates and hours that extended voting described in (2), above, is ordered to be conducted; (5) the early voting clerk shall post notice for each election stating the dates and hours that extended voting described in (2), above, is ordered to be conducted; (6) the authority authorized under (2), above, to order extended early voting may also order extended early voting to be conducted at any one or more of the temporary branch polling places; and (7) not later than the time of the local canvass, the early voting clerk shall deliver to the local canvassing authority a report of the total number of early voting votes cast during the period of early voting by personal appearance for each candidate or measure by election precinct.

**H.B. 1299 (Noble) – Mail in Ballots:** would provide that: (1) a voter, after marking a ballot voted by mail, must sign the certificate on the carrier envelope using ink on paper, and that an electronic signature or photocopied signature is not permitted; and (2) a person other than the voter who assists a voter by depositing the carrier envelope in the mail or with a common or contract carrier or who obtains the carrier envelope for that purpose must sign the envelope using ink on paper, and that an electronic signature or photocopied signature is not permitted.

**H.B. 1306 (Paul) – Election Contracts:** would, among other things, provide: (1) that the county election officer shall contract with the governing body of a political subdivision, including a city, situated wholly or partly in the county served by the officer to perform election services in any

election ordered by an authority of the political subdivision; and (2) repeal the provision that provides that a county elections administrator is not required to enter into a contract to furnish election services for an election held on the first Saturday in May in an even-numbered year.

**H.B. 1356 (Morales Shaw) – Voter Identification:** would provide that a Transportation Worker Identification Credential card issued by the Transportation Security Administration that has not expired or that expired no earlier than four years before the date of presentation is an acceptable form of photo identification for voting

**H.B. 1434 (Buckley) – Staggered Terms:** would provide that if the aldermen of the governing body of a Type A general law city are not serving staggered terms of office, the governing body, by majority vote, may establish staggered terms by requiring the aldermen to draw lots.

**H.B. 1444 (Cortez) – Overseas Absentee Ballots:** would, among other things, provide that: (1) in addition to any other balloting materials provided to voters who are overseas citizens and members of the US military and who are eligible for early voting by mail, the early voting clerk shall provide the voters with: (a) a runoff election ballot for each office for which the voter is eligible to vote; and (b) a second carrier envelope in which the voter may return the runoff election ballot; (2) a voter described in (1), above, who is eligible for early voting by mail shall receive a runoff election ballot at the same time and in the same manner as the voter's general election ballot; (3) the secretary of state shall prescribe procedures to provide for a runoff election ballot issued to a voter described in (1), above, to use a preferential voting system, which must allow a voter to rank each candidate through a numerical designation from the candidate the voter favors most to the candidate the voter favors least; and (4) if a runoff election for any office voted by the voter occurs, the carrier envelope containing the voter's runoff election ballot shall be opened and the ballot counted, and the voter's vote is assigned to the runoff candidate whom the voter assigned the highest favorable ranking on the runoff election ballot.

**H.B. 1448 (Oliverson) – Ballot by Mail:** would, among other things, provide that: (1) the early voting clerk shall include with the ballot by mail materials provided to a voter a card containing a space for the voter to place the voter's right thumbprint and sign the card; (2) after marking the ballot by mail, the voter must place it in the official ballot envelope and then seal the ballot envelope, place the ballot envelope and the completed card described in (1), above, in the official carrier envelope and then seal the carrier envelope, and sign the certificate on the carrier envelope; and (3) the secretary of state shall adopt rules to facilitate the procurement of the right thumbprint of as many registered voters as possible by entering into agreements with the Department of Public Safety and any other state agency the secretary of state deems appropriate.

**H.B. 1477 (Anchia) – Voter Identification:** would, among other things, provide that following documentation is an acceptable form of photo identification for purposes of voting: (1) a student identification card issued to the person by a public or private high school or institution of higher education that contains the person's photograph and date of birth; and (2) any other identification card, form, or certificate containing the person's photograph and date of birth issued by the state, a state agency, a political subdivision, including a city, or the United States.

**H.B. 1567 (Allison) – Polling Place:** would provide that a voter may bring marked sample ballots and other written communications to their voting stations.

**H.B. 1576 (Leo-Wilson) – Communication Devices:** would provide that: (1) a person commits an offense if the person, with knowledge that such activity is illegal, knowingly: (a) uses a wireless communication device within 100 feet of a voting station; and (b) uses any mechanical or electronic means of recording images or sound within 100 feet of a voting station; and (2) an offense described in (1), above, is a Class C misdemeanor.

**H.B. 1632 (Paul) – Election Officer Training:** would, among other things: (1) provide that the secretary of state shall provide a standardized training program in election law and procedure for presiding or alternate election judges, and shall develop materials for a standardized curriculum for program, including a published handbook, made available on the secretary of state’s internet website, free of charge; (2) provide that the training program provided under (1), above, must: (a) be available entirely via the internet and, at any time, without a requirement for prior registration; (b) require the passage of an examination at the end of the training program; and (c) provide an individual who completes the training with a certificate of completion, and such certificate shall expire no later than one year following the date it was awarded; (3) provide that a current certificate of completion awarded under (2), above, is a prerequisite to eligibility for service in an election; (4) provide that the governing body of a political subdivision, including a city, may appropriate funds to compensate its election judges, early voting clerk, and deputy early voting clerks in charge of early voting polling places for attending a training program required under (1), above, at an hourly rate not to exceed the maximum rate of compensation of an election judge for services rendered at a precinct polling place; and (5) repeal current law, which allows the governing body of a political subdivision, including a city to providing training for its election officers using a standardized training and materials developed and provided by the secretary of state.

**H.B. 1775 (E. Thompson) – ESD Board Elections:** would, among other things, in a county with a population of more than 200,000, provide that:

1. an emergency services district (ESD) governing body consists of five-person board of commissioners elected at large from the district;
2. after an ESD is created, the county judge shall establish a convenient day in accordance with the Texas Election Code to conduct the initial emergency services district commissioners’ election;
3. a candidate for ESD commissioner must be at least 18 years old, a resident of the district, and give the county voter registrar a sworn notice of their intent to run that includes the candidate’s name, age, address, and state that they are serving notice of intent to run for ESD commissioner;
4. notwithstanding Number 3, above, the Election Code provisions regarding a write-in candidate for city office also apply to a write-in candidate for ESD commissioner;

5. after the election is held, the county voter registrar or deputy registrar shall prepare a sworn statement of the county's incurred election costs to be given to the newly elected ESD governing body, which shall order the appropriate official to reimburse the county;
6. the initial ESD commissioners' terms begin 30 days after canvassing of the election results, with: (a) the term for the two ESD commissioners with the fewest votes expiring on January 1 of the third year following the year of the election; and (b) the terms of the other ESD commissioners expiring on January 1 of the fifth year following the year of the election;
7. afterward the initial election, ESD commissioners serve staggered-four-year terms; and
8. the ESD board shall hold subsequent general elections for an appropriate number of ESD commissioners in each even-numbered year on the November uniform election date. (Companion bill is **S.B. 660** by **Eckhardt**.)

**H.B. 1792 (Goodwin) – Preferential Voting:** would, among other things, provide that: (1) a special election held to fill a vacancy in an office requiring a majority vote must use preferential voting, which allows a voter to rank each candidate for office through a numerical designation from the candidate the voter favors most to the candidate the voter favors least; (2) if no candidate receives a majority of the votes cast designating the highest favorable ranking for an office, the votes of the candidate receiving the fewest number of votes are reassigned to the candidate ranking next highest in the preference of a voter; (3) if after reassigning votes under (2), above, no candidate receives a majority of the votes cast designating the modified highest favorable ranking, the reassignment of a vote to a voter's next most preferred candidate as described in (2), above, continues until one candidate receives a majority; and (4) a runoff election is not held when preferential voting under (1), above, applies. (Companion bill is **S.B. 637** by **Eckhardt**.)

**H.B. 1849 (DeAyala) – Election Clerks:** would, among other things, provide that: (1) the alternate presiding judge for each election precinct shall appoint one election clerk to assist the alternate presiding judge in the conduct of an election at the polling place served by the alternate presiding judge; (2) the authority that appoints the election judges shall prescribe the maximum number of clerks that each alternate presiding judge may appoint for each election; (3) the presiding judge shall appoint at least one clerk and the alternate presiding judge shall appoint one clerk for each precinct in each election; and (4) in a county with a population of more than one million: (a) the alternate presiding judge shall appoint at least one clerk; and (b) the presiding judge and alternate presiding judge shall each appoint the same number of clerks to the extent possible given the total number of clerks to be appointed.

**H.B. 1862 (Jetton) – Election Clerks:** would, among other things: (1) provide that the alternate presiding judge shall serve as presiding judge for an election if the regularly appointed presiding judge is not present at a polling location or otherwise cannot serve; (2) provide that a person may not prevent an alternate presiding judge from freely occupying or observing the area in which voters are being accepted for voting; (3) provide that the presiding judge and alternate presiding

judge for each election precinct shall each appoint election clerks to assist the judges in the conduct of an election at the polling place served by the judges; (4) provide that the authority that appoints the election judges shall prescribe the maximum number of clerks that each presiding judge and alternate presiding judge may appoint for each election; (5) provide that the presiding judge shall appoint at least one clerk and the alternate presiding judge shall appoint at least one clerk for each precinct in each election; (6) provide that the presiding judge and alternate presiding judge may each appoint as many additional clerks, within the prescribed limit, as are necessary for the proper conduct of the election; and (7) repeal the provision that provides that in an election conducted by the regularly appointed presiding judge, the presiding judge shall appoint the alternate presiding judge as one of the clerks.

**H.B. 1877 (Swanson) – Election Investigations:** would, among other things, provide that: (1) the secretary of state may take appropriate action to protect against violations of the Election Code; (2) the secretary of state shall appoint a state election marshal who shall report to the secretary of state; (3) the state election marshal shall appoint election marshals for each Department of Public Safety (DPS) region such that there is one election marshal for each 1,000,000 people who reside in the region; (4) appointments of election marshals must be made not later than the 60th day before the date early voting is scheduled to begin in an election held on a uniform election date in November or a primary election; (5) an appointment of an election marshal is in effect for 90 days and may be extended by the state election marshal if the election marshal is conducting an investigation; (6) the state election marshal shall designate an election marshal in each DPS region as the chief election marshal for the region; (7) the chief election marshal for a region shall assign election marshals to each alleged violation of the Election Code occurring in the region; (8) a state inspector or election marshal shall promptly investigate an alleged violation of the Election Code that is: (a) supported by an affidavit or unsworn declaration; and (b) submitted to the state inspector or chief election marshal, and if submitted to the chief election marshal, assigned to the election marshal; and (9) if an election marshal investigates an alleged violation of the Election Code and finds probable cause exists that a violation is occurring or is likely to occur, the election marshal: (a) shall exercise all lawful means to prevent the violation from continuing or occurring; (b) may seek such orders, processes, or warrants from a court that the election marshal finds necessary to prevent the violation from continuing or occurring; and (c) may also file appropriate criminal charges.

**H.B. 1943 (Rosenthal) – Early Voting by Mail:** would provide that an application for a ballot to be voted by mail is considered to be submitted for the year in which the application is submitted and the following calendar year if: (1) the first election in which the applicant is eligible to vote following the submission of the application is an election held on the uniform election date in November of an odd-numbered year; and (2) the applicant indicates that the application is for the next November election and the elections held in the following calendar year.

**H.B. 1944 (Rosenthal) – Elections:** would provide that a person occupying a voting station may use a mechanical or electronic device to access ballot or candidate information that was downloaded or created before the person entered the polling place.

**H.J.R. 54 (Rogers) – State Candidate Qualifications:** would, among other things, amend the Texas Constitution by adding a requirement that for a person to be eligible to be a candidate for,

or elected or appointed, to certain state offices, the person must have paid all child support due and payable by the person unless: (a) the person has made all due payments under a payment plan; or (b) the child support due is being contested or negotiated. (See **H.B. 789**, above.)

**H.J.R. 70 (Rogers) – State Candidate Qualifications:** would, among other things, amend the Texas Constitution by adding a requirement that for a person to be eligible to be a candidate for, or elected or appointed, to the office of State Senator or Representative, or to be a candidate for or elected to the office of Governor, the person must have paid all child support due and payable by the person unless: (a) the person has made all due payments under a payment plan; or (b) the child support due is being contested or negotiated. (See **H.B. 789** and **H.B. 1160**, above.)

**S.B. 93 (Johnson) – Voter Registration:** would, among other things: (1) provide that an election officer serving a polling place for early voting by personal appearance is a deputy voter registrar and has the same authority as a regular deputy registrar; (2) require two voter registrars to be present at each polling place while the polls are open; (3) provide that a person who would be eligible to vote in an election but for the requirement to be a registered voter must be accepted during voting by personal appearance for voting the ballot for the precinct of the person’s residence as shown by the identification presented if the person: (a) submits a voter registration application that complies with state law to an election officer at the polling place; and (b) presents as proof of residence a form of photo identification that complies with state law and states the person’s current address; (4) require the election officer to return the original proof of residence to the voter; and (5) require a person voting under (3), above, to vote a provisional ballot in accordance with state law, except that the person is not required to submit an affidavit stating the person is a registered voter and is eligible to vote in the election.

**S.B. 116 (Menéndez) – Voter Identification:** would, among other things, expand the list of acceptable forms of identification for the purposes of voting and allow a voter to present two forms of certain types of identification from the expanded list as proof of identification, so long as one form of identification contains the name and address of the voter.

**S.B. 117 (Menéndez) – Countywide Polling Place:** would authorize the secretary of state to select any county to participate in the countywide polling place program. (Companion bill is **H.B. 499** by **Meza**.)

**S.B. 120 (Menéndez) – Early Voting by Mail:** would, among many other things, authorize early voting by mail for any qualified voter and provide for implementing procedures. (Companion bills is **H.B. 67** by **Ortega**.)

**S.B. 220 (Bettencourt) – Election Marshals:** would provide, among other things, that:

1. the secretary of state has authority to take appropriate action to protect against violations of the Election Code;
2. the secretary of state shall appoint a state election marshal who reports to the secretary of state;

3. the state election marshal shall appoint election marshals for each Department of Public Safety (DPS) region such that there is one election marshal for each 1,000,000 people who reside in the region;
4. appointments described in Number 3, above: (a) must be made not later than the 60<sup>th</sup> day before the date early voting is scheduled to begin in an election held on a uniform election date in November or a primary election; and (b) shall be in effect for 90 days, and may be extended by the state election marshal if the election marshal is conducting an investigation;
5. the state election marshal shall designate an election marshal in each DPS region as the chief election marshal for the region;
6. the chief election marshal for a region shall assign election marshals to each alleged violation of Election Code occurring in the region as described by Number 9, below;
7. to be qualified as a state election marshal or an election marshal, a person must: (a) be licensed as a peace officer by the Texas Commission on Law Enforcement; (b) be commissioned by the DPS; (c) and have received training in election law from the secretary of state;
8. an election marshal has the powers and duties of a state inspector and other powers and duties as assigned by law;
9. a state inspector or election marshal shall promptly investigate an alleged violation of the Election Code that is: (a) supported by an affidavit or unsworn declaration; and (b) submitted to the state inspector or chief election marshal, and if submitted to the chief election marshal, assigned to the election marshal; and
10. if an election marshal investigates an alleged violation and finds probable cause exists that a violation is occurring or is likely to occur, the election marshal: (a) shall exercise all lawful means to prevent the violation from continuing or occurring; (b) may seek such orders, processes, or warrants from a court that the election marshal finds necessary to prevent the violation from continuing or occurring; and (c) may also file appropriate criminal charges.

(Companion bill is **H.B. 549** by **Swanson**.)

**S.B. 221 (Bettencourt) – Recall Elections, Ballot Propositions, and Petitions:** with regard to a city's ballot proposition language, the bill would:

1. require that a ballot proposition substantially submit a question with such definiteness and certainty that the voters are not misled;
2. provide that if a court orders a new election to be held after a contested election is declared void, 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 substantially submit the question with such definiteness and certainty that the voters are not misled;

3. allow a religious organization to circulate or submit a petition in connection with a recall election;
4. provide that, not later than the seventh day after the date that a home rule city publishes ballot proposition language proposing an amendment to the city charter or another city law as requested by petition, a registered voter eligible to vote in the election may submit the proposition for review by the secretary of state (SOS);
5. require the SOS to review the proposition not later than the seventh day after the date the SOS receives the submission to determine whether the proposition is misleading or inaccurate;
6. provide that if the SOS determines that the proposition is misleading or inaccurate, the city shall draft a proposition to cure the defect and give notice of the new proposition;
7. authorize a proposition drafted by a city under Number 6, above, to be submitted to the SOS under the process outlined in Number 4, above;
8. provide that if the SOS determines that the city has on its third attempt drafted a proposition that is misleading or inaccurate, the SOS shall draft the ballot proposition;
9. require, in an action in a district court seeking a writ of mandamus to compel the city to comply with the provision described in Number 1, above, the court to make a determination without delay and authorize the court to: (a) order the city to use ballot proposition language drafted by the court; and (b) award a plaintiff or relator who substantially prevails reasonable attorney's fees, expenses, and court costs;
10. waive and abolish governmental immunity to suit to the extent of the liability created by Number 9(b), above;
11. provide that, following a final judgment that a proposition failed to comply with the provision described in Number 1, above, a city must submit to the SOS any proposition to be voted on at any election held by the city before the fourth anniversary of the court's finding; and
12. require a city to pay fair market value for all legal services relating to a proceeding regarding ballot proposition language enforcement.

In addition, with regard to petitions, the bill would:

1. provide that 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 legibly provides enough information to demonstrate that the signer is eligible to sign the

petition and signed the petition on or after the 180th day before the date the petition was filed;

2. require the SOS to prescribe the form, content, and procedure for a petition and prohibit a home-rule city that uses a form that is different than the SOS form from invalidating a petition because it doesn't contain information that the petition form failed to provide for or required to be provided;
3. provide that a person who circulates or submits a petition is not required to use a petition form prescribed by the SOS or a home-rule city, but that a petition that does not use an officially prescribed form must contain the substantial elements required to be provided on the officially prescribed form;
4. require that the city secretary determine the validity of a petition, including verifying the petition signatures, not later than the 30th day after the date the city receives the petition;
5. prohibit a city from restricting who may collect petition signatures;
6. provide that the provisions described by Numbers 4 and 5, above, preempt home-rule charter procedures requiring the city council to hold an election on receipt of a petition; and
7. in regard to a charter amendment election petition: (a) provide that at least five percent of the registered voters of the city on the date of the most recent election held in the city or 20,000, whichever number is smaller, may submit a petition; and (b) require the notice of election include a substantial copy of the proposed amendment in which language sought to be deleted by the amendment is bracketed and stricken through and language sought to be added by the amendment is underlined.

**S.B. 292 (Johnson) – Voted Ballots:** would provide that voted ballots are confidential and not subject to disclosure under the Public Information Act until after expiration of the statutory preservation period.

**S.B. 293 (Johnson) – Elections:** would: (1) create a criminal offense for a person who: (a) knowingly threatens an election official, a family member of an election official, or an individual with whom the election official has a dating relationship; (b) directly or indirectly uses force, coercion, violence, restraint, damage, harm or loss, against another with the intent to influence an election official; (c) interferes with, hinders, or prevents an election official's administration of an election; (d) knowingly and without consent disseminates personal information about an election official or a family member of an election official, and that the person knows or reasonably should know, poses an imminent and serious threat to the election official's or family member's safety; (e) intentionally and physically obstructs an election official's access to or egress from any place where an election official is performing their statutory or other official duties related to the administration of an election; or (f) intentionally conspires with one or more persons to violate the above-listed offenses; and (2) except information relating to a current election official's home

address, home telephone number, emergency contact information, or social security number, or reveals whether a current election official has family members, from the Public Information Act.

**S.B. 310 (Hall) – Public Health Directives:** would provide that: (1) during a state of disaster declared by the governor, if the governor issues a public health directive as the governor determines necessary to address the disaster, the directive must not be more stringent than any public health directive for undocumented immigrants issued by United States Immigration and Customs Enforcement; and (2) if the Department of State Health Services or a health authority issues a public health directive as the department or health authority determines necessary to address an outbreak of a communicable disease or public health disaster, the directive may not be more stringent than any public health directive for undocumented immigrants issued by United States Immigration and Customs Enforcement.

**S.B. 359 (Eckhardt) - Preferential Voting:** would, among other things, provide that: (1) the governing body of a city or school district may authorize, by majority vote, the use of a preferential voting system for the election of an officer of the city or school district; (2) the system must allow a voter to rank each candidate for an office through a numerical designation from the candidate the voter favors most to the candidate the voter favors least; and (3) a runoff election shall not be held for an office to which preferential voting applies. (Companion bill is **H.B. 259** by **Goodwin**.)

**S.B. 396 (Hall) – Paper Ballots:** would provide that: (1) the authority responsible for procuring election supplies (the city secretary) shall provide, unless the number of ballots provided to an election precinct is equal to the total number of registered voters in the precinct, the means to print additional paper ballots at each precinct polling place and early voting polling place; (2) an election officer shall provide a paper ballot to a voter who requests a paper ballot; and (3) the secretary of state may prescribe procedures to implement the provisions of (2), above.

**S.B. 397 (Hall) – Voting Machines:** would provide that immediately after closing the polls for voting on the last day of early voting by personal appearance, the presiding election judge or alternate election judge shall print the tape to show the number of votes cast for each candidate or ballot measure for each voting machine.

**S.B. 398 (Hall) – Federal Elections:** would, among other things, provide that: (1) a primary or general election for a federal office, other than the office of the president or vice president of the United States, or a resulting runoff election (a “federal election”) is a separate election from any other election in the state; (2) a federal election may not list on the federal ballot any proposition or election for state or county office; (3) to the extent feasible, a federal election and an election that is not a federal election shall be held separately and concurrently using the same precincts and polling locations; and (4) the secretary of state shall adopt rules to enact the provisions of (1)-(3), above, and the rules adopted must reduce voter disruption and confusion to the greatest extent possible, including rules requiring use of the same area in which voters are being accepted for voting and the same voting stations for state and federal elections. (Companion bill is **H.B. 294** by **Schofield**.)

**S.B. 477 (Zaffirini) – Disabled Voters:** would provide that: (1) an election officer must accept a person with a mobility problem that impairs an person’s ability to ambulate who is offering to vote

before accepting others offering to vote at the polling place who arrived before the person; (2) the notice of priority given to persons with a mobility problem that impairs a person's ability to ambulate shall be posted at each entrance to a polling place where it can be read by people waiting to vote; (3) at each polling place two parking spots shall be reserved for voting; (4) that the parking spots described in (3), above: (a) may not be parking spots specifically designated to individuals with disabilities; and (b) must be clearly marked with a sign as being used for a voter who is unable to enter the polling place; (5) the sign described in (4)(b), above, must have a telephone number that a voter may call or text to request assistance from election officials at the polling place; (6) the early voting clerk shall post the official application form for an early voting ballot on the clerk's internet website in a format that allows a person to easily complete the application directly on the website before printing; and (7) the early voting clerk may use the official application form for early voting ballot provided by the secretary of state or the early voting clerk's own application form.

**S.B. 512 (Hall) – Electronic Devices:** would, among other things, provide that: (1) a signature roster in the form of an electronic device that is used for purposes of capturing a voter's signature next to the voter's name at a polling place may not be used in an election; (2) a poll list in the form of an electronic device for purposes entering each accepted voter's name on the list after the voter signs the signature roster may not be used in an election; (3) a combination form in the form of an electronic device for purposes of combining the poll list, the signature roster, or a list of registered voters may not be used in an election; (4) an election officer at a polling place where an electronic voting system is used must provide a paper ballot to each voter who requests one, and the paper ballot must be printed at the time the request is made; (5) after the paper ballot described in (3), above, is voted by the voter, the ballot must be scanned at the polling place with an optical scanner; and (6) a voting system that consists of a ballot marking device may not be used in an election.

**S.B. 637 (Eckhardt) – Preferential Voting:** would, among other things, provide that: (1) a special election held to fill a vacancy in an office requiring a majority vote must use preferential voting, which allows a voter to rank each candidate for office through a numerical designation from the candidate the voter favors most to the candidate the voter favors least; (2) if no candidate receives a majority of the votes cast designating the highest favorable ranking for an office, the votes of the candidate receiving the fewest number of votes are reassigned to the candidate ranking next highest in the preference of a voter; (3) if after reassigning votes under (2), above, no candidate receives a majority of the votes cast designating the modified highest favorable ranking, the reassignment of a vote to a voter's next most preferred candidate as described in (2), above, continues until one candidate receives a majority; and (4) a runoff election is not held when preferential voting under (1), above, applies. (Companion bill is **H.B. 1792** by **Goodwin**.)

**S.B. 647 (Springer) – General Election:** would authorize a political subdivision other than a county or municipal utility district to change the date on which it holds its general election for officers to the November uniform election date. (Companion bill is **H.B. 455** by **Schofield**.)

**S.B. 660 (Eckhardt) – ESD Board Elections:** would, among other things, in a county with a population of more than 200,000, provide that:

1. an emergency services district (ESD) governing body consists of five-person board of commissioners elected at large from the district;
2. after an ESD is created, the county judge shall establish a convenient day in accordance with the Texas Election Code to conduct the initial emergency services district commissioners' election;
3. a candidate for ESD commissioner must be at least 18 years old, a resident of the district, and give the county voter registrar a sworn notice of their intent to run that includes the candidate's name, age, address, and state that they are serving notice of intent to run for ESD commissioner;
4. notwithstanding Number 3, above, the Election Code provisions regarding a write-in candidate for city office also apply to a write-in candidate for ESD commissioner;
5. after the election is held, the county voter registrar or deputy registrar shall prepare a sworn statement of the county's incurred election costs to be given to the newly elected ESD governing body, which shall order the appropriate official to reimburse the county;
6. the initial ESD commissioners' terms begin 30 days after canvassing of the election results, with: (a) the term for the two ESD commissioners with the fewest votes expiring on January 1 of the third year following the year of the election; and (b) the terms of the other ESD commissioners expiring on January 1 of the fifth year following the year of the election;
7. afterward the initial election, ESD commissioners serve staggered-four-year terms; and
8. the ESD board shall hold subsequent general elections for an appropriate number of ESD commissioners in each even-numbered year on the November uniform election date. (Companion bill is **H.B. 1775** by **E. Thompson**.)

### **Emergency Management**

**H.B. 107 (Schaefer) – Violations of Emergency Management Plan:** would repeal provisions of the Texas Disaster Act, which provide that a state, local, or interjurisdictional emergency management plan may: (1) provide that failure to comply with the plan or with a rule, order, or ordinance adopted under the plan is an offense; and (2) prescribe a punishment for the offense but may not prescribe a fine that exceeds \$1,000 or confinement in jail for a term that exceeds 180 days.

**H.B. 119 (Schaefer) – Judicial Review of Disaster Orders:** would provide: (1) a person has standing to file suit in a Texas court to challenge a provision of an order issued by: (a) the governor or the presiding officer of the governing body of a political subdivision, including a city, that relates to a declared state of disaster if the provision in the order is alleged to cause injury to the

person or burden a right of the person that is protected by the federal constitution or by a state or federal law; and (b) by the governor, the Health and Human Services Commissioner, the Department of State Health Services, or a health authority that relates to a declared public health disaster or is imposed as a control measure to prevent the spread of a communicable disease if the provision in the order is alleged to cause injury to the person or burden a right of the person that is protected by the state or federal constitution or by a state or federal law; and (2) the issuer of the order described in (1), above, has the burden of proving that the challenged provision in the order: (a) mitigates a threat to the public caused by the disaster or communicable disease, as applicable; and (b) is the least restrictive means of mitigating the threat.

**H.B. 154 (Schaefer) – Face Coverings:** would provide that the governor or a local official may not issue an executive order, proclamation, or regulation, as applicable, that requires a person to wear a mask or personal protective equipment unless expressly provided by a statute.

**H.B. 448 (Schofield) – Disaster Order Compensation Damages:** would provide, among other things, that: (1) a business owner is entitled to compensation from a governmental entity, including a city, for losses caused to the owner's business by an order, ordinance, or other regulation by a governmental entity, including an executive or local order issued during a declared state of disaster that: (a) closes a business permanently or temporarily; or (b) effectively closes a business by: (i) limiting the business's operations to the extent that the business owner cannot effectively maintain the business; or (ii) ordering customers not to patronize the business; (2) a business owner is not entitled to compensation under (1), above, if the governmental entity can demonstrate that the primary reason for the governmental action was: (a) a judicial finding that the business: (i) was a nuisance under the law; or (ii) violated other law; or (b) a finding that the business or owner failed to: (i) acquire or maintain a license required by the governmental entity for the business; (ii) file or maintain records required by the secretary of state; or (iii) pay taxes; and (3) sovereign and governmental immunity to suit and from liability is waived and abolished to the extent of liability under (1), above.

**H.B. 558 (Raymond) – Executive Orders:** would provide that an executive order, proclamation, or regulation issued by the governor during a declared state of disaster that restricts the operation of or the hours of operation for a business that sells alcoholic beverages may not include a federal tax-exempt organization that benefits veterans of the United States armed forces.

**H.B. 624 (Harris) – Emergency Medical Transport by Firefighters:** would provide that: (1) a firefighter, regardless of licensure as an emergency medical services provider, may transport a sick or injured patient to a health care facility in a vehicle other than an emergency medical services vehicle if: (a) the appropriate emergency medical services provider is notified of the patient's clinical condition and is unable to provide emergency medical services at the patient's location; and (b) the medical treatment and transport protocols for the patient's apparent clinical condition authorize transport of the patient in a vehicle other than an emergency medical services vehicle; and (2) each emergency medical services and trauma care system shall develop the medical treatment and transport protocols necessary for the implementation of (1)(b), above, for the area covered by the system and provide notice of the protocols to the emergency medical providers and fire fighters in that area.

**H.B. 860 (Gates) – Emergency Repairs to Residential Buildings:** provides, among other things that: (1) a city shall allow an owner of a damaged residential building to immediately begin to repair to the building if: (a) the owner applies for an emergency permit; and (b) the repairs are necessary to protect public safety, prevent further damage to the building, or protect the overall structural integrity of the building; (2) an owner of a residential building may apply for an emergency permit to conduct repairs by filing an application not later than the third business day after the later of the date the repairs commence or the date the city is able to accept the application; (3) the governor may not exempt a city from (1), above, by an executive order related to a declared disaster; (4) an owner of a residential building who is prohibited from conducting repairs by a city in violation of (1), above, may bring an action against the city for damages, including litigation costs and reasonable attorney’s fees; and (5) governmental immunity to suit and from liability is waived.

**H.B. 911 (Harrison) – Disaster Orders:** would, among other things, provide that: (1) a state or local official may issue recommendations and nonbinding guidelines to assist with a state of disaster and may coordinate public and private resources to prevent or respond to the disaster; (2) notwithstanding any other law, an order issued by the governor or a state or local official that regulates or infringes on the rights of any private person must be: (a) narrowly tailored to serve a compelling public health or safety purpose; and (b) limited in duration, applicability, and scope to reduce any infringement on individual liberty; (3) district and appellate courts have jurisdiction to hear cases challenging a state or local disaster order and shall expedite hearings for the cases; (4) a court may invalidate or enjoin a disaster order or the application of a disaster order that is not narrowly tailored to serve a compelling public health or safety purpose because of the order’s inequality in application to or impact on groups, situations, or circumstances; (5) only the governor may issue an order that infringes on a protected constitutional right in a non-trivial manner, including but not limited to: (a) the rights to travel, work, assemble, and speak; (b) the freedom of religious exercise; (c) the right to contract without state interference; (d) property rights; (e) the freedom from unreasonable searches and seizures; and (f) the freedom to purchase lawfully acquired firearms and ammunition; (6) an order in (5), above, expires on the 30th day after the date the governor issues the order unless the governor or legislature terminates the order on an earlier date or the legislature extends the order on or before the expiration date; and (7) the governor may only suspend state agency orders and rules (not statutory requirements) during a state of disaster.

**H.B. 1023 (Harrison) – Disaster Declarations:** would provide that during a federally declared public health emergency, a clinical laboratory is considered a state agency for purposes of regulation by the United States Food and Drug Administration when the laboratory is performing a laboratory developed test on a pathogen or agent that is the basis for the emergency declaration.

**H.B. 1078 (Martinez) – Disaster Identification System:** would, among other things, provide that: (1) the Texas Division of Emergency Management may include in its state emergency plan provisions for the use of a disaster identification system; (2) in an area subject to a state of disaster declaration, a person may elect to participate in a disaster identification system activated for that area; (3) the disaster identification system shall authorize the use of a device that is capable of displaying a flashing light and continuous light in either the color white or the colors blue, green, red, and yellow to communicate with disaster relief personnel; and (4) an executive order or

proclamation declaring a state of disaster activates for the area subject to the declaration the disaster identification system described above.

**S.B. 97 (Johnson) – Emergency Executive Orders:** would provide that: (1) the governor shall limit an executive order, proclamation, or regulation that is issued, amended, or rescinded to address only the specific conditions or requirements of the disaster that is the subject of the executive order, proclamation, or regulation under a state of disaster; and (2) not later than Monday of each week during a declared disaster, the governor and the Texas Department of Emergency Management (TDEM) shall publish on the governor’s website and TDEM’s disaster web portal a list of all executive orders, proclamations, and regulations issued by the governor during the previous seven-day period in chronological order.

**S.B. 98 (Johnson) – Disaster Declaration:** would, among other things, provide that if the Texas legislature is convened in a regular or special session during a state of disaster, only the legislature by law may renew the state of disaster, and not the governor.

**S.B. 99 (Johnson) – Disaster Declaration:** would, among other things: (1) require the legislature to appoint a joint disaster oversight committee; and (2) provide that if the governor determines a state of disaster requires renewal for more than 90 days from the date of the initial disaster declaration, the governor may renew the state of disaster only if: (a) the joint disaster oversight committee conducts a public hearing on renewal of the state of disaster; (b) the legislature convened in a regular or special session approves the renewal by a law that states the maximum number of days the state of disaster may continue following renewal; and (c) the governor’s renewal of the state of disaster expires not later than the date set by the legislature under (b), above.

**S.B. 100 (Johnson) – Disaster Declaration:** would eliminate the governor’s responsibility as commander in chief of state agencies, boards, and commissions having emergency responsibilities during the recovery period following a state of disaster.

**S.B. 306 (Hall) – Quarantine Measures:** would, among other things, provide that: (1) before ordering an individual or a group of individuals to implement control measures that involve isolation or quarantine, a health authority must: (a) provide notice of the control measures to the individual or group of individuals; and (b) provide to the individual or group of individuals an opportunity to demonstrate that implementing the control measures is unnecessary; (2) a health authority may not order an individual or a group of individuals to implement control measures described by (1), above, for a period that exceeds five days unless the health authority obtains from a district court of the county in which the individual or group of individuals resides, is located, or is receiving court-ordered health services a court order authorizing the health authority to order the individual or group of individuals to implement the control measures; and (3) in ordering an individual or group of individuals to implement control measures described by (1), above, a health authority to the greatest extent possible must: (a) use the least restrictive means available; (b) allow an individual to isolate or quarantine with other individuals subject to the same court order under (2), above; (c) if the individual subject to the control measure is a minor, allow the individual to isolate or quarantine with the individual’s parent, legal guardian, or managing conservator; and (d) allow an individual to isolate or quarantine in the individual’s home or with another family member or a friend.

**S.B. 307 (Hall) – Federally Declared Public Health Emergencies:** would provide that: (1) a city or its employees may not enforce or provide assistance to a federal agency or official with respect to enforcing a federal statute, order, rule, or regulation that: (a) is enacted or issued in response to a federally declared public health emergency; and (b) imposes a prohibition, restriction, or other regulation that does not exist under state law; (2) a city is ineligible to receive state money from the general revenue fund or a grant program if it through consistent actions or a contract adopts a rule, order, ordinance, or policy under which the city enforces or assists with the enforcement of a federal statute, order, rule or regulation described in (1), above; (3) an individual residing in the city may file a complaint with the attorney general if the individual offers evidence to support an allegation in (1), above; (4) if the attorney general determines that a complaint filed under (3), above, is valid, the attorney general may file a petition for a writ of mandamus or apply for other equitable relief (including court costs, reasonable attorney’s fees, investigative costs, witness fees, and deposition costs) in a district court in Travis County or in a county in which the city is located; (5) an appeal of an action brought under (4), above, shall be accelerated and an appellate court shall render its final order or judgment with the least possible delay; and (6) the attorney general shall defend a city in an action by the federal government for an act or omission consistent with this law.

**S.B. 700 (Eckhardt) – Public Health Orders in Schools:** would, among other things, provide that a school district shall implement or otherwise comply with health directives outlined in a public health order issued by a health authority with jurisdiction over territory in which the district is wholly or partly located regarding evidence-based practices to reduce or eliminate the transmission of or infection with a communicable disease among district students and staff, including directives requiring the students and staff to wear face masks or face coverings.

### **Municipal Courts**

**H.B. 303 (Bernal) – Municipal Court Costs:** would provide that: (1) the credit for time served in jail shall be applied to the amount of the fines and costs at a rate of not less than \$100 for each period served that is not less than eight hours or more than 24 hours, as specified by the justice or judge; (2) a justice or municipal court may not order the confinement of a person, including a child, for the failure to pay all or any part of a fine or costs imposed for the conviction of an offense punishable by fine only or contempt of a judgment entered for the conviction of an offense punishable by fine only; and (3) subject to (2), above, punishment for contempt of a justice court or municipal court is a fine of not more than \$100 or confinement in the county or municipal jail for not more than three days, or both such a fine and confinement in jail.

**H.B. 734 (Vasut) – Community Service:** would increase the amount of fines or costs considered to have been discharged for each eight hours of community service performed by a defendant from \$100 to \$150.

**H.B. 1366 (Vasut) – Background Checks:** would provide that the Department of State Health Services may adopt a policy waiving the fingerprint-based background check requirement for a person serving as a judge or justice of the Texas supreme court, the court of criminal appeals, a court of appeals, a district court, a criminal district court, a constitutional county court, a statutory county court, a justice court, or a municipal court.

**H.B. 1394 (Moody) – Drug Court Expansion:** would provide, among other things, that unless an attorney representing the state consents, a defendant, including a juvenile defendant, may not participate in a drug court program if their drug-related offense or conduct involved: (1) carrying, possessing, or using a firearm or other dangerous weapon; (2) the use of force against the person of another; or (3) the death of or serious bodily injury to another.

**H.B. 1401 (Moody) – Incapacity Findings:** would provide that: (1) on motion by the state, the defendant, a defendant’s parent or caregiver, or the court, a justice or judge shall determine whether probable cause exists to believe that a defendant, including a defendant with a mental illness or an intellectual or developmental disability, is unfit to proceed or lacks the capacity to understand the proceedings or assist in their own defense in a criminal proceeding; (2) the court may dismiss the criminal complaint if it finds that the probable cause exists under section (1), above; and (3) a court sentencing a person convicted of a criminal offense shall credit to the term of the person’s sentence any period during which the defendant participated in an outpatient competency restoration program.

**H.B. 1603 (Guillen) – Appointing Prosecutors:** would provide that if the state is not represented by counsel when a criminal case is called for trial: (1) a justice or judge may appoint any competent attorney to represent the state, and (2) that counsel appointed under (1), above, may be paid a reasonable fee for such services.

**H.B. 1627 (Hernandez) – Implicit Bias Training:** would, among other things, require that: (1) state court justices and judges, including municipal courts, judicial officers, and certain court personnel to complete a two-hour implicit bias training course approved by the Texas Court of Criminal Appeals every two years; (2) attorneys licensed to practice law in this state to complete a one-hour implicit bias training course approved by the Texas State Bar every continuing education requirement compliance period; and (3) that the implicit bias training course to address racial, ethnic, gender, religious, age, mental disability, and physical disability and sexual harassment issues in the legal system.

**H.B. 1741 (Leach) – Confidential Judicial Work Product:** would: (1) create a criminal offense if a person other than a state court justice or a judge knowingly discloses, wholly or partly, the contents of any judicial work product to a person who is not a justice, judge, court staff attorney, court clerk, law clerk, employee of an agency of the Texas Judicial Council or Office of Court Administration, or other court staff routinely involved in crafting an opinion or decision for an adjudicatory proceeding; and (2) establish certain defenses to prosecution for violations.

**H.B. 1921 (Dutton) – Defendant Fines:** would: (1) increase the daily monetary rate from \$100 to \$200 for an indigent defendant convicted of a misdemeanor and assessed a fine as punishment, or confined in jail after conviction of a felony and a fine is also imposed, for participating in certain labor projects of a county or political subdivision located in the county; and (2) increase the daily monetary rate from \$100 to \$200 for an indigent defendant placed in jail on account of failure to pay a fine or adjudged costs, for each day served in jail.

**S.B. 84 (Johnson) – Deferred Adjudication:** would provide that a person who has been placed under a custodial or noncustodial arrest for an offense is entitled to the expunction of all records

and files related to the arrest in certain circumstances, including if the person is placed on deferred adjudication community supervision. (Companion bill is **H.B. 394** by Collier.)

**S.B. 171 (Blanco) – Criminal Case Reporting:** would require a clerk of a court to report to the Department of Public Safety the dispositions of criminal cases in the court not later than the fifth business day after the date of each disposition of a case involving a felony, a misdemeanor for which a term of confinement may be imposed, or a misdemeanor punishable by fine only that involves family violence.

**S.B. 338 (Hinojosa) – Hypnotically Induced Testimony:** would provide that the testimony of a person obtained by hypnotizing the person is not admissible against a defendant in a criminal trial, whether offered in the guilt or innocence phase or the punishment phase of the trial.

**S.B. 352 (Zaffirini) – Municipal Court Fines and Costs:** would: (1) increase the credit against a fine for time served in jail or laboring in a county jail industries program, workhouse, farm, or improvements and maintenance projects from \$100 to \$150 per day; (2) require a justice or judge to apply any time the defendant was confined in jail or prison while awaiting trial to the defendant's fines and costs; and (3) increase the amount of fines or costs considered to have been discharged for each eight hours of community service performed by a defendant from \$100 to \$150.

**S.B. 372 (Huffman) – Confidentiality of Non-Judicial Work Product:** would: (1) create a criminal offense if a person other than a justice or a judge knowingly discloses, wholly or partly, the contents of any non-judicial work product to a person who is not a justice, judge, court staff attorney, court clerk, law clerk, employee of an agency of the Texas Judicial Council or Office of Court Administration, or other court staff routinely involved in crafting an opinion or decision for an adjudicatory proceeding; and (2) establish certain defenses to prosecution for violations.

**S.B. 381 (Zaffirini) – Municipal Court Recordkeeping:** would provide that a court officer who has been provided a computerized case and financial management system by the county must maintain the fee record for all costs charged for services rendered in a criminal action or proceeding in the county-provided system and provide the computerized fee record in hard-copy form to the person charged with the cost.

**S.B. 460 (Zaffirini) – Extending Community Supervision:** would, among other things, provide that: (1) in a misdemeanor case, a judge may only extend the period of community supervision if: (a) the defendant fails to pay a previously assessed restitution amount; and (b) extending the supervision period will increase the likelihood that the defendant will fully pay the restitution amount; (2) in a felony or misdemeanor case, a judge may only extend the period of community supervision based on the defendant's failure to pay a previously assessed fine or cost, if after a hearing, the judge determines that the defendant has the financial resources to pay the fine or cost, and extending the supervision period will increase the likelihood that the defendant will fully pay the fine or cost; and (3) the total length of an extension of the period of community supervision for a misdemeanor under (2), above, may not exceed an additional two years beyond the applicable limit of three years.

## **Open Government**

**H.B. 30** (Moody) – **Access to Law Enforcement Records**: would provide, among other things, that:

1. the office of the attorney general shall establish and maintain, on its internet website, a publicly accessible database of officer-involved injury or death reports that are required to be submitted to the office;
2. the following information is public information under the Public Information Act (PIA): (a) basic information about a criminal investigation; and (b) basic information contained in: (i) a search warrant; (ii) testimony, an affidavit, or other information used to support a finding of probable cause to execute a search warrant; (iii) an arrest warrant, an arrest report, an incident report, or an accident report; (iv) a mug shot; (v) a report relating to an officer-involved shooting; (vi) a report relating to an incident involving the discharge of a firearm by a peace officer, including the unintentional discharge of a firearm in the course of duty or in response to a call, regardless of whether a person is hit by gunfire or an allegation of misconduct is made; (vii) a report relating to a peace officer's use of force resulting in death or serious bodily injury; or (viii) a report related to the death or serious bodily injury of an arrestee or detainee while the person is in the custodial care of a law enforcement agency;
3. law enforcement information that deals with the detection, investigation or prosecution of a crime that does not result in conviction or deferred adjudication, or an internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution, that does not result in conviction or deferred adjudication is public information if: (a) a person who is a subject of the information, record, or notation, other than a peace officer, is deceased or incapacitated; or (b) each person who is a subject of the information, record, or notation consents to the release of the information, record, or notation;
4. a letter, memorandum, or document regarding a peace officer's alleged misconduct in the peace officer's departmental civil service personnel file (commonly referred to as the "g" file) is public information if: (a) a person who is a subject of the letter, memorandum, or document, other than the peace officer, is deceased or incapacitated; or (b) each person who is a subject of the letter, memorandum, or document consents to the release of the letter, memorandum, or document;
5. a law enforcement agency shall, with exceptions, make public any video recording in the agency's possession involving a critical incident, including an officer-involved shooting, use of force that results in death or serious bodily injury, or a custodial death, not later than the 60th day after the date of the critical incident;
6. a fire or police department in a civil service city may maintain a "g" file to store sensitive personal information, including the individual's home address, home telephone number, personal cellular telephone number, emergency contact information, social security

number, personal financial information, information that reveals whether the person has family members, and any other personal information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

7. a fire or police department in a civil service city shall disclose law enforcement disciplinary record information reasonably necessary to identify an allegation against a fire fighter or police officer that resulted in a sustained finding of misconduct, including: (a) any record created in furtherance of a law enforcement disciplinary proceeding; (b) each complaint, allegation, and charge against the employee; (c) the name of the employee complained of or charged; (d) the transcript of any disciplinary trial or hearing, including any exhibit introduced at the trial or hearing; (e) the disposition of any disciplinary proceeding; and (f) the final written opinion or memorandum supporting the disposition and discipline imposed, including the agency's: (i) complete factual findings; and (ii) analysis of the conduct and appropriate discipline of the covered employee;
8. a written request for information recorded by a body worn camera shall be treated as a request for public information under the PIA; and
9. provisions of current law related to withholding from release a portion of a body worn camera recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative are repealed.

**H.B. 96 (M. Gonzalez) – Confidential Appraisal Records:** would add a customs and border protection officer or border patrol agent of the United States Customs and Border Protection to the list of individuals who may choose to restrict public access to their home address that is contained in appraisal records.

**H.B. 576 (Raymond) – Autopsy Records:** would provide that a photograph or x-ray of a body taken during an autopsy may be disclosed to the next of kin or legal representative of the deceased, subject to a discretionary exception under the Public Information Act.

**H.B. 613 (Vasut) – Public Information Act Charges:** would provide that a governmental body may not impose a charge for providing a copy of public information if: (1) the information is a political or campaign report required to be filed with the governmental body, unless all of those reports filed with the governmental body during the preceding three years are available to the public on the governmental body's internet website; (2) the governmental body fails to disclose the information on or before the 10th business day after the date of receiving the requestor's written request, unless the governmental body: (a) sends a written request for clarification to the requestor; or (b) requests a decision from the attorney general; or (3) the governmental body requests a decision from the attorney general and: (a) the governmental body fails to provide to the requestor: (i) a written statement that the governmental body wishes to withhold the requested information and has requested a decision from the attorney general; and (ii) a copy of the written request for a decision; or (b) the attorney general determines the requested information must be disclosed.

**H.B. 1327 (Morales) – Dead Suspect Exception:** would provide that the following information is not protected from disclosure under the Texas Public Information Act if the each person who is the alleged or suspected perpetrator of the crime being detected, investigated or prosecuted by law enforcement is deceased: (1) information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of a crime; and (2) an internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution.

**H.B. 1652 (Toth) – Public Information:** would, among other things, provide that: (1) other than social security numbers or information that is confidential under the Texas Public Information Act (TPIA) or other law, information that is not confidential but is excepted from required disclosure under the TPIA is public information and is available to the public on or after the 150th anniversary of the date the information was originally created or received by the governmental body; (2) a birth record is public information and available to the public on and after the 150th anniversary of the date of birth as shown on the record filed with the vital statistics unit or local registration official; and (3) a military veteran’s Department of Defense Form DD-214 or other military discharge record that is first recorded with or that otherwise first comes into the possession of a governmental body on or after September 1, 2003, is confidential for the 132 years following the date it is recorded with or otherwise first comes into the possession of a governmental body.

**H.B. 1720 (Raymond) – Criminal History Record Information:** would, among other things, provide that: (1) criminal history record information that relates to a person’s conviction within the preceding 10-year period for certain offenses related to driving while intoxicated, intoxication assault, and intoxication manslaughter is public information, with the exception of: (a) information regarding the person’s social security number, driver’s license or personal identification certificate number, or telephone number; and (b) any information that would identify a victim of the offense; (2) the Department of Public Safety (DPS) shall implement and maintain an internet website to allow any person, free of charge, to electronically search for and receive the information described in (1), above; (3) DPS shall establish a procedure by which a peace officer or employee of a law enforcement agency who provides DPS with a driver’s license number, personal identification certificate number, or license plate number may be provided any criminal history record information maintained by the DPS concerning a conviction of the person to whom the license, certificate, or plate is issued for the offenses described in (1), above; and (4) the procedure described in (3), above, must allow a peace officer to request the information from the location of a motor vehicle stop and to receive a response to the request within the duration of a reasonable motor vehicle stop.

**H.B. 1765 (Burns) – Redactions:** would provide that a county clerk or district clerk shall on request of certain persons, including a current or former official or employee of a governmental body, redact the home address, telephone number, emergency contact information, social security number or information that reveals whether the individual has family members from a document posted by the clerk on an internet website that relates to the person making the request if the clerk has the ability to electronically redact the information from the posted document.

**S.B. 42 (Zaffirini) – Open Meetings:** would, among other things:

1. require a governmental body, including city council, to ensure that members of the public are able to listen to, and if applicable, speak by telephone at an open meeting of the governmental body at which at least a majority of the members of the body participate by a method other than by appearing in person at the meeting's physical location, including by telephone conference call or videoconference call;
2. require a governmental body that holds an open meeting described in Number 1, above, to:
  - (a) make the open meeting audible to the public by telephone and each location described by Number 3(b), below;
  - (b) if the meeting is broadcast live over the internet or held wholly or partly by videoconference call, provide public access to both audiovisual and audio-only feeds of the open meeting over the internet or by using a free, widely available computer application; and
  - (c) if applicable, allow members of the public to address the governmental body regarding an item on an agenda for the meeting before or during the body's consideration of the item: (i) by telephone; and (ii) by videoconference call if the meeting is held wholly or partly by videoconference call;
3. require the notice of an open meeting described in Number 1, above, to:
  - (a) comply with the requirements of the Open Meetings Act;
  - (b) list each physical location where a member of the public may observe and participate in the meeting, including: (i) any location that is open to the public where a member of the governmental body intends to participate in the meeting; and (ii) any facility provided by the governmental body for a member of the public to observe or speak at the meeting;
  - (c) include a toll-free telephone number that members of the public may use to hear and, if applicable, speak at the meeting;
  - (d) include access information for any audiovisual or audio-only feeds required under Number 2(b), above; and
  - (e) include instructions for a member of the public to speak at the meeting: (i) from a remote location; or (ii) while physically present at a location described by (b), above;
4. require that an open meeting described in Number 1, above, be recorded, and except as otherwise provided by law, provide that the recording shall be made available to the public not later than 24 hours after the adjourning of the meeting;
5. authorize a person in attendance at an open meeting of a governmental body to stream live video and audio of all or any part of the meeting over the Internet;
6. provide that a governmental body may adopt reasonable rules relating to the location of livestreaming equipment and the manner in which the livestreaming is conducted;
7. require a meeting notice to include:
  - (a) an agenda of the specific subjects to be considered in the open meeting so that the public is aware of the subjects for public deliberation; and
  - (b) to the extent foreseeable at the time the notice is posted, the subjects to be considered in a closed meeting;
8. prohibit a governmental body from conducting a closed meeting on a subject not included in the notice under Number 7, above, unless the governmental body determines by official action during the open meeting for which the notice was posted that the necessity of

considering the subject was not reasonably foreseeable at the time the notice was posted; and

9. require a governmental body to broadcast an open meeting over the Internet, or hold an open meeting by telephone conference call or videoconference call, if the physical location of the meeting is not accessible to members of the public or is not large enough to accommodate all persons seeking to attend the meeting in person, including if the location has reduced capacity as the result of an emergency or urgent public necessity.

**S.B. 43 (Zaffirini) – Public Information:** would provide, among other things, that: (1) for purposes of the public information act, the following days are not considered business days of a governmental body, including a city: (a) a Saturday or Sunday; (b) a national holiday; (c) a state holiday; (d) the days on which Rosh Hashanah, Yom Kippur, or Good Friday falls (“optional holidays”) if the officer for public information of the governmental body observes the optional holiday; and (e) a day designated by the governmental body on which the body’s administrative offices are closed or operating with minimum staffing; (2) the designation described in (1)(e), above, for a governmental body other than an independent school district must be made by the executive director or other chief administrative officer; (3) a governmental body may designate, as described in (1)(e), above, not more than 10 days as nonbusiness days each calendar year; and (4) a governmental body shall make a good faith effort to post advance notice of the nonbusiness days designated under (1)(e), above, on the governmental body’s website.

**S.B. 44 (Zaffirini) – Public Information:** would provide that: (1) if a governmental body determines it has no information responsive to a request for information, the officer for public information shall notify the requestor in writing not later than the 10th business day after the date the request is received; (2) if a governmental body determines requested information is subject to a previous determination that permits or requires the governmental body to withhold the requested information, the officer for public information shall, not later than the 10th business day after the date the request is received notify the requestor in writing that the information is being withheld and identify in the notice the specific previous determination the governmental body is relying on to withhold the information; (3) if a governmental body fails to comply with the requirements in (1) or (2), above, the requestor may send a written complaint to the attorney general; and (4) if the attorney general determines the governmental body failed to comply with (1) or (2), above, the attorney general must require the governmental body to complete open records training, the governmental body may not assess costs to the requestor for producing information in response to the request, and the governmental body must release the requested information unless there is a compelling reason to withhold it.

**S.B. 45 (Zaffirini) – Electronic Public Information:** would, among other things:

1. expand the definition of “public information” under the Public Information Act (PIA) to include a data dictionary or other indicia of the type or category of information held in the applicable field of a database, other than metadata that directly implicates database security;

2. provide that a governmental body's use of an electronic recordkeeping system may not erode the public's right of access to public information under the PIA;
3. provide that the contents of public information that is produced and maintained in an electronic spreadsheet or database that is searchable or sortable ("electronic public information"), including any electronic communication created, received or maintained on any device in connection with the transaction of official business and the information described in Number 1, above, is significant and not merely used as a tool for the maintenance, manipulation, or protection of property;
4. provide that, if a request for public information applies to electronic public information and the requestor requests the information in a searchable or sortable format, the governmental body shall provide an electronic copy of the requested electronic public information in the searchable or sortable format requested using computer software the governmental body has in its possession, but if the requestor prefers, the governmental body shall provide a copy of electronic public information in the form of a paper printout;
5. provide that a governmental body may not refuse to provide a copy of electronic public information on the grounds that exporting the information or redacting excepted information will require inputting range, search, filter, report parameters, or similar commands or instructions into the governmental body's computer system if the commands or instructions can be executed with computer software used by the governmental body in the ordinary course of business to access, support, or otherwise manage the information;
6. provide that a requestor may request that a copy of electronic public information be provided in the format in which the information is maintained by the governmental body or in a standard export format such as a flat file electronic American Standard Code for Information Interchange if the governmental body's computer programs support exporting the information in that format, and the governmental body shall provide the copy in the requested format or in another format acceptable to the requestor;
7. provide that a copy of information requested under Number 6, above, shall be provided on suitable electronic media;
8. provide that, if the electronic public information is maintained by a governmental body in a format that is: (a) searchable but not sortable, the governmental body shall provide an electronic copy of the information in a searchable format; or (b) sortable, the governmental body shall provide an electronic copy of the information in a sortable format;
9. provide that a governmental body shall use reasonable efforts to ensure that a contract entered into by the body for the creation and maintenance of electronic public information does not impair the public's ability to inspect or copy the information or

make the information more difficult for the public to inspect or copy than records maintained by the governmental body;

10. provide that the provisions of this bill apply to public information for which a third party is the custodian for the governmental body;
11. provide that a confidentiality provision or exception from required disclosure under the PIA applies to electronic public information;
12. provide that the cost rules under the PIA apply to an electronic copy or paper printout of electronic public information; and
13. repeal the provision under the PIA related to responding to requests for information that require programming or manipulation of data.

**S.B. 46 (Zaffirini) – Dates of Birth:** would provide that a governmental body, including a city, may not withhold a person’s date of birth: (1) in correctional or prosecutorial records, including arrest, charge, indictment, conviction and deferred adjudication, and inmate information; or (2) in applications filed by candidates for elective office.

**S.B. 185 (Miles) – Official Oppression:** would provide, among other things, that: (1) a department of a political subdivision employing a police officer against whom is filed a complaint alleging conduct constituting official oppression shall: (a) retain the complaint until at least the fifth anniversary of the date the police officer’s employment with the political subdivision ends; and (b) create an abstract of the complaint to retain indefinitely once the original complaint is destroyed; (2) a complaint or abstract described by (1), above, is public information and is not excepted from required disclosure under the Texas Public Information Act (TPIA) law enforcement exception; (3) the provisions described in (1) and (2), above, prevail over any other provision of law and any conflicting provision in a collective bargaining agreement; (4) if a city receives a complaint against a peace officer employed by the city alleging conduct constituting official oppression, the city shall: (a) retain the complaint until at least the fifth anniversary of the date the peace officer’s employment with the city ends; and (b) create an abstract of the complaint to retain indefinitely once the original complaint is destroyed; (5) a discretionary exception to required disclosure provided by the TPIA does not apply to a complaint or abstract described in (4), above; and (6) the TPIA law enforcement exception does not apply to a record described in (4), above.

**S.B. 435 (Middleton) – Family of Crime Victims:** would, among other things, provide that: (1) a prosecutor may permit a person to view the following evidence of a crime that resulted in the death of a person and that occurred in the prosecutor’s jurisdiction: (a) a medical examiner’s report, if the person viewing the report is a family member (a person related to a victim of a crime within the first degree of consanguinity or affinity) of the person who is the subject of the report and the person who is the subject of the report was a victim of the crime; and (b) video evidence of the crime, if the person viewing the video is a victim of the crime or a family member of a victim of the crime; (2) a person permitted to view a medical examiner’s report or video evidence described under (1), above, may not duplicate, record, capture, or otherwise memorialize the information;

(3) a prosecutor may require a person described in (2), above, to sign a confidentiality agreement before permitting the person to view the information; (4) permitted viewing of a medical examiner's report or video evidence under (1), above, is not a voluntary disclosure of information under the Public Information Act; and (5) a governmental body, by providing information described under (1), above, that is confidential or otherwise excepted from public disclosure does not waive the confidentiality of the information for purposes of state or federal law or waive the right to assert exceptions to required disclosure of the information in the future.

**S.B. 509 (Perry) – Mug Shots:** would, among other things, provide that: (1) an image taken of an individual during the process of arresting the individual or booking the individual into jail (a “mug shot”) may not be released the public unless: (a) the individual is convicted of a felony, other than an offense for which the conviction has been expunged or the individual has been fully exonerated, based upon the conduct for which the individual is arrested or incarcerated at the time the mug shot was taken; (b) a law enforcement agency releases the mug shot after determining that: (i) the individual is a fugitive or an imminent threat to another individual or to public safety; and (ii) releasing the mug shot will assist in apprehending the individual or reducing or eliminating the threat; or (c) the judge orders the release of the mug shot on a finding that the release is in furtherance of a legitimate law enforcement interest; (2) if an individual was charged with multiple offenses based upon the conduct for which the individual was arrested or incarcerated at the time the mug shot was taken, and the individual was later convicted of one or more of those offenses, the individual's mug shot may be released to the public unless: (a) all of the convictions have been expunged; or (b) the individual has been fully exonerated of all convictions; and (3) the provisions of the bill apply to a mug shot regardless of the date it was created.

**S.B. 618 (Johnson) – Public Information Act:** would, among other things, provide that:

1. business days for purposes of the Texas Public Information Act (TPIA) does not include: (a) a Saturday or Sunday; (b) a national holiday; (c) a state holiday; (d) an optional holiday if the officer for public information of the governmental body observes the optional holiday; and (e) the Friday before or Monday after a holiday described in (b) or (c), above, if the holiday occurs on a Saturday or Sunday and the governmental body observes the holiday on that Friday or Monday.
2. the fact that an employee works from an alternative work site does not affect whether a day is considered a business day;
3. a governmental body may designate a day on which the governmental body's administrative offices are closed or operating with minimum staffing as a nonbusiness day for purposes of the TPIA;
4. the designation described in Number 3, above, for a governmental body other than an independent school district must be made by the executive director or other chief administrative officer;
5. a governmental body may designate not more than 10 nonbusiness days described in Number 3, above, each calendar year, and shall make a good faith effort to post

advance notice of the designated nonbusiness days on the governmental body's internet website;

6. a governmental body may not impose a charge for providing a copy of public information if the requested information is a political contribution report required to be filed under the Election Code, unless all of those reports filed with the governmental body during the preceding year are available to the public on the governmental body's internet website;
7. a governmental body that wishes to withhold information from public disclosure must ask for the attorney general's decision and state the specific exceptions that apply within a reasonable time but not later than the 10<sup>th</sup> business day after the date the request is received;
7. if a governmental body fails to respond to a request for public information or seek an attorney general ruling to withhold requested information, the requestor may send a written complaint to the attorney general;
8. the complaint described in Number 8, above, must include: (a) the original request for information; and (b) any correspondence received from the governmental body in response to the request; and
9. if the attorney determines that the governmental body failed to comply with a request for which a complaint is made under Number 8, above: (a) the attorney general shall notify the governmental body in writing and require the governmental body to complete open records training not later than six months after receiving the notification; (b) the governmental body may not assess costs to the requestor for producing information in response to the request; and (c) if the governmental body seeks to withhold information in response to the request, the governmental body must request an attorney general decision not later than the fifth day after the date the governmental body receives the notification under (a), above, and release the requested information unless there is a compelling reason to withhold the information.

**S.B. 680 (Johnson) – Contracting Information:** would, among other things:

1. provide that contracting information under the Public Information Act (PIA) includes information in a financial document relating to the receipt or expenditure of public funds by a governmental body;
2. provide that the specific exceptions to disclosure relating to competition or bidding information, law enforcement information, trade secret information, and proprietary information do not apply to several categories of contracting information, including communications and other information sent between a governmental body and a vendor, contractor, potential vendor, or potential contractor;

3. provide that a governmental body may not decline to release information described in Number 2, above, in which a third-party's privacy or property interests may be involved, for the purpose of requesting an attorney general decision;
4. provide that a governmental may not decline to release information subject to disclosure under Number 2, above, in order to allow a vendor, contractor, potential vendor, or potential contractor to assert an exception to disclosure under the PIA;
5. provide that a governmental body shall release information subject to disclosure under Number 2, above, in unredacted form, even if the governmental body has or will request a decision from the attorney general regarding other information subject to the request;
6. provide that a governmental body may not request an attorney general's decision regarding information subject to disclosure under Number 2, above;
7. provide that information related to competition or bidding is excepted from public disclosure if a governmental body demonstrates that release of the information would harm its interests by providing a substantial advantage to a competitor or bidder in a particular ongoing competitive situation or in a particular competitive situation where the governmental body establishes the situation at issue is set to reoccur or there is a specific and demonstrable intent to enter into the competitive situation again in the future;
8. provide that information submitted to a governmental body by a vendor, contractor, potential vendor, or potential contractor in response to a request for a bid, proposal, or qualification is excepted from public disclosure if the vendor, contractor, potential vendor, or potential contractor that the information relates to demonstrates based on specific factual evidence that disclosure of the information would also give a substantial advantage to a competitor; and
9. repeal the provision that provides that information relating to sales tax paid to the city or other local governmental entity that is provided to the city or entity by the comptroller is confidential, is not open to public inspection, and may be used for specific purposes.

### **Other Finance and Administration**

**H.B. 51 (Johnson) - State Holidays:** would remove the 19<sup>th</sup> day of January, "Confederate Heroes Day," from the list of state holidays.

**H.B. 57 (Zwiener) – Climate Change Reporting:** would require the Texas Commission on Environmental Quality to prepare a report on the potential impact of climate change in the state every four years, which would include, among other things, information regarding the impact of climate change on the economy, infrastructure, surface water and groundwater, and state and local finances.

**H.B. 58 (Talarico) – Ambulance Balance Billing:** would provide that: (1) a city or county may elect to consider a health benefit plan payment towards a claim for air or ground ambulance services provided by the county or city as payment in full for those services regardless of the amount the county or city charged for those services; and (2) a city or county may not practice balance billing for a claim for which the city or county makes an election described in (1), above. (Note: this bill is nearly identical to legislation that was passed by the 87<sup>th</sup> Legislature and signed into law in 2021 – S.B. 790.)

**H.B. 59 (Goodwin) – Child Water Safety Requirements:** would: (1) provide that an organization, including a school, preschool, kindergarten, nursery school, day camp, or youth camp that takes a child in its care or under its supervision to a body of water (including a pool) or otherwise allows a child access to a body of water shall: (a) determine whether the child is able to swim or is at risk when swimming; and (b) if the organization does not own or operate the body of water, provide the owner or operator of the body of water a written or electronic disclosure that clearly identifies each child who is unable to swim or is at risk when swimming; and (2) require the organization, during the time each child who is unable to swim or is at risk when swimming has access to a body of water, to: (a) provide the child an approved personal flotation device; and (b) ensure the child is wearing the appropriate personal flotation device and the device is properly fitted for the child.

**H.B. 61 (Noble) – Abortion:** would: (1) prohibit a governmental entity from entering into a taxpayer resource transaction or appropriate or spend money to provide any person logistical support for the express purpose of assisting a woman with procuring an abortion or an abortion provider's services, including: (a) child care; (b) travel or any form of transportation to or from an abortion provider; (c) lodging; (d) food or food preparation; (e) counseling that encourages a woman to have an abortion; and (f) any other service that facilitates the provision of an abortion; (2) provide that the prohibition in (1), above, does not apply to a taxpayer resource transaction entered into or money appropriated or spent by a governmental entity that is subject to a federal law in conflict with (1), above, as the executive commissioner of the Health and Human Services Commission determines and the attorney general confirms in writing; and (3) provide that the attorney general may bring an action to enjoin a violation of (1), above, and recover reasonable attorney's fees and costs incurred in bringing the action.

**H.B. 89 (Talarico) – Ambulance Balance Billing:** would provide that: (1) a city or county may elect to consider a health benefit plan payment towards a claim for air or ground ambulance services provided by the county or city as payment in full for those services regardless of the amount the county or city charged for those services; and (2) a city or county may not practice balance billing for a claim for which the city or county makes an election described in (1), above. (Note: this bill is nearly identical to legislation that was passed by the 87<sup>th</sup> Legislature and signed into law in 2021 – S.B. 790.)

**H.B. 95 (Goodwin) – Cottage Food:** would: (1) require the commissioner of state health services to adopt rules requiring a cottage food production operation to include the zip code and telephone number of the cottage food production operation on the label all of the foods that the operation sells; (2) remove the requirement for a cottage food production operation to include the address of the cottage food production operation on the label all of the foods that the operation sells; and (3)

repeal the section of law that provides that an operator of a cottage food production operation that sells a cottage food through the Internet or by mail order: (a) is not required to include the address of the operation in the required labeling information before the operator accepts payment for the food; and (b) shall provide the address of the operation on the label of the food in the manner required by state law after the operator accepts payment for the food.

**H.B. 115 (Ortega) – Alcohol Consumption in Public:** would, for purposes of the offense for consumption of alcohol in a public place during certain hours, clarify that a public place includes an unlicensed or unpermitted premises.

**H.B. 176 (Goodwin) – Cottage Food:** would eliminate the requirement that an individual operating out of the individual’s home would need to have an annual gross income of \$50,000 or less from the sale of certain foods to be considered a “cottage food production operation.”

**H.B. 187 (Landgraf) – Local Debt Elections:** would provide that an election for the issuance of bonds or other debt shall be held on the November uniform election date.

**H.B. 256 (Bernal) – Discrimination:** would, among other things, provide that: (1) a person engages in a discriminatory practice if the person, because of the sexual orientation or gender identity of an individual: (a) denies that individual full and equal accommodation in any place of public accommodation, subject only to the conditions and limitations established by law and applicable to all persons; or (b) otherwise discriminates against or segregates or separates the individual based on sexual orientation or gender identity; (2) an aggrieved person may file a civil action in district court not later than the second anniversary of the occurrence of the termination of an alleged discriminatory practice described in (1), above; (3) if a court finds that discriminatory practice has occurred or is about to occur, the court may award to the plaintiff: (a) actual and punitive damages; (b) reasonable attorney’s fees; (c) court costs; and (d) any permanent or temporary injunctive relief; and (4) an employer, including a city, commits an unlawful employment practice if the employer discriminates against an individual on the basis of sexual orientation or gender identity.

**H.B. 262 (Swanson) – Cooperation with Federal Government:** would, among other things: (1) require the attorney general to provide a written report to the governor, lieutenant governor, speaker of the house of representatives, and each member of the legislature that identifies each rule adopted by the a federal government agency during the previous month that: (a) relates to certain subjects including the First Amendment, Second Amendment, and regulation of education, among others; (b) was adopted in response to an executive order by the president of the United States; and (c) violates the rights guaranteed to the citizens of the United States by the United States Constitution or exceeds the powers specifically granted to the federal government by the United States Constitution; and (2) provide that a political subdivision, including a city, may not cooperate with a federal government agency in implementing an agency rule that a report published under (1), above, indicates: (a) violates the rights guaranteed to the citizens of the United States by the United States Constitution; or (b) exceeds the powers specifically granted to the federal government by the United States Constitution.

**H.B. 384 (C. Bell) – Federal Action:** would: (1) establish a joint legislative committee to review any federal action to determine whether such action is unconstitutional; (2) provide that any federal action found by the joint legislative committee to be unconstitutional be sent to the legislature for a determination, and then on to the governor for approval or disapproval; (3) provide that any federal action declared to be unconstitutional has no legal effect in Texas; (4) prohibit the state or a political subdivision of the state from spending money to implement a federal action declared unconstitutional; (5) authorize the attorney general to prosecute a person who attempts to implement or enforce an unconstitutional federal action for official oppression, as well as other provisions of law; and (6) entitle a person to seek a declaratory judgment that a federal action is unconstitutional and give all courts original jurisdiction over such a proceeding.

**H.B. 431 (S. Thompson) – Charitable Bingo:** would, among other things, require a licensed authorized organization or unit that collects a prize fee for a bingo game conducted in a city or county that was entitled to receive a portion of a bingo prize fee as of January 1, 2019, to remit 50 percent of the amount collected as the prize fee to the Texas Lottery Commission and: (1) remit 50 percent of the amount collected to the county if the location at which the bingo game is conducted is not within the city limits and the county voted to impose the prize fee by November 1, 2019; (2) remit 50 percent of the amount collected as the prize fee in equal shares to the city and county if the bingo game is conducted within a county and within the city limits of a city that both voted before November 1, 2019 to impose the prize fee; or (3) if the county in which the bingo game is conducted did not vote before November 1, 2019 to impose the prize fee and the location at which the bingo game is conducted is within the boundaries of a city that voted before November 1, 2019 to impose the prize fee, remit 25 percent of the amount collected to the city and deposit the remaining amount in the general charitable fund of the organization organizations conducting the bingo game.

**H.B. 445 (Schofield) – Ballot for Bond Election:** would: (1) require a ballot for a county or city bond election to state with specificity: (a) each project to be funded through the bond proceeds; and (b) the amount of bond proceeds to be spent on each project; (2) prohibit a county or city from: (a) spending a greater amount than the amount stated on the ballot on a project; and (b) transferring bond proceeds from one project to another; and (3) confer on an individual who votes in the election standing to sue a city or county for a violation of (1) or (2), above.

**H.B. 451 (Schofield) – Local Debt:** would prohibit a political subdivision from issuing a public security to purchase or lease tangible personal property if the expected useful life of the property ends before the maturity date of the public security.

**H.B. 522 (Cain) – State Holidays:** would provide for the creation of “Celebration of Life Day” on June 24th as a state holiday.

**H.B. 537 (Wu) – Audits:** would: (1) require a governmental entity, including a city, to: (a) make the records relating to any audit of the governmental entity, including any final report, available to the public on request; and (b) not later than the fifth business day after the date the audit is completed, post the final report for the audit on the governmental entity’s Internet website, or if the governmental entity does not have a website, on a publicly accessible Internet website; (2) authorize a governmental entity to redact any confidential information from the report as necessary

to comply with state or federal law; (3) provide that a governmental entity that, without good cause, fails to comply with the requirement in (1), above, is liable to a person for any reasonable expenses the person incurs in trying to access the audit records, including reasonable attorney's fees; and (4) provide that the term "audit" for purposes of (1), above, includes a financial audit, a compliance audit, an economy and efficiency audit, and an effectiveness audit, among other things.

**H.B. 550 (Vasut) – Hotel Occupancy Tax Uses:** would: (1) authorize a city to use revenue from the city hotel occupancy tax to promote tourism and the convention and hotel industry by: (a) acquiring, constructing, repairing, remodeling, or expanding certain qualified infrastructure that is owned by the city and that is located not more than one mile from a hotel; and (b) making improvements to a public park that is owned by the city and that is located not more than one mile from a hotel; (2) provide that the amount of city hotel occupancy tax revenue a city may use in a fiscal year as provided by (1), above, may not exceed 20 percent of the amount of revenue the city collected from that tax during the preceding fiscal year; and (3) provide that a city that uses city hotel occupancy tax revenue in accordance with (1), above: (a) may reserve not more than 20 percent of the revenue from that tax collected in a fiscal year for use for the same purposes during the succeeding three fiscal years; and (b) may not reduce the percentage of revenue from the tax allocated for the purposes of advertising and promotional programs to attract tourists and convention delegates or registrants to the city or its vicinity to a percentage that is less than the average percentage of the revenue from that tax allocated by the city for the same purposes during the 36-month period preceding the date the city begins using revenue for the purposes described in (1), above.

**H.B. 553 (Troclair) – Universal Basic Income:** would prohibit a political subdivision, including a city, from adopting or enforcing an ordinance, order, or other measure that provides for a universal basic income, including basic income, monthly income, or minimum income paid to each individual resident of the political subdivision without regard to the individual's circumstances.

**H.B. 572 (Bowers) – Fireworks:** would prohibit a home-rule city and Type A general law city that regulate fireworks from confiscating fireworks in the possession of a person if the person possesses only packaged, unopened fireworks.

**H.B. 622 (Shaheen) – Newspaper Notice:** would: (1) allow a political subdivision to satisfy any law that requires notice to be published in a newspaper by publishing the notice in the following locations: (a) social media, free newspapers, school newspapers, a homeowners' association newsletter or magazine, utility bills, direct mailings, or any other form of media authorized by the comptroller; and (b) the internet websites maintained by the political subdivision and the comptroller; (2) provide that before providing notice under (1), above, a political subdivision must hold a public meeting about the alternative notice under (1)(a), above, and demonstrate that the circulation will be greater than the circulation of the newspaper with the greatest circulation in the political subdivision; (3) authorize the comptroller to grant a city's request for a waiver from publishing notice in accordance with (1)(b), above, if the city provides sufficient proof that Internet access is limited in the city, and if the comptroller grants the waiver, the city must provide additional notice on a public agenda board within the city; (4) require a city using alternative media described in (1)(a), above, to submit notice to the comptroller describing the alternative notice method in (1)(a), above, and certain other information; (5) authorize the comptroller to require a

political subdivision to provide notice in a newspaper if the comptroller determines that the means under (1)(a), above, do not have greater circulation than a newspaper with the greatest circulation in the political subdivision; and (6) require the comptroller to prepare a report identifying and comparing the effectiveness of different methods of notice publication used by political subdivisions and provide the report to the governor, lieutenant governor, and the speaker of the house.

**H.B. 657 (Bailes) - Newspaper Notice:** would provide that a governmental entity or representative may publish notice on a third-party Internet website, as an alternative to certain newspaper notice requirements, if: (1) the governing body finds, after holding a public hearing on the matter that: (a) Internet publication of notices is in the public interest; (b) Internet publication of notices will not, after consideration of the level of Internet access in the applicable area, unreasonably restrict public access to the notices; and (c) the cost of publishing the notices in a newspaper exceeds the cost of Internet publication; (2) the governmental entity or representative posts the findings in (1), above, on the entity's or representative's website; and (3) the governmental entity or representative also prominently posts each notice for public review at the office location of the governmental entity or representative that is the most accessible to the intended recipients of the notice.

**H.B. 683 (Cole) – Paramedics Tuition Exemption:** would provide, among other things, that an institution of higher education shall exempt from the payment of tuition and laboratory fees any student who is enrolled in one or more courses offered as part of an emergency medical services curriculum and is employed as a paramedic by a city.

**H.B. 712 (Shaheen) – Local Government Security Incidents:** would: (1) provide that a local government that owns, licenses, or maintains computerized data that includes sensitive personal information, confidential information, or information the disclosure of which is regulated by law shall, in the event of a security incident: (a) comply with the notification requirements of the Identify Theft Enforcement and Protection Act, to the same extent as a person who conducts business in this state; (b) not later than 48 hours after the discovery of the security incident, notify: (i) the Department of Information Resources (DIR), including the chief information security officer; or (ii) if the security incident involves election data, the secretary of state; and (c) comply with all DIR rules relating to security incidents; and (2) provide that not later than the 10th business day after the date of the eradication, closure, and recovery from a security incident, a local government shall notify the DIR, including the chief information security officer, of the details of the security incident and include in the notification an analysis of the cause of the security incident.

**H.B. 719 (Goldman) – Fee for Examination of Public Securities by Attorney General:** would: (1) increase the fee paid by an issuer of public securities to the attorney general for examination and approval of a bond issuance from \$9,500 to \$50,000; and (2) provide that fees collected in excess of amounts provided in the general appropriations act may be appropriated back to the attorney general for the purpose of administering victim related services and sexual assault programs.

**H.B. 742 (Goodwin) – Tuition and Fee Exemptions:** would provide an exemption for payment of criminal justice or law enforcement course tuition and lab fees for an undergraduate student

who is employed by the state or a political subdivision as a peace officer, county jail guard, or a telecommunicator who is required to hold a telecommunicator license.

**H.B. 743 (Dean) – Gas Powered Appliance Regulation:** would provide, among other things, that a city may not adopt or enforce a regulation that prohibits or restricts, directly or indirectly, the use of an appliance, system, or component that is fueled by natural gas or propane in the construction, renovation, maintenance, or alteration of a residential or commercial building.

**H.B. 744 (Dean) – Gasoline Powered Tool Regulation:** would provide that a city may not adopt or enforce a regulation that prohibits or restricts the use or sale of gasoline-powered landscaping equipment.

**H.B. 764 (Cain) – Gasoline Powered Tool Regulation:** would provide that a city may not adopt or enforce a regulation that prohibits or restricts the use or sale of gasoline-powered landscaping equipment.

**H.B. 807 (Harrison) – Vaccines:** would, among other things: (1) prohibit government entities from compelling or requiring an individual to receive a vaccine other than a vaccine for diphtheria, rubeola, rubella, mumps, tetanus, and poliomyelitis; and (2) only allow the list of vaccines in (1), above, to be modified by statute.

**H.B. 819 (Talarico) – Abortion:** would repeal existing statutes prohibiting abortion, including among others, the authority that generally allows for a political subdivision, including a city, to regulate or prohibit abortion in a manner that is at least as stringent as under state law.

**H.B. 870 (Patterson) – Pet Stores:** would provide that: (1) a pet store may not sell a dog or cat unless the pet store obtained the dog or cat from: (a) an animal control agency; (b) an animal shelter; or (c) an animal rescue organization; and (2) a pet store that violates (1), above, is liable to the state for a civil penalty in an amount not to exceed \$500 for each dog or cat sold in violation of (1), above.

**H.B. 969 (Cook) – Child Custody Orders:** would authorize a city or county to adopt an ordinance or order that imposes a civil penalty of not more than \$500 for engaging in interference of child custody.

**H.B. 982 (Toth) – Required Contract Provisions:** would require that a contract between a governmental entity and a company that has a value of \$100,000 or more that is to be paid wholly or partly from public funds must contain written verification from the company that it does not and will not during the term of the contract use environmental, social, and governance criteria that further political policies at the expense of the Texas economy and company shareholders to evaluate a business decision or investment strategy.

**H.B. 984 (Capriglione) – Department of Information Resources:** would: (1) require the executive director of the Department of Information Resources to employ a chief privacy officer to provide assistance to state agencies on legal and policy matters involving data; and (2) authorize

the chief privacy officer to assist local governments and the public with data privacy and protection concerns.

**H.B. 986 (Rosenthal) – Data Collection:** would require the Health and Human Services Commission (Commission) to ensure that each local government entity responsible for providing data to the Commission or a health and human services agency in connection with a public benefits program administered by the Commission or agency: (1) provide individuals from whom demographic data is sought the option to report certain detailed data regarding the individual’s race or ethnic origin and sex or gender; and (2) collect certain data from individuals who receive, or were receiving at the time of the individual’s death, benefits under a program.

**H.B. 1032 (Noble) – Vaccinations:** would, among other things: (1) prohibit a health benefit plan issuer or life insurance company from discriminating against an individual based on the individual’s COVID-19 vaccination status; (2) prohibit an employer from discriminating against an individual based on the individual’s COVID-19 vaccination status; and (3) exempt employers from liability for claims arising under exposure to COVID-19 based on the employer’s failure to require an employee to receive a COVID-19 vaccine.

**H.B. 1038 (Cain) – Bond Review Board Assistance:** would, among other things, require cities to submit any information to the Bond Review Board (“Board”) necessary for the Board’s preparation of the Biennial Report on State Lending and Credit Support Programs to the Legislature.

**H.B. 1204 (Martinez) – Emergency Services Districts:** would: (1) authorize an emergency services district (ESD) to object to the removal of annexed territory by a city if the removal would have the effect of: (a) reducing the level of emergency services provided to the ESD territory inside or outside the annexed area; or (b) reducing ESD revenue to a level that would be insufficient to carry out the ESD’s purposes in territory outside the annexed area or require the ESD to increase the tax burden on territory outside the annexed area in order to maintain current services and commitments; and (2) provide that if an ESD objects to the removal of territory under (1), above, the city may not remove the annexed territory from the district.

**H.B. 1247 (Cody Harris) – Food Regulation:** would, among other things, provide: (1) the Department of State Health Services (DSHS), a county, a city, or a public health district, including an authorized agent or employee, that conducts an inspection as authorized under this section may not take disciplinary action against or otherwise penalize a food service establishment, retail food store, mobile food unit, roadside food vendor, or temporary food service establishment for failing to adhere to easily cleanable surface requirements for wall and ceiling surfaces, decorative items, or attachments in a consumer area, provided the surfaces, items, or attachments are kept clean; (2) a county or a city with a public health district that requires the payment of a fee for issuing or renewing certain permits for a premises permitted or licensed by the Texas Alcoholic Beverage Commission may not also charge a fee under the Alcoholic Beverage Code, for an alcoholic beverage permit or license issued for premises located in the county or city; and (3) DSHS, a county, a city, or a public health district may not require a food service establishment to obtain a sound regulation permit, charge a sound regulation fee to the establishment, or otherwise prohibit sound-related activity at the establishment if the establishment: (a) accepts delivery of supplies

only for one hour or less between 5 a.m. and 11 p.m. and delivery of food, water, or ice only after 11 p.m., provided the sound level from the deliveries does not exceed 75 dBA when measured from the residential property closest in proximity to the establishment, excluding traffic and other background noise that can be reasonably excluded; and (b) limits the use of amplified sound for playing music or amplifying human speech within the establishment's indoor or outside property boundaries to ensure: (i) the amplified sound is not used after 10 p.m. on Sunday through Thursday and 11 p.m. on Friday and Saturday; and (ii) the amplified sound level does not exceed 75 dBA when measured at the establishment's outermost property perimeter, excluding traffic and other background noise that can be reasonably excluded.

**H.B. 1303 (Geren) – Right-of-Way Rental Fees:** would, for purposes of city right-of-way rental fees from cable and video providers: (1) clarify that “video service” means video programming services provided by a video service provider through wireline facilities located at least in part in the public right-of-way without regard to deliver technology, including Internet protocol technology; and (2) provide that the term “video service” does not include direct-to-home satellite services or any video programming accessed via a service that enables users to access content, information, electronic mail, or other services offered over the Internet, including streaming content.

**H.B. 1336 (Darby) – Geothermal Energy:** would provide that: (1) a landowner owns the geothermal energy and associated resources below the surface of the landowner's land as real property; and (2) a landowner and the landowner's lessee, heir, or assign is entitled to drill for and produce the geothermal energy and associated resources below the surface of the landowner's land.

**H.B. 1349 (Sherman) – Sale and Marketing of Catfish:** would: (1) require a food service establishment that offers a food product for sale to: (a) represent and identify a product as catfish only if the product contains catfish; and (b) conspicuously identify the type of fish contained in the product description on the menu if the item does not contain catfish but a fish similar to catfish; (2) provide that a public health district, the Department of State Health Services, or a county that requires a food service establishment to hold a permit may impose an administrative and/or civil penalty against a food service establishment that violates (1), above; and (3) provide that the attorney general, district or county attorney for the county, or the municipal attorney of the city in which the violation is alleged to have occurred may bring an action to recover a civil penalty.

**H.B. 1372 (Harris) – Public Nuisance Actions:** would, among other things, provide that: (1) the following claims, actions, or conditions do not give rise to a public nuisance cause of action; (a) an action or condition authorized, approved, or mandated by a court order; (b) an action or condition authorized, approved, or mandated by a statute, ordinance, regulation, permit, order, rule, or other similar measure issued, adopted, promulgated, or approved by the federal government, a federal agency, a state, a state agency, or a political subdivision; (c) a claim that a product endangers the health, safety, or welfare of the public at large or has caused injury to one or more members of the public; (d) a claim based on the manufacturing, distributing, selling, labeling, or marketing of a product, regardless of whether the product is defective; or (e) any other claim, action, or condition determined by common law to not constitute or give rise to a cause of action cognizable as the tort of public nuisance; (2) a financial expenditure related to the remediation, abatement, or injunction of an unlawful condition does not constitute a sufficient

injury to confer standing to file or maintain a public nuisance action; (3) the only remedies available in a public nuisance action brought by the state, a state agency, or a political subdivision are an injunction or other remedy available at law to abate the nuisance; and (4) the limitation in (3), above, may not be construed to limit a governmental entity from obtaining relief provided by other law.

**H.B. 1431 (Campos) – Statewide Homeless Management Information System:** would require the Texas Interagency Council for the Homeless to: (1) evaluate, encourage, incentivize, and monitor the participation by service providers to the homeless throughout this state in a regional or statewide homeless management information system; and (2) prepare quarterly reports to the Texas Department of Housing and Community Affairs on, among other things: (a) the rate of participation by service providers to the homeless in a homeless management information system, aggregated by region and participation trends throughout Texas; (b) feedback from participating and nonparticipating service providers to the homeless on: (i) the ease of access to participate in a homeless management information system and (ii) the local oversight of homeless management information system administrators; and (c) data-driven scenarios that have improved the provision of services to the homeless throughout Texas.

**H.B. 1445 (Cortez) – Food Allergen Awareness:** would, among other things: (1) require a food service establishment to display a poster relating to food allergen awareness in an area of the establishment regularly accessible to the establishment’s food service employees; and (2) prohibit a county, city, or public health district from adopting or enforcing an order, ordinance, rule, or other measure that is inconsistent with or exceeds the requirements under (1), above.

**H.B. 1447 (Cortez) – Food Allergen Awareness:** would, among other things: (1) require a food service establishment to display a poster relating to food allergen awareness in an area of the establishment regularly accessible to the establishment’s food service employees; and (2) prohibit a county, city, or public health district from adopting or enforcing an order, ordinance, rule, or other measure that is inconsistent with or exceeds the requirements under (1), above.

**H.B. 1458 (Rosenthal) – Animal Shelter Records:** would require each city-operated animal shelter to prepare and maintain monthly records on the intake and disposition of animals and provide for how such records shall be made available to the public.

**H.B. 1476 (Harrison) – City Officer and Employee Salaries:** would, among other things, provide that a city officer’s or employee’s salary may not exceed the governor’s salary, as set by the Legislature.

**H.B. 1489 (Tepper) – Certificates of Obligation:** would, among other things:

1. limit the purposes for which a certificate of obligation may be authorized to only a public work, which would include: (a) streets, roads, highways, bridges, sidewalks, parks, landfills, parking structures, or airports; (b) telecommunications, wireless communications, information technology systems, applications, hardware, or software; (c) cybersecurity; or (d) as part of any utility system, water supply project, water plant, wastewater plant, water

and wastewater distribution or conveyance facility, wharf, dock, or flood control and drainage project;

2. provide that the governing body of an issuer of a certificate of obligation may authorize only the necessary certificates to pay a contractual obligation to be incurred for the construction, renovation, repair, or improvement of a public work: (a) to comply with a state or federal law, rule, or regulation if the political subdivision has been officially notified of noncompliance with the law, rule, or regulation; (b) if the governing body believes the construction, renovation, repair, or improvement of a public work is necessary to mitigate the impact of a public health emergency that poses an imminent danger to a resident's physical health or safety or a natural disaster, and: (i) the governor declares or renews a disaster declaration in that fiscal year, and the governor's designation of the area threatened includes all or part of the geographic territory of the local government; or (ii) the presiding officer of the governing body of a political subdivision declares or renews a declaration of a local state of disaster in that fiscal year, and the presiding officer's designation of the area threatened includes all or part of the geographic territory of the local government; or (c) if a court renders a decision that requires the local government to construct, renovate, repair, or improve a public work;
3. provide that, if necessary, because of change orders, the governing body of an issuer may authorize certificates of obligation in an amount not to exceed 15 percent of a contractual obligation incurred for the construction of public works, but certificates may be delivered only in the amount necessary to discharge contractual obligations;
4. require the governing body of an issuer of a certificate of obligation to enter into a contract or written agreement for the construction, renovation, repair, or improvement of a public work not later than 90 days after the governing body authorizes the certificates;
5. provide that the governing body of an issuer must comply with the requirement to advertise for competitive bids for contractual obligations to be incurred for a purpose for which certificates are to be issued under Number 2, above;
6. provide that a certificate may not mature over a period greater than 30 years from the date of the certificate;
7. prohibit the governing body of an issuer from authorizing a certificate to pay a contractual obligation to be incurred if a bond proposition to authorize the issuance of bonds for the same purpose was submitted to the voters during the preceding five years and failed to be approved; and
8. prohibit a city council from authorizing the issuance of certificates of obligation if the city secretary receives a petition signed by at least two percent of the qualified voters of the issuer protesting the issuance of certificates unless the issuance is approved at an election.

**H.B. 1494 (Cain) – Restrictions on Limiting Religious Services:** would provide that, in addition to the protections provided under state and federal law, a governmental agency may not enact any

ordinance, rule, order, decision, practice, or other exercise that may be construed to affect a prohibition or limitation on religious services, including religious services conducted in churches, congregations, and places of worship, in this state, by a religious organization established to support and serve the propagation of a sincerely held religious belief.

**H.B. 1496 (Guerra) – Short-Term Rentals:** would, among other things, provide that: (1) a person that facilitates the rental of a short-term rental in Texas, including a short-term rental listing service, must disclose all taxes and fees charged in connection with the short-term rental; and (2) a person that facilitates the rental of a short-term rental in Texas, including a short-term rental listing service, may not charge fees, except a cleaning fee, in connection with the rental of a short-term rental that in total exceed 10 percent of the price of the short-term rental before applicable taxes and fees.

**H.B. 1512 (Spiller) – Monuments and Memorials:** would, among other things: (1) provide that a monument or memorial located on city property: (a) for at least 25 years may be removed, relocated, or altered only by supermajority vote of the city council; and (b) for less than 25 years may be removed, relocated, or altered only by the city council; (2) provide that an additional monument may be added to the surrounding city property on which a monument or memorial is located to complement or contrast with the monument or memorial; (3) authorize a resident of the city to file a complaint with the attorney general asserting the city violated (1), above, and authorize the attorney general to file a petition for a writ of mandamus or other equitable relief to compel a city to comply with (1), above; and (4) define “monument or memorial” as used in (1), above, to mean a permanent monument, memorial, or other designation, including a statute, portrait, plaque, seal, symbol, cenotaph, building name, bridge name, park name, area name, or street name, that honors an event or person of historic significance.

**H.B. 1521 (Ordaz) – Transporting Dogs:** would provide that: (1) a person may not operate an open-bed pickup truck or an open flatbed truck or draw an open flatbed trailer in a manner described by (2), below, when a dog is occupying the bed of the truck or trailer unless: (a) the dog occupying the bed of the truck or trailer is secured in a crate, cage, or other closed container; and (b) the container required by (1)(a), above, is securely attached to the walls or bed of the truck or trailer; and (2) the bill only applies to a vehicle being operated or a trailer being drawn: (a) in a county with a population of more than 500,000; and (b) on a highway or street with a speed limit of 30 miles per hour or more.

**H.B. 1601 (Wu) – Poker Rooms:** would provide, among other things, that:

1. a county commissioners court may regulate the operation of poker clubs, including: (a) restricting poker club locations to specified areas of the county, including unincorporated areas; (b) prohibiting a poker club within a specified distance of a school, regular place of worship, or residential neighborhood; or (c) restricting the number of poker clubs that may operate within a specified area of the county;
2. a county may require a poker club owner or operator to obtain or renew a license on a periodic basis to own or operate a poker club in the county, including establishing

- license qualifications and providing for the denial, suspension, or revocation of a license for violating county regulations adopted under Number 1, above;
3. a county may impose a fee for a poker club license or license renewal based on the cost of processing the application and investigating the applicant;
  4. a county may inspect a business within the county that contains one or more poker gaming tables to determine whether the business is complying with county regulations adopted under Number 1, above;
  5. a county may seek injunctive relief from a district court to prevent the violation or threatened violation of a county regulation adopted under Number 1, above, as well as civil penalties not to exceed \$10,000 per violation per day and reasonable expenses incurred in obtaining injunctive relief, including reasonable attorney's fees, court costs, and investigatory costs;
  6. Numbers 1 through 4, above, do not legalize any activity prohibited under state law, but do establish a defense to prosecution for violations of state law gambling and keeping a gambling place statutes if the actor is engaged in gambling in: (a) a private residence; (b) a poker club located in a county that regulates poker clubs and operating in accordance with county regulations adopted under Number 1, above; (c) a poker club located in a city that regulates poker clubs and operating in accordance with the city's regulations; or (d) a county or city that does not regulate poker clubs;
  7. it is a criminal offense to intentionally or knowingly operate a poker club in violation of a county regulation adopted under Number 1, above, and a person who commits such an offense may be prosecuted under this and/or any other law;
  8. the authority granted to the county by the bill is cumulative of all other granted county authority to regulate poker clubs and does not limit that authority; and
  9. to the extent that a conflict exists between a county order or regulation and a municipal ordinance, the county order prevails.

**H.B. 1719 (Raymond) – Local Option Operation of Eight-Liners:** would:

1. provide that 10 registered voters in a county, city, or justice precinct may apply for a petition to hold a local election to legalize or prohibit the operation of eight-liners and must make a deposit at the time of the application;
2. require a county, city, or justice precinct that has been in existence for at least 18 months to hold the election described in Number 1, above, if the petition gets the signatures of at least 35 percent of the number of voters who voted in the last gubernatorial election;
3. provide that a person commits a Class B misdemeanor if the person misrepresents the purpose or effect of a petition described by Number 1, above;

4. provide that an election held under Number 2, above, may not be held in a political subdivision until after the first anniversary of the most recent election on the issue;
5. provide that the county shall pay expense of an election under Number 2, above, except that if an election is to be held only within the corporate limits of a city located wholly within the county, the county may require the municipality to reimburse the county for all or part of the expenses;
6. require a city located in more than one county to conduct and pay for an election under Number 2, above, instead of the counties;
7. provide that the status of legalized or prohibited operation of eight-liners in a: (a) justice precinct city prevails over the status in a city or county in which the justice precinct is located; (b) city prevails over the status in a county in which the city is located;
8. impose a \$350 annual fee on each eight-liner, 30 percent of which is allocated to the general revenue fund of the state and 70 percent of which is allocated to the city or the county if the eight-liner is located outside of a city;
9. make conforming amendments to the Penal Code to account for legalized or prohibited use of eight-liners for gambling in by an election under Number 2, above. (See **H.J.R. 93**, below.)

**H.B. 1740 (Leach) – State Park Entrance Fees:** would waive state park entrance fees for: (1) residents of the state who are first responders; or (2) active-duty members or veterans of the U.S. armed services, the Texas Army National Guard, the Texas Air National Guard, or the Texas State Guard.

**H.B. 1819 (Cook) – Juvenile Curfew:** would, except for purposes of emergency management, prohibit a political subdivision from adopting or enforcing an order, ordinance, or other measure that imposes a curfew to regulate the movements or actions of persons younger than 18 years of age. (Companion bill is **S.B. 603** by Hughes.)

**H.B. 1829 (Schatzline) – Publication of Annual Financial Statements:** would: (1) require a municipality to submit an annual financial statement to the comptroller not later than two months after the end of the fiscal year for the comptroller to post on its website; and (2) provide that the annual financial statement must include for each fund subject to the authority of the governing body the total receipts of the fund, the total disbursements of the fund, and the balance in the fund at the close of the fiscal year.

**H.B. 1830 (Talarico) – Trees:** would provide that: (1) the Texas A&M Forest Service may partner with a political subdivision to identify an area in an urban area with a disparity in canopy coverage in comparison to other areas in the same political subdivision; and (2) on identification of an area under (1), above, the Texas A&M Forest Service, in collaboration with the political subdivision, may plant trees in the area.

**H.B. 1831 (Talarico) – Cannabis:** would, among other things: (1) authorize the personal use, possession, cultivation, and transfer of cannabis, except for: (a) operating a motor vehicle while intoxicated; (b) smoking or otherwise consuming cannabis in an unauthorized public place, including in a motor vehicle, aircraft, or watercraft; or (c) possessing or consuming cannabis or cannabis products, or possessing cannabis-related drug paraphernalia on the premises of a public or private child-care facility prekindergarten, or primary or secondary school, school bus serving any of these facilities, or a correctional or civil commitment facility; (2) authorize the retail use, possession, cultivation, testing, processing, and transfer of cannabis, cannabis products, or cannabis-related drug paraphernalia; (3) create a criminal offense for selling, giving, or causing cannabis or cannabis products to be sold or given to anyone younger than 21 years old, or anyone who intends to deliver the same to anyone younger than 21 years old; (4) establish licensing requirements and procedures, including criminal history background check and conflicts of interest provisions; (5) establish a ten percent cannabis sales tax, and provide for the distribution of such tax revenue to specific cannabis-related accounts, along with the child-care services program support account; (6) prohibit a local subdivision from enacting, adopting, or enforcing a rule, ordinance, order, resolution, or other regulation that prohibits or unreasonably restricts the cultivation, production, processing, dispensing, transportation, or possession of cannabis or cannabis products, or the operation of a cannabis grower, establishment, secure transporter, or testing facility; (7) allow a political subdivision to adopt regulations governing the hours, location, manner of conducting business, and number of cannabis growers, establishments, or testing facilities, including allowing a health authority to inspect a cannabis establishment and all equipment, finished and unfinished materials, containers, and labeling on presenting appropriate credentials; and (8) require a political subdivision or health authority to investigate or refer complaints regarding the operations of a cannabis establishment, and maintain a record of any such complaints.

**H.B. 1886 (Howard) – Shooting Ranges:** would provide that a person may not operate a sport shooting range within 300 feet from the property line of: (1) a school or open-enrollment charter school; or (2) a stadium or other athletic facility of the school or open-enrollment charter school.

**H.B. 1918 (J. Lopez) – Government Attorney Contracts:** would require the Office of the Attorney General to publish a proposed contingent fee contract for legal services involving a political subdivision, along with related information submitted to the office for review, within 90 days of receipt from the political subdivision.

**H.J.R. 27 (Craddick) – Grow Texas Fund:** would amend the Texas Constitution to, among other things: (1) create the Grow Texas Fund (Fund) within the state treasury; (2) authorize the legislature to appropriate money from the Fund for use in areas of the state from which oil and gas are produced and then only to address infrastructure needs in areas of the state determined by the legislature to be significantly affected by oil and gas production; and (3) authorize the grant of money from the Fund to state agencies and other political subdivisions for an authorized purpose.

**H.J.R. 37 (Vasut) – Private Schools:** would amend the Texas Constitution to prohibit regulation of the educational program of a private school or home school by: (1) a state agency; (2) the legislature; or (3) other political subdivisions of the state.

**H.J.R. 58 (Frank) – Parental Rights:** would amend the Texas Constitution to: (1) provide that the liberty of a parent to direct the upbringing of the parent’s child is a fundamental right; (2) provide that the right includes the right to direct the care, custody, control, education, moral and religious training, and medical care of the child; and (3) prohibit the state or a political subdivision of the state from interfering with the rights of a parent as described in (1) and (2), above, unless the interference is essential to further a compelling governmental interest and narrowly tailored to accomplish that compelling governmental interest.

**H.J.R. 85 (Burrows) – Parental Rights:** would amend the Texas Constitution to: (1) provide that the liberty of a parent to direct the upbringing of the parent’s child is a fundamental right; (2) provide that the right includes the right to direct the care, custody, control, education, moral and religious training, and medical care of the child; and (3) prohibit the state or a political subdivision of the state from interfering with the rights of a parent as described in (1) and (2), above, unless the interference is essential to further a compelling governmental interest and narrowly tailored to accomplish that compelling governmental interest.

**H.J.R. 93 (Raymond) – Local Option Operation of Eight-Liners:** would: (1) amend the Texas Constitution to authorize the legislature to authorize and regulate the operation of eight-liners; (2) require that a law enacted under (1), above, allow the voters to determine whether the gaming devices may be legally operated or prohibited; and (3) authorize the legislature to impose a fee on the operation of a gaming device. (See **H.B. 1719**, above.)

**S.B. 70 (Zaffirini) – Unfunded Mandates:** would establish an unfunded mandate interagency workgroup and require the group to, among other things, publish an advisory list of mandates for which the legislature has not provided reimbursement following each regular or special session of the legislature.

**S.B. 78 (Johnson) – Abortion:** would: (1) allow a physician to provide an abortion-inducing drug to a pregnant individual whose pregnancy is not more than 70 days of gestational age; and (2) provide that a political subdivision may not adopt or enforce an ordinance, order, or other measure that conflicts with the provision described in (1), above.

**S.B. 91 (Johnson) – State Holidays:** would: (1) abolish “Confederate Heroes Day” as a state holiday; and (2) create a new state holiday on June 28 as the “Celebration of Suffrage Day”.

**S.B. 121 (Menéndez) – Medical Cannabis:** would, among other things: (1) authorize the possession, use, cultivation, distribution, delivery, sale, and research of medical cannabis for medical use by patients with certain medical conditions; (2) provide for the issuance of a medical cannabis research license; (3) authorize fees for a license under (2), above; (4) provide that the Department of Public Safety shall use revenue from fees to establish a cannabis testing and quality control fund for the purpose of assisting law enforcement, including accredited crime laboratories, to purchase instruments, establish methods, and obtain resources needed to conduct forensic analysis necessary to enforce the bill and to protect the health and safety of medical cannabis patients and the public; and (5) preempt a municipality, county, or other political subdivision from enacting, adopting, or enforcing a rule, ordinance, order, resolution, or other regulation that

prohibits the cultivation, production, dispensing, researching, testing, or possession of medical cannabis.

**S.B. 127 (Alvarado) – Medical Cannabis:** would, among other things: (1) authorize the possession, use, cultivation, distribution, transportation, and delivery of medical cannabis for medical use by patients for whom a physician determines medical use is the best available treatment for the patient’s medical condition or symptoms; (2) authorize the licensing of dispensing organizations; (3) authorize an application fee for licenses to operate a dispensing organization; and (4) prevent political subdivisions from enacting, adopting, or enforcing a rule, ordinance, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of medical cannabis.

**S.B. 130 (Campbell) – Employment Benefits:** would provide that a city or county may not adopt or enforce an ordinance, order, rule, or regulation that requires an employer in the city or county to provide employment benefits to its employees.

**S.B. 157 (Perry) – Warrant Fees:** would provide that a defendant convicted of a felony or a misdemeanor shall pay the following, as reimbursement fees for services performed in the case by a peace officer for executing or processing an issued arrest warrant, capias, or capias pro fine: (1) \$75 if the defendant is convicted of a felony, a Class A misdemeanor, or a Class B misdemeanor; or (2) \$50 if the defendant is convicted only of a Class C misdemeanor.

**S.B. 186 (Miles) – Prohibited Discharge of Patients:** would, among other things: (1) provide that, with some exceptions, a hospital or other health facility may discharge or otherwise release a patient to the care of a group home, boarding home facility, or similar group-centered facility only if the person who operates the facility holds a license or permit issued in accordance with applicable state law; and (2) prohibit a local health authority from authorizing a hospital or health facility to discharge a patient to a facility in a manner that conflicts with (1), above.

**S.B. 215 (Eckhardt) – Lobbying:** would provide that: (1) a person who is required to register as a lobbyist under state law may not be eligible to be a candidate for, or elected or appointed to, a public elective office in Texas; (2) the provision in (1), above, does not apply to: (a) an office of a political subdivision with a population of 150,000 or less, other than the office of presiding officer of the governing body of the political subdivision, provided that the officer does receive a salary or wage for that office; or (b) the office of the presiding officer of the governing body of a political subdivision with a population of 50,000 or less, provided that the presiding officer does not receive a salary or wage for that office; (3) for purposes of (2), above, a presiding officer or other officeholder is not considered to have received a salary or wage if the officeholder refuses to accept a salary or wage offered or budgeted for that office; (4) an individual may not register to be a lobbyist under state law if the individual is: (a) a member of Congress; (b) a member of the legislature; or (c) statewide officeholder; and (5) the lobby registration of an individual described in (4), above, expires on the date the individual takes office.

**S.B. 232 (Hinojosa) – Removal From Office:** would, among other things: (1) provide that a person who holds an elected or appointed office of a political subdivision is automatically removed from and vacates the office on the earlier of the date the person enters a plea of guilty or nolo

contendere, receives deferred adjudication, or is convicted of one of the following offenses: (a) bribery; (b) theft of public money; (c) perjury; (d) coercion of public servant or vote; (e) tampering with governmental record; (f) misuse of official information; (g) abuse of official capacity; or (h) conspiracy or the attempt to commit any of the offenses in (a) – (g); (2) require the governing body of a political subdivision at the first public hearing of the governing body following the date an officer of the political subdivision is removed from office under (1), above, to: (a) order an election on the question of filling the vacancy to be held on the first day that allows sufficient time to comply with other requirements of law, if an election is required to fill the vacancy; or (b) fill the vacancy in the manner provided by law, if an election is not required; and (3) provide that, for an offense described in (1), above, an appeal does not supersede the order of removal if the removed officer appeals the judgment.

**S.B. 242 (Middleton) – Cooperation with Federal Government:** would, among other things: (1) require the attorney general to provide a written report to the governor, lieutenant governor, speaker of the house of representatives, and each member of the legislature that identifies each rule adopted by the a federal government agency during the previous month that: (a) relates to certain subjects including the First Amendment, Second Amendment, and border security, among others; (b) was adopted in response to an executive order by the president of the United States; and (c) violates the rights guaranteed to the citizens of the United States by the United States Constitution; and (2) provide that a political subdivision, including a city, may not cooperate with a federal government agency in implementing an agency rule that a report published under (1), above, indicates violates the rights guaranteed to the citizens of the United States by the United States Constitution.

**S.B. 271 (Johnson) – Local Government Security Incidents:** would: (1) provide that a local government that owns, licenses, or maintains computerized data that includes sensitive personal information, confidential information, or information the disclosure of which is regulated by law shall, in the event of a security incident: (a) comply with the notification requirements of the Identify Theft Enforcement and Protection Act, to the same extent as a person who conducts business in Texas; (b) not later than 48 hours after the discovery of the security incident, notify: (i) the Department of Information Resources (DIR), including the chief information security officer; or (ii) if the security incident involves election data, the secretary of state; and (c) comply with all DIR rules relating to security incidents; and (2) provide that not later than the 10th business day after the date of the eradication, closure, and recovery from a security incident, a local government shall notify the DIR, including the chief information security officer, of the details of the security incident and include in the notification an analysis of the cause of the security incident. (Companion bill is **H.B. 712** by **Shaheen**.)

**S.B. 302 (Hall) – Vaccinations:** would: (1) provide that an employee or an employee’s legal representative may bring suit against an employer for damages arising from adverse health events that are a result of the employer’s vaccine requirement; and (2) exempt employers from the provision in (1), above, who accept the following exemptions from the employer’s vaccine requirement: (a) the employee has reasons of conscience, including a religious belief, that conflict with the vaccine requirement; and (b) the vaccine is medically contraindicated based on the opinion of a physician who has examined the employee.

**S.B. 304 (Hall) – Vaccinations:** would, among other things, prohibit: (1) a person from discriminating against or refusing to provide a public accommodation to an individual based on their vaccination history or immunity status for a communicable disease; (2) an employer from discriminating against an individual based on their vaccination history or immunity status for a communicable disease; (3) a governmental entity or official from requiring an individual to be vaccinated or participate in the administration of a vaccine; (4) a local health department, during a public health disaster, from administering a vaccine to an individual without their consent; and (5) a governmental entity or official from discriminating against or imposing a civil or criminal penalty against an individual who refuses vaccination or participation in the administration of a vaccine.

**S.B. 305 (Hall) – Vaccinations:** would, among other things: (1) provide that a governmental official may not question or sanction a health care practitioner for granting a health exemption stating that, in the practitioner’s opinion, an immunization poses a significant risk to the patient’s health and well-being; (2) provide that a person, including a public or private employer, shall: (a) accept a health exemption provided by a health care practitioner and filed on the individual’s behalf for employment, medical or long-term care, or another activity necessary for the individual’s quality of life; and (b) exempt the individual described by the health exemption from any immunization requirement imposed by the person or under the laws of this state; and (3) establish penalties, and legal cause of action and available remedies, for violations of Sections (1) and (2), above.

**S.B. 306 (Hall) – Vaccinations:** would, among other things, provide that: (1) a local health department or health authority, to prevent and control communicable disease, may isolate or quarantine an individual who chooses treatment by prayer or spiritual means from the public, and that the individual must obey the department’s or a health authority’s rules, orders, and instructions while in isolation or quarantine; (2) before the department or health authority can order an individual or group of individuals into isolation or quarantine, it must: (a) provide notice of the isolation or quarantine; and (b) provide the individuals or group of individuals the opportunity to demonstrate that isolation or quarantine is unnecessary; (3) the department or health authority-ordered isolation or quarantine may not exceed five days without a court-order; (4) the department or health authority must use the least restrictive means available to the greatest extent possible, including allowing an individual to isolate or quarantine at home, or with a family member, parent, friend, or other individuals subject to same isolation or quarantine order; and (5) an individual retains the right to: (a) choose and make decisions regarding the medical treatment; and (b) choose to implement an alternate control measure, unless the control measure imposed is for isolation or quarantine.

**S.B. 313 (Hall) – Federal Action:** would: (1) establish a joint legislative committee to review any federal action to determine whether such action is unconstitutional and submit each determination to the Supreme Court of Texas for review; (2) provide that any federal action found by the Supreme Court of Texas to be unconstitutional be sent to the legislature for a determination, and then on to the governor for approval or disapproval; (3) provide that any federal action declared to be unconstitutional has no legal effect in Texas; (4) prohibit the state or a political subdivision of the state from spending money to implement a federal action declared unconstitutional; (5) authorize the attorney general (and others) to prosecute a person who attempts to implement or enforce an

unconstitutional federal action for official oppression, as well as other provisions of law; and (6) entitle a person to seek a declaratory judgment that a federal action is unconstitutional and give all courts original jurisdiction over such a proceeding.

**S.B. 328 (Hall) – Cottage Food:** would repeal the prohibition on cottage food production operations selling foods at wholesale.

**S.B. 329 (Hall) – Cottage Food:** would eliminate the requirement that an individual operating out of the individual’s home would need to have an annual gross income of \$50,000 or less from the sale of certain foods to be considered a “cottage food production operation.” (Companion bill is **H.B. 176** by **Goodwin**.)

**S.B. 331 (Hall) – Cottage Food:** would: (1) require the commissioner of state health services to adopt rules requiring a cottage food production operation to include the zip code and telephone number of the cottage food production operation on the label all of the foods that the operation sells; (2) remove the requirement for a cottage food production operation to include the address of the cottage food production operation on the label all of the foods that the operation sells; and (3) repeal the section of law that provides that an operator of a cottage food production operation that sells a cottage food through the Internet or by mail order: (a) is not required to include the address of the operation in the required labeling information before the operator accepts payment for the food; and (b) shall provide the address of the operation on the label of the food in the manner required by state law after the operator accepts payment for the food. (Companion bill is **H.B. 95** by **Goodwin**.)

**S.B. 377 (Perry) – Texas Connectivity Fund:** would, among other things: (1) create the Texas Connectivity Fund; (2) provide that the broadband development account can include funds appropriated from the Texas Connectivity Fund; and (3) require the comptroller to deposit 50 percent of the proceeds from the collection of sales and use taxes imposed on telecommunications services to the credit of the Texas Connectivity Fund. (See **S.J.R. 27**, below.)

**S.B. 431 (Middleton) – Child Custody Orders:** would authorize a city or county to adopt an ordinance or order that imposes a civil penalty of not more than \$500 for engaging in interference of child custody. (Companion bill is **H.B. 969** by **Cook**.)

**S.B. 481 (Johnson) – Egg Grading:** would, among other things, provide that a state agency or political subdivision may not prohibit certain persons, including a retailer selling eggs to the ultimate consumer of eggs, from purchasing, reselling, or using eggs that are sold by a person selling only ungraded eggs produced by the person’s own flock.

**S.B. 560 (Springer) – Building Permits:** would provide that: (1) a city may not enter into a written agreement with a building permit applicant to allow for an alternative deadline for granting or denying the permit; and (2) a city may not: (a) deny a building permit solely because the city is unable to comply with the 45-day time period for granting or denying a building permit; or (b) require a building permit applicant to waive the 45-day time period for granting or denying a building permit.

**S.B. 561 (Sparks) – Local Debt:** would prohibit a political subdivision from issuing a public security to purchase or lease tangible personal property if the expected useful life of the property ends before the maturity date of the public security. (Companion bill is **H.B. 451** by **Schofield**.)

**S.B. 569 (Springer) – Responding to Third-Party Subpoenas:** would provide that: (1) a city may impose a fee in the same amount and manner as provided by the Public Information Act for a charge for providing a copy of public information to produce a record in response to a subpoena, request for production, or other instrument issued under the authority of a tribunal relating to a civil action to which the city is not a party; and (2) the city custodian of a record who produces records under (1), above, but who is not required to appear in court, is not entitled to a witness fee.

**S.B. 575 (Gutierrez) – State Constitutional Cause of Action:** would: (1) establish a cause of action against a peace officer employed by a city or the state, who, under the color of law, subjects or causes to be subjected, any other person to the deprivation of any individual rights that create binding obligations on government actors, including failing to intervene; (2) impose a two-year statute of limitation for such claims; (3) waive statutory immunities and limitations on liability, damages, or attorney’s fees, as well as qualified immunity as defense for such claims; (4) provide mandatory award of reasonable attorney’s fees and costs for a prevailing plaintiff; (5) provide discretionary award of reasonable attorney’s fees and costs for a defendant for any claims the court finds frivolous; and (6) require that a peace officer’s employer indemnify its peace officers for any judgment or settlement entered against a peace officer for claims arising under (1), above, except that: (a) a peace officer is personally liable and shall not be indemnified by the employer for the lesser of five percent of the judgment or settlement or \$25,000, if the employer determines that the officer did not act in good faith and reasonable belief that the action was lawful; and (b) a public entity does not have to indemnify a peace officer if they were convicted of a criminal violation for the conduct from which the claim arises.

**S.B. 577 (Springer) – Food Regulation:** would, among other things, provide: (1) the Department of State Health Services (DSHS), a county, a city, or a public health district, including an authorized agent or employee, that conducts an inspection as authorized under this section may not take disciplinary action against or otherwise penalize a food service establishment, retail food store, mobile food unit, roadside food vendor, or temporary food service establishment for failing to adhere to easily cleanable surface requirements for wall and ceiling surfaces, decorative items, or attachments in a consumer area, provided the surfaces, items, or attachments are kept clean; (2) a county or a city with a public health district that requires the payment of a fee for issuing or renewing certain permits for a premises permitted or licensed by the Texas Alcoholic Beverage Commission may not also charge a fee under the Alcoholic Beverage Code, for an alcoholic beverage permit or license issued for premises located in the county or city; and (3) DSHS, a county, a city, or a public health district may not require a food service establishment to obtain a sound regulation permit, charge a sound regulation fee to the establishment, or otherwise prohibit sound-related activity at the establishment if the establishment: (a) accepts delivery of supplies only for one hour or less between 5 a.m. and 11 p.m. and delivery of food, water, or ice only after 11 p.m., provided the sound level from the deliveries does not exceed 75 dBA when measured from the residential property closest in proximity to the establishment, excluding traffic and other background noise that can be reasonably excluded; and (b) limits the use of amplified sound for playing music or amplifying human speech within the establishment’s indoor or outside property

boundaries to ensure: (i) the amplified sound is not used after 10 p.m. on Sunday through Thursday and 11 p.m. on Friday and Saturday; and (ii) the amplified sound level does not exceed 75 dBA when measured at the establishment's outermost property perimeter, excluding traffic and other background noise that can be reasonably excluded. (Companion bill is **H.B. 1247** by **Cody Harris**.)

**S.B. 587** (**Hughes**) – **Commercial Kitchens**: would, among other things, provide that a political subdivision or the state of Texas may not require a religious institution or nonprofit organization to prepare in a commercial kitchen or in a facility that is equipped with commercial kitchen equipment food the institution or organization sells at an event held to raise money for the institution or organization.

**S.B. 591** (**Zaffirini**) – **Child Water Safety Requirements**: would: (1) provide that an organization, including a school, preschool, kindergarten, nursery school, day camp, or youth camp that takes a child in its care or under its supervision to a body of water (including a pool) or otherwise allows a child access to a body of water shall: (a) determine whether the child is able to swim or is at risk when swimming; and (b) if the organization does not own or operate the body of water, provide the owner or operator of the body of water a written or electronic disclosure that clearly identifies each child who is unable to swim or is at risk when swimming; and (2) require the organization, during the time each child who is unable to swim or is at risk when swimming has access to a body of water, to: (a) provide the child an approved personal flotation device; and (b) ensure the child is wearing the appropriate personal flotation device and the device is properly fitted for the child. (Companion bill is **H.B. 59** by **Goodwin**.)

**S.B. 603** (**Hughes**) – **Juvenile Curfew**: would, except for purposes of emergency management, prohibit a political subdivision from adopting or enforcing an order, ordinance, or other measure that imposes a curfew to regulate the movements or actions of persons younger than 18 years of age.

**S.B. 621** (**Parker**) – **Cybersecurity**: would require the Department of Information Resources to employ a chief information security officer to oversee cybersecurity matters for Texas.

**S.B. 627** (**Menendez**) – **Hotel and Convention Center Projects**: would, among other things, provide that, for purposes of entitlement to certain state tax revenue in support of a hotel and convention center project, a restaurant, bar, or retail establishment is connected to a qualified hotel or a related qualified convention center facility if the restaurant, bar, or retail establishment: (1) shares an adjoining wall or roofline with the qualified hotel or the related qualified convention center facility; (2) is joined with the qualified hotel or the related qualified convention center facility by an intervening structure with walls or a ceiling that allows for passage between buildings; or (3) is located on a plot of land that shares a property boundary with the plot of land on which the qualified hotel or the related qualified convention center facility is located and is developed as part of a qualified project of which the qualified hotel and the related qualified convention center facility are a part.

**S.B. 643** (**Zaffirini**) – **Charitable Bingo**: would, among other things, require a licensed authorized organization or unit that collects a prize fee for a bingo game conducted in a city or county that

was entitled to receive a portion of a bingo prize fee as of January 1, 2019, to remit 50 percent of the amount collected as the prize fee to the Texas Lottery Commission and: (1) remit 50 percent of the amount collected to the county if the location at which the bingo game is conducted is not within the city limits and the county voted to impose the prize fee by November 1, 2019; (2) remit 50 percent of the amount collected as the prize fee in equal shares to the city and county if the bingo game is conducted within a county and within the city limits of a city that both voted before November 1, 2019 to impose the prize fee; or (3) if the county in which the bingo game is conducted did not vote before November 1, 2019 to impose the prize fee and the location at which the bingo game is conducted is within the boundaries of a city that voted before November 1, 2019 to impose the prize fee, remit 25 percent of the amount collected to the city and deposit the remaining amount in the general charitable fund of the organization organizations conducting the bingo game. (Companion bill is **H.B. 431** by **S. Thompson**.)

**S.J.R. 23** (**Eckhardt**) – **Freedom from Government**: would amend the Texas Constitution to, among other things, provide that each individual residing in this state has the right to be free from governmental intrusion or interference into their private life.

**S.J.R. 27** (**Perry**) – **Texas Connectivity Fund**: would amend the Texas Constitution to: (1) create the Texas Connectivity Fund for the development of broadband and other telecommunications services in all areas of Texas; and (2) authorize the appropriation to that fund of a portion of revenue received from the existing state sales and use taxes on telecommunications services while not increasing the rate of the sales and use tax. (See **S.B. 377**, above.)

## **Personnel**

**H.B. 27** (**Goodwin**) – **Employment Benefits**: would provide that disciplinary action may not be taken against an employer and an employer may not be sued based solely on the employer's choice to offer or provide a particular employee benefit, including payment for the costs associated with receiving health care service in another state.

**H.B. 79** (**Talarico**) – **Employment Leave**: would, among other things, provide that an employer shall: (1) not discharge or discriminate against an employee for taking time off to serve as required by law on an inquest jury or trial jury, if the employee, prior to taking the time off, gives reasonable notice to the employer that the employee is required to serve; (2) not discharge, discriminate or retaliate against an employee for taking time off to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding; (3) not discharge, discriminate or retaliate against an employee who is a victim for taking time off from work to obtain or attempt to obtain any relief, including a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or their child; (4) not discharge, discriminate or retaliate against an employee because of the employee's status as a victim of crime or abuse, if the employee provides notice to the employer of the status or the employer has actual knowledge of the status; and (5) provide reasonable accommodations for a victim of domestic violence, sexual assault, or stalking, who requests an accommodation for the safety of the victim while at work, including the implementation of safety measures, a transfer, reassignment, modified schedule, changed work telephone, changed work station, installed lock, assistance in documenting domestic violence, sexual assault, stalking, or other crime that occurs in the workplace, an implemented

safety procedure, or another adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other crime, or referral to a victim assistance organization.

**H.B. 121 (Vasut) – Employment Benefits:** would provide that: (1) a city may not adopt or enforce an ordinance, order, rule, regulation, or policy requiring any terms of employment that exceed or conflict with federal or state law relating to any form of employment leave, hiring practices, employment benefits, scheduling practices, or other terms of employment; (2) any provision of an ordinance, order, rule, regulation, or policy that violates (1), above, is void and unenforceable; and (3) the provision in (1), above, does not apply to minimum wage or a contract relating to the terms of employment voluntarily entered into between a private employer or entity and a governmental entity.

**H.B. 138 (Toth) – Personal Health Information:** would provide, among other things, that: (1) an employee has the right to keep the employee’s personal health information private and is not required to disclose that information to the employee’s employer, including a city, unless the disclosure is required by state or federal law; (2) an employer may not take an adverse employment action or discriminate against an employee who exercises the right described by (1), above; and (3) an employer who violates an employee’s rights prescribed in (1), above, is liable for a civil penalty in the amount of \$50,000 for each violation, and the attorney general may bring action to collect the civil penalty.

**H.B. 169 (Reynolds) – Minimum Wage:** would increase the minimum wage to not less than the greater of \$15 an hour or the federal minimum wage (currently at \$7.25).

**H.B. 193 (Ortega) – Local Minimum Wage:** would, among other things, allow: (1) a city to adopt a minimum wage that exceeds the federal minimum wage to be paid by an employer to each of its employees for services performed in the city; and (2) a county to adopt a minimum wage that exceeds the federal minimum wage to be paid by an employer to each of its employees for services performed in the unincorporated areas of the county, including areas located within the extraterritorial jurisdiction of a city.

**H.B. 425 (VanDeaver) – Employment Discrimination:** would prohibit a city that employs 20 or more employees from terminating or suspending the employment of, or in any other manner discriminating against, an employee who is a volunteer emergency responder and who is absent from or late to the employee’s employment because the employee is responding to an emergency.

**H.B. 471 (Patterson) – Public Safety Personnel:** would provide, among other things, that:

1. a county or city shall provide to a firefighter, police officer, or emergency medical services (EMS) personnel a leave of absence for an illness or injury related to the person’s line of duty;
2. the leave described in Number 1, above, shall be full pay for a period commensurate with the nature of the line of duty illness or injury, and if necessary, the county or city shall continue the leave for at least one year;

3. at the end of the one-year period, the county's or city's governing body may extend the leave of absence under Number 2, above, at full or reduced pay;
4. if the firefighter's, police officer's, or EMS personnel's leave is not extended or the person's salary is reduced below 60 percent of the person's regular monthly salary and the person is a member of a retirement system with disability retirement benefits, the person is considered eligible to receive the disability retirement benefits until able to return to duty;
5. if the firefighter, police officer, or EMS personnel is not a member of a retirement system with disability retirement benefits and is temporarily disabled by a line of duty injury or illness and if the one-year period and any extensions granted by the governing body have expired, the person may use accumulated sick leave, vacation time, and other accrued benefits before the person is placed on temporary leave;
6. if the one-year period and any extensions granted by the governing body have expired, the firefighter, police officer, or EMS personnel shall be placed on temporary leave;
7. a firefighter, police officer, or EMS personnel who is temporarily disabled by an injury or illness that is not related to the person's line of duty may: (a) use accumulated sick leave, vacation time, and other accrued benefits before the person is placed on temporary leave; or (b) have another firefighter, police officer, or EMS personnel volunteer to do the person's work while the person is temporarily disabled by the injury or illness;
8. if able, a firefighter, police officer, or EMS personnel may return to light duty while recovering from a temporary disability, and if medically necessary, the light duty assignment may continue for at least one year;
9. after recovery from a temporary disability, a firefighter, police officer, or EMS personnel shall be reinstated at the same rank and with the same seniority the person had before going on temporary leave;
10. another firefighter, police officer, or EMS may voluntarily do the work of an injured firefighter, police officer, or EMS personnel until the person returns to duty;
11. for purposes of workers' compensation, lifetime income benefits shall be paid until the death of the employee for: (a) a physically traumatic injury to the brain resulting in a permanent major neurocognitive disorder or a psychotic disorder; (b) third degree burns that cover at least 40 percent of the body and require grafting, or third degree burns covering the majority of: (i) both hands; (ii) both feet; (iii) one hand and one foot; or (iv) one hand or foot and the face; or (c) a serious bodily injury sustained by the employee in the course and scope of the employee's employment or volunteer service as a first responder that permanently prevents the employee from performing any gainful work;
12. disease presumption does not apply if the disease or illness for which benefits or compensation is sought is known to be caused by the use of tobacco and: (a) the firefighter, peace officer, or emergency medical technician (EMT) has used a tobacco product an

average of four or more times per week during any six-month period in the five years preceding the diagnosis of the disease or illness; or (b) the firefighter's, peace officer's, or EMT's spouse has, during the marriage, used a tobacco product that is consumed through smoking an average of four or more times per week during any six-month period in the five years preceding the diagnosis of the disease or illness; and

13. a firefighter, peace officer, or EMT who suffers an acute myocardial infarction 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 firefighter, peace officer, or EMT if: (a) while on duty, the firefighter, peace officer, or EMT: (i) was engaged in a situation that involved stressful or strenuous physical activity involving fire suppression, rescue, hazardous material response, EMS, or other emergency response activity; or (ii) or participated in a training exercise that involved stressful or strenuous physical activity; and (b) the acute myocardial infarction or stroke occurred not later than 24 hours after the end of a shift in which the firefighter, peace officer, or emergency medical technician was engaging in the activity described under(a), above.

**H.B. 494 (Meza) – Family and Medical Leave:** would create a state family and medical leave law that, among other things: (1) requires an employer, including a city, to provide an employee who has been employed for at least one year not less than 30 days of leave for specific family and medical reasons; (2) creates a wage replacement fund administered by the Texas Workforce Commission that is funded by an assessment on each employee's wages in an amount equal to one quarter of one percent of the employee's average monthly pay; (3) provides that if an employer provides paid sick leave to its employees, an employee is entitled to use such paid leave for the specific family and medical reasons described in (1), above, in an amount not to exceed the lesser of the paid leave or 30 days; (4) provides that if an employer does not provide paid leave to its employees, or provides paid leave that may not be used for the specific family and medical reasons described in (1), above, the employee is entitled to wage replacement benefits for leave taken for such reasons; and (5) provides that an employer may not interfere with an employee's attempt to take leave, discharge an employee or otherwise discriminate against an individual for opposing an practice made unlawful by the bill, or discriminate or discharge an employee for exercising the employee's rights to leave.

**H.B. 495 (Meza) – Rest Breaks:** provides that: (1) a city that enters into a contract for general construction services shall require such contractor and any subcontractor to provide at least a 10-minute paid rest break within every four-hour period of work to each employee performing work under the contract; (2) each construction contract must include terms that: (a) authorize an employee of a contractor or subcontractor required to work without a rest break to make a complaint to the city contracting with the contractor; (b) explain that, on confirmation of such violation, the city shall provide to the contractor written notice of the violation; (c) inform a contractor that the city may impose an administrative penalty if the contractor fails to comply after the date the contractor receives notice of the violation; and (d) explain that a penalty amount may be withheld from a payment otherwise owed to a contractor; (3) a city may impose an administrative penalty in an amount of not less than \$100 and not more than \$500 per day if any employee is required to work without a rest break, and that a proceeding to impose an administrative penalty is a contested case under the Administrative Procedure Act; (4) each city

shall develop procedures for the administration of the provisions of this bill; and (5) the bill does not preempt a local regulation requiring rest breaks in construction contracts, provided that such regulation is compatible with and at least as stringent as the provisions of the bill.

**H.B. 528** (Wu) – **Family Violence Leave**: would provide, among other things, that:

1. an employee who is a victim of family violence or a violent felony offense or an employee whose child is a victim of family violence or a violent felony offense is entitled to time off to: (a) seek medical attention for, or recover from, physical or psychological injuries suffered by the employee or the employee's child as a result of family violence or a violent felony offense; (b) obtain services from a victim services organization for the employee or the employee's child in relation to the occurrence of family violence or a violent felony offense; (c) obtain psychological or other counseling for the employee or the employee's child in relation to the occurrence of family violence or a violent felony offense; (d) participate in safety planning or temporary or permanent relocation or take any other action necessary to increase the safety of the employee or the employee's child or to ensure the employee or child's economic security following the occurrence of family violence or a violent felony offense; or (e) seek legal assistance or remedies to ensure the health and safety of the employee or the employee's child, including preparing for or participating in any civil or criminal legal or investigative proceeding relating to the occurrence of family violence or a violent felony offense;
2. before taking time off described in Number 1, above, an employee must provide an employer with at least 24 hours advance written notice of the planned absence of the employee, unless providing advance notice is not feasible;
3. an employer may require an employee who is taking time off to report periodically to the employer on the status and intention of the employee to return to work;
4. an employee who takes leave described in Number 1, above, is entitled to not more than 30 workdays of leave in any 12-month period;
5. an employee who has existing vacation leave time, personal leave time, sick leave time, or compensatory leave time must use that leave time for a planned absence;
6. an employer may require an employee to provide, within a reasonable time after the employee's initial absence from work, certification to the employer that: (a) the employee or the employee's child is a victim of family violence or a violent felony offense; and (b) the time off from work requested by the employee is being used for the leave;
7. an employer is not required to compensate an employee during a planned absence unless the employee is using leave time under Number 5, above;
8. an employer shall maintain any health coverage provided by the employer to the employee or a member of the employee's family or household under any group health plan for the duration of the employee's absence;

9. an employer may recover the premium that the employer paid for maintaining health coverage under Number 8, above, if the employee fails to return to work after the period of time off to which the employee is entitled to has expired for a reason other than the continuation, recurrence, or onset of family violence or a violent felony offense;
10. an employer may require an employee who claims the employee is unable to return to work because of the continuation, recurrence, or onset of family violence or a violent felony offense to provide, within a reasonable time after making the claim, certification to the employer that the employee is unable to return to work because of that reason;
11. an employer shall keep confidential an employee's request for time off or that an employee has obtained time off and any written document or record submitted to the employer by the employee relating to a request for time off except to the extent that disclosure is requested or consented to in writing by the employee or is required by other state or federal law;
12. on returning from time off, an employee is entitled to: (a) reinstatement to the employee's former position or a position that is comparable in terms of compensation, benefits, and other conditions of employment; and (b) any benefits accrued by the employee before the employee's time off;
13. an employee is not entitled to: (a) any seniority or employment benefit that would have accrued during the employee's time off; or (b) any other right, benefit, or position of employment other than a right, benefit, or position the employee accrued before the employee took the time off;
14. an employer may not suspend or terminate the employment of, or otherwise discriminate against, an employee who takes authorized time off if the employee has provided written notice or certification;
15. each employer shall inform its employees of their rights by posting a conspicuous sign in a prominent location in the employer's workplace; and
16. the Texas Workforce Commission by rule shall prescribe the design and content of the sign required by Number 15, above.

**H.B. 573 (Raymond) – First Responder Driver's License Fees:** would, among other things, waive the fee for the original issuance or renewal of a driver's license for active first responders, including certain: (1) peace officers; (2) fire protection personnel; (3) volunteer firefighters; (4) ambulance drivers; and (5) emergency services personnel.

**H.B. 602 (Shaheen) – E-Verify:** would: (1) require a political subdivision, including a city, to register and participate in the E-verify program to verify information of all new employees; and (2) provide that an employee of a political subdivision who is responsible for verifying information of new employees of the political subdivision as required by (1), above, is subject to immediate termination of employment if the employee fails to comply with (1), above.

**H.B. 630 (Vasut) – Lifeguards:** would provide that the requirement that cities located or bordering on the Gulf of Mexico provide during reasonable daylight hours, from Memorial Day to Labor Day, occupied lifeguard towers or mobile lifeguard units, does not apply to cities with a population of less than 15,000.

**H.B. 722 (Rosenthal) – Reproductive Discrimination:** would, among other things: (1) provide that an employer commits an unlawful employment practice if the employer discriminates against an employee or a close member of the employee’s family or household on the basis of a reproductive decision including: (a) marital status at the time of a pregnancy; (b) use of assisted reproduction to become pregnant; (c) use of contraception or a specific form of pregnancy; or (d) obtainment or use of any other health care drug, device or service relating to reproductive health; (2) require an employer that provides an employee handbook include in the handbook information regarding the prohibition of discrimination based on a reproductive decision; and (3) make a mandatory arbitration agreement between an employer and an employee void and unenforceable to the extent the agreement limits the reproductive decisions of an employee or employee’s close family or household members. (Companion bill is **S.B. 204** by **Eckhardt**.)

**H.B. 723 (S. Thompson) – Pay Discrimination:** would provide, among other things, that: (1) with respect to an allegation of discrimination in payment of compensation, an unlawful employment practice occurs each time: (a) a discriminatory compensation decision or other discriminatory practice affecting compensation is adopted; (b) an individual becomes subject to a discriminatory compensation decision or other discriminatory practice affecting compensation; or (c) an individual is adversely affected by application of a discriminatory compensation decision or other discriminatory practice affecting compensation, including each time wages affected wholly or partly by the decision or other practice are paid; (2) liability may accrue, and any aggrieved individual may obtain relief, including recovery of back, if the unlawful employment practices that occurred during the period for filing a complaint are similar or related to unlawful employment practices regarding payment of compensation that occurred outside the period for filing a complaint; and (3) an employer, including a city, commits an unlawful employment practice if the employer: (a) verbally or in writing inquires into an applicant’s wage history information from the applicant or from a previous employer of the applicant; (b) requires disclosure of an applicant’s wage history information as a condition of employment; and (c) discharges or in any other manner discriminates against, coerces, intimidates, threatens, or interferes with an employee, applicant or other individual because the individual inquired about, disclosed, compared, or otherwise discussed an employee’s wages or an applicant’s prospective wages. (Companion bill is **S.B. 108** by **Menendez**.)

**H.B. 725 (Rose) – Discrimination:** would provide, among other things, that an employer, including a city, may not discriminate against an individual on the basis of sexual orientation, or gender identity or expression.

**H.B. 737 (Wale) – Minimum Wage:** would increase the minimum wage to not less than the greater of \$15 an hour or the federal minimum wage (currently at \$7.25).

**H.B. 790 (Patterson) – Workers’ Compensation:** would provide that: (1) for purposes of workers’ compensation, the first request of a designated doctor’s examination by the carrier,

injured employee or the state Division of Workers' Compensation must include a request to the designated doctor to provide an opinion of the extent of the compensable injury; (2) not later than the 15th day after the date on which an workers' compensation insurance carrier receives written notice of an injury, the insurance carrier shall also notify the division and the employee in writing of its refusal to pay and advise the employee of the specific reasons why the carrier is contesting the claim, including any disputes in the cause of the injury, the extent of the injury or the treatment of the injury; (3) a workers' compensation insurance carrier who fails to comply with initiation of compensation benefits within 60 days, when the injured employee is a custodial officer, a detention officer, an emergency medical technician, a firefighter, or a peace officer, waives its right to contest or deny the extent of the specific injury claimed by the injured worker or reasonably reflected in a review of the injured workers medical records; (4) if a workers' compensation insurance carrier denies a claim of medical benefits on or before the 60th day on which the insurance carrier had reasonable notice of the specific claimed injury and upon final determination of an administrative law judge that the claimed injury is compensable, the insurance carrier is liable to reimburse the injured worker for any and all reasonable and necessary medical expenses incurred by the injured worker for the specific claimed injury; (5) if good cause exists, a party or witness may attend a workers' compensation contested case hearing telephonically or by videoconference, and the administrative law judge shall determine if good cause exists for a party or witness to attend the contested case hearing telephonically or by videoconference; and (6) an attorney representing a party in a contested case hearing, shall be permitted to represent a party to the case telephonically or by videoconference.

**H.B. 818** (Walle) – **Expressing Breast Milk**: would provide that a public employer shall provide a place, other than a bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk.

**H.B. 850** (Reynolds) – **Discrimination**: would, among other things, provide that: (1) a person engages in a discriminatory practice if the person, because of the sexual orientation or gender identity or expression of an individual: (a) denies that individual full and equal accommodation in any place of public accommodation; or (b) otherwise discriminates against or segregates or separates the individual based on sexual orientation or gender identity or expression; (2) an aggrieved person may file a civil action in district court not later than the second anniversary of the occurrence of the termination of an alleged discriminatory practice to obtain the following relief with respect to the discriminatory practice: (a) actual and punitive damages; (b) reasonable attorney's fees; (c) court costs; and (d) any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the practice or other appropriate action; and (3) an employer, including a city, may not discriminate against a person on the basis of sexual orientation or gender identity or expression.

**H.B. 864** (Hernandez) – **Unemployment Benefits**: would allow an individual to qualify for unemployment benefits if the individual involuntarily leaves the workplace because of sexual harassment and: (1) reports the sexual harassment to the individual's employer or a law enforcement agency; or (2) files a sexual harassment complaint with the Texas Workforce Commission or the Equal Employment Opportunity Commission.

**H.B. 893 (Reynolds) – Paid Sick Leave:** would: (1) require certain employers to provide annual paid sick leave to each employee, accruing on the date the employee is hired at a rate of one hour paid sick leave for each 30 hours worked by the employee; and (2) provide that an employee may use such leave for specific reasons, including to attend: (a) to the employee’s or the employee’s family member’s health condition; (b) to family violence related matters; and (c) a meeting at a child family member’s school.

**H.B. 894 (Reynolds) – Civilian Complaint Board:** would create, in a city with a population of 500,000 or more, a civilian complaint review board with, among other things, the authority to: (1) investigate complaints alleging peace officer misconduct that involve: (a) excessive use of force; (b) improper use of power to threaten, intimidate, or otherwise mistreat a member of the public; (c) a threat of force; (d) an unlawful act, search, or seizure; or (e) other abuses of authority; and (2) issue subpoenas.

**H.B. 915 (Craddick) – Workplace Violence Hotline:** would, among other things, provide that: (1) the Texas Department of Licensing and Regulation shall establish a workplace violence hotline; (2) an employer, including a city, shall post a notice to employees of the workplace violence hotline described in (1), above; and (3) the notice must be posted: (a) in a conspicuous place in the employer’s place of business; (b) in sufficient locations to be convenient to all employees; and (c) in English and Spanish, as appropriate.

**H.B. 997 (Munoz) – Petitions:** would provide that a city may not adopt or enforce a charter provision, ordinance, policy, or other measure that prohibits an employee of the city’s police or fire department from circulating or signing a petition authorized by the meet and confer, civil service, and collective bargaining laws.

**H.B. 1012 (J. Gonzalez) – Discrimination:** would prohibit discrimination in public accommodations and employment on the basis of an individual’s sexual orientation, gender identity, or status as a military veteran. (Companion bill is **S.B. 110** by **Menéndez**.)

**H.B. 1054 (Turner) – Independent Contractors:** would, among other things: (1) require a contractor to properly classify each individual providing construction services as either an employee or an independent contractor in accordance with Texas Workforce Commission (TWC) rules; (2) provide an exception for services performed by an individual in the employ of, among others, a political subdivision or an instrumentality of a political subdivision that is wholly owned by one or more states, political subdivisions, or Indian tribes, provided that the services are excluded from employment in certain circumstances under the Federal Unemployment Tax Act; and (3) provide that if the TWC determines that a contractor has violated (1), above, the TWC shall provide notice of the violation to each governmental entity that the TWC reasonably believes has received construction services provided by the contractor.

**H.B. 1126 (Martinez Fischer) – Minimum Wage:** would provide that the minimum wage shall be the greater of the current minimum wage (\$7.25 per hour) or the following: (1) \$10 per hour in 2022; (2) \$12.50 per hour in 2023; (3) \$14 per hour in 2024; and (4) \$15 per hour thereafter.

**H.B. 1133 (Spiller) – Volunteer Security Services:** would, among other things, provide that: (1) a peace officer providing volunteer security services at a place of religious worship or on the premises where an event sponsored by a public school is taking place may: (a) with the consent of the head of the employing or appointing law enforcement agency, wear the uniform of the agency, or (b) wear another uniform or badge that gives the person the appearance of being a peace officer; and (2) the reimbursement or payment of an insurance policy insuring a peace officer who provides volunteer security services for civil liability arising from acts occurring while providing those services is not considered compensation or reimbursement.

**H.B. 1215 (Cook) – Criminal History:** would provide, among other things, that: (1) a public employer, including a city, may not, before making an offer of employment to an applicant: (a) obtain criminal history record information relating to the applicant; or (b) ask the applicant to disclose orally or in writing information regarding the applicant's criminal history, if any; (2) before making an offer of employment, a public employer may: (a) notify the applicant for a position that certain criminal convictions disqualify the applicant from consideration for the position under law or the employer's written policy; or (b) include a question on an initial employment application form regarding whether an applicant has been convicted of a criminal offense that would disqualify the applicant from employment under law if the question is limited to offenses that result in disqualification; (3) a public employer may obtain criminal history record information after the public employer has made an offer of employment to an applicant; and (4) the provisions in (1), (2), and (3), above, do not apply to any position with a law enforcement agency for which a Texas Commission on Law Enforcement license is required.

**H.B. 1242 (Hernandez) – Unemployment Benefits:** would provide that an individual is not disqualified for unemployment benefits if the individual leaves the workplace to care for the individual's minor child due to an unexpected illness, accident, or other unforeseeable event, but only if no reasonable, alternative care was available.

**H.B. 1309 (Dutton) – Suits Against Governmental Employees:** would provide that the plaintiff's irrevocable election of remedies provision under the Tort Claims Act may not be construed to restrict a plaintiff's ability to bring suit against an employee of a governmental unit for assault, battery, false imprisonment, or any other intentional tort, including a tort involving disciplinary action by school authorities.

**H.B. 1332 (Herrero) – Jury Service:** would amend current law to add an exemption from jury service for: (1) a firefighter, including a fire chief, who is a permanent, paid employee of the fire department of a city or county or of a special district or authority that provides firefighting services; and (2) a police officer, including a police chief, who is a permanent, paid employee of the police department of a city or county.

**H.B. 1339 (Harless) – Unemployment Benefits:** would provide that service performed by an individual as a volunteer firefighter or paramedic for which the only remuneration for the service is compensation for not more than two 12-hour shifts each week, regardless of whether the individual is certified to perform that service by an appropriate entity, does not count for purposes of calculating unemployment compensation.

**H.B. 1467 (Bucy) – Marijuana:** would, among other things, provide that: (1) a state agency or a political subdivision, including a city, may not: (a) establish a drug testing policy that requires an employee or independent contractor of the agency or political subdivision, as a condition of employment or contract, to submit to a drug test the intent of which is to screen for the presence of cannabinoids; (b) as a condition of employment or contract with the agency or political subdivision, administer or require the administration of a drug test to the employee or contractor the intent of which is to screen for the presence of cannabinoids; (c) establish for the employee or contractor as a condition of employment or contract a test result that is negative for the presence of cannabinoids; or (d) prohibit an employee or contractor as a condition of employment or contract from: (i) prescribing or obtaining a prescription for low-THC cannabis or using low-THC cannabis in accordance with state law; or (ii) using a consumable hemp product; (2) the following are exempt from the application of the provisions of (1), above: (a) an employee of a state agency or political subdivision who is required to comply with United States Department of Transportation drug testing regulations; and (b) a peace officer elected, employed, or appointed as a peace officer by a state agency or a political subdivision; (3) a state agency or a political subdivision may not question an employee about the employee’s use of low-THC cannabis or hemp and shall comply with all relevant state and federal privacy laws; (4) an aggrieved person may assert an actual or threatened violation of the provisions (1) and (3), above, as a claim or defense in a judicial or administrative proceeding and obtain: (a) compensatory damages; (b) injunctive relief; (c) declaratory relief; and (d) other appropriate relief, including reasonable attorney’s fees; (5) sovereign or governmental immunity, as applicable, is waived and abolished to the extent of liability; (6) the following persons are not subject to arrest, prosecution, or penalty in any manner, or denial of any right or privilege, including any administrative or civil penalty or disciplinary action imposed by a court or state licensing board, for conduct involving authorized medical use of low-THC cannabis: (a) a patient for whom authorized medical use is prescribed under state law, or the parent or caregiver of such patient; (b) a dispensing organization; or (c) a director, manager, or employee of a dispensing organization who is registered with the state; (7) a person described by (6), above, may not be presumed to have engaged in conduct constituting child abuse, neglect, or endangerment solely because the person engaged in conduct involving authorized medical use of low-THC cannabis; (8) property used in the cultivation, research, testing, processing, distribution, transportation, and delivery of low-THC cannabis for authorized medical use is not contraband for purposes of asset forfeiture under state law, and is not subject to seizure or forfeiture solely for the use of the property for the authorized activities; and (9) a person is not subject to arrest, prosecution, or the imposition of any sentence or penalty for the delivery, possession with intent to deliver, or manufacture of any item that meets the definition of drug paraphernalia if that item is delivered, possessed with intent to deliver, or manufactured for the sole purpose of providing that item to: (a) person for whom authorized medical use of low-THC cannabis is prescribed under state law; or (b) licensed dispensing organization.

**H.B. 1486 (Gerdes) – Mental Health Leave Policy:** would provide that: (1) each law enforcement agency, and each state agency or political subdivision, including a city, that employs a full-time telecommunicator, shall develop and adopt a policy allowing the use of mental health leave by the full-time telecommunicators employed by the agency who experience a traumatic event in the scope of that employment; (2) the mental health leave policy adopted under (1), above, must: (a) provide clear and objective guidelines establishing the circumstances under which a telecommunicator is granted and may use mental health leave; (b) entitle a telecommunicator to

mental health leave without a deduction in salary or other compensation; (c) enumerate the number of mental health leave days available to a telecommunicator; and (d) detail the level of anonymity for a telecommunicator who takes mental health leave; and (3) the mental health leave policy adopted under (1), above, may provide a list of mental health services available to telecommunicators in the area of the law enforcement or employing agency.

**H.B. 1579 (Canales) – Investigation of Fire Fighters:** would provide that: (1) a city with a population of 10,000 or more, regardless of whether the city is covered by a meet and confer or collective bargaining agreement, shall not take punitive action (suspension, indefinite suspension, demotion, reprimand, or any combination of these actions) against a paid employee of a city fire department unless an administrative investigation has been conducted by the city in accordance with specific investigation procedures that apply to the investigation of police officers and firefighters in civil service cities or other applicable law; and (2) a copy of a signed complaint against a firefighter shall be given to the firefighter in accordance with certain procedures that apply to the investigation of police officers and firefighters in civil service cities.

**H.B. 1661 (Burns) – Police Officer Age:** would, among other things, eliminate the provision that prohibits a person who is 45 years of age or older from being certified for a beginning position in a police department.

**H.B. 1738 (Leach) – Severance Pay:** would provide that: (1) certain political subdivisions, including a city, may not, as part of a severance package or as part of any other agreement or settlement made in relation to the termination of a person's employment or contract as an independent contractor, make a payment to an employee or independent contractor if: (a) the payment would: (i) be paid from tax revenue; and (ii) exceed the amount of compensation, at the rate at the termination of employment or the contract, the employee or independent contractor would have been paid for 20 weeks, excluding paid time off or accrued vacation leave; or (b) the employee or independent contractor was terminated for misconduct; and (2) a political subdivision shall post each severance agreement in a prominent place on the political subdivision's internet website.

**H.B. 1806 (Morales Shaw) – Discrimination:** would prohibit discrimination in employment on the basis of gender identity or expression and sexual orientation.

**H.B. 1808 (J. Jones) – Peace Officer Liability Insurance:** would provide that: (1) a law enforcement agency may not employ a peace officer who works as a peace officer for a law enforcement agency and is entitled to benefits normally offered to a full-time peace officer by the employing agency, such as retirement benefits, unless the peace officer obtains and continuously maintains liability insurance to cover damages resulting from any misconduct, including intentional, negligent, or willful acts, committed by the peace officer while acting in the scope of the peace officer's employment for the law enforcement agency; (2) the commissioner of insurance shall adopt rules with respect to the liability insurance required by (1) above, that: (a) set the minimum coverage amount for a policy that allows for a reasonable number of victims to be compensated; and (b) require a policy to state that the policy is provided in accordance with and is subject to this bill; and (3) liability insurance obtained and maintained under this bill must comply with the rules adopted by the commissioner of insurance.

**H.B. 1810 (Cain) – Immigration Enforcement:** would provide that a local entity, including a city council, or an institution of higher education may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports to an appropriate law enforcement authority the existence of a policy, pattern, or practice of the employing entity or institution that violates state law related to prohibiting or limiting enforcement of immigration laws.

**H.B. 1919 (Goodwin) – Minimum Wage:** would: (1) provide that from January 1, 2024, to January 31, 2024, an employer, including a city, shall pay to each employee not less than the greater of: (a) \$13.50 an hour; or (b) the federal minimum wage (currently at \$7.25 an hour); (2) provide that beginning in January 2025 and thereafter, an employer, including a city, shall pay to each employee not less than the greater of: (a) \$17 an hour; or (b) the federal minimum wage; and (3) repeal the provision that provides that the state minimum wage law and a city ordinance or charter that governs wages in private employment do not apply to a person covered by federal minimum wage law.

**S.B. 66 (Zaffirini) – EMS Civil Service:** would provide that the emergency medical services personnel civil service law applies to a city: (1) with a population of 460,000 or more that: (i) operates under a city manager form of government; or (ii) operated under a city manager form of government on the date the city adopted EMS personnel civil service law; and (2) that employs EMS personnel in a city department other than the fire department.

**S.B. 108 (Menendez) – Pay Discrimination:** would provide, among other things, that: (1) with respect to an allegation of discrimination in payment of compensation, an unlawful employment practice occurs each time: (a) a discriminatory compensation decision or other discriminatory practice affecting compensation is adopted; (b) an individual becomes subject to a discriminatory compensation decision or other discriminatory practice affecting compensation; or (c) an individual is adversely affected by application of a discriminatory compensation decision or other discriminatory practice affecting compensation, including each time wages affected wholly or partly by the decision or other practice are paid; (2) liability may accrue, and any aggrieved individual may obtain relief, including recovery of back, if the unlawful employment practices that occurred during the period for filing a complaint are similar or related to unlawful employment practices regarding payment of compensation that occurred outside the period for filing a complaint; and (3) an employer, including a city, commits an unlawful employment practice if the employer: (a) verbally or in writing inquires into an applicant’s wage history information from the applicant or from a previous employer of the applicant; (b) requires disclosure of an applicant’s wage history information as a condition of employment; and (c) discharges or in any other manner discriminates against, coerces, intimidates, threatens, or interferes with an employee, applicant or other individual because the individual inquired about, disclosed, compared, or otherwise discussed an employee’s wages or an applicant’s prospective wages.

**S.B. 110 (Menendez) – Discrimination:** would prohibit discrimination in public accommodations and employment on the basis of an individual’s sexual orientation, gender identity, or status as a military veteran.

**S.B. 184 (Miles) – Police Civilian Complaint Boards:** would, among other things:

1. create a municipal civilian complaint review board in each city with a population of 200,000 to investigate complaints alleging peace officer misconduct;
2. provide that the board shall consist of five public members appointed for a two-year term as follows: (a) two members appointed by the presiding officer of the governing body of the city, one of whom must be appointed from a list of city residents submitted to the presiding officer by the governing body of the city; (b) one member appointed by the county judge of the county in which the city is wholly or primarily located; (c) one member appointed by the city's police chief; and (d) one member appointed by the commissioners court of the county in which the municipality is wholly or primarily located;
3. provide that a person is ineligible to serve as a board member if the person is: (a) a city employee; (b) holds a public office; or (c) has experience as a law enforcement professional, including as a peace officer, a criminal investigator, a special agent or a managerial or supervisory employee with substantial policy discretion on law enforcement matters in a federal, state, or local law enforcement agency, other than as an attorney in a prosecutorial agency;
4. provide that a board member is entitled to a per diem of \$150 for each day the member engages in board business, and the total per diem a board member may receive during a fiscal year may not exceed \$5,000;
5. provide that a board member is entitled to reimbursement for actual and necessary expenses incurred in performing the duties of the board;
6. provide that a board may investigate a complaint that alleges peace officer misconduct involving: (a) excessive use of force; (b) improper use of power to threaten, intimidate, or otherwise mistreat a member of the public; (c) threat of force; (d) an unlawful act, search, or seizure; or (e) other abuses of authority;
7. provide that a filed complaint must: (a) be in writing; (b) allege the peace officer engaged in misconduct described in (6), above; and (c) describe the alleged misconduct;
8. provide that a board may issue a subpoena to compel the attendance of a witness or the production of any book, record, or other document reasonably necessary to conduct an investigation, and the subpoena must relate to a matter under investigation by the board;
9. provide that a board shall forward each complaint filed with the board to the city attorney, and the city attorney shall investigate the complaint by: (a) interviewing and obtaining a statement from the complainant, each peace officer who is the subject of the complaint, and each witness to the alleged misconduct; and (b) obtaining any documentary or other evidence relevant to the investigation;
10. provide that the city attorney shall complete the investigation of a complaint not later than the 120th day after the date the city attorney receives the complaint from the board;

11. provide that after an investigation of a complaint is complete, the city attorney shall forward the results of the investigation to the board or a panel of at least three board members;
12. provide that the board or panel shall review the case and make a determination on each allegation in the complaint that has not been dismissed by the board, and such determination must be made not later than the 180th day after the date the board receives the complaint;
13. provide that a board shall notify: (a) the parties to the complaint of the board's determination; and (b) the employer of the peace officer who is the subject of the complaint of the board's determination; and
14. provide that if the board finds that a complaint is substantiated, the board may recommend an appropriate disciplinary action to the employer, and if the employer fails to take disciplinary action against the peace officer before the 30th day after the date the board notifies the employer of the board's determination, the board shall forward the case to the attorney representing the state or to the appropriate United States attorney.

**S.B. 204 (Eckhardt) – Reproductive Discrimination:** would, among other things: (1) provide that an employer commits an unlawful employment practice if the employer discriminates against an employee or a close member of the employee's family or household on the basis of a reproductive decision including: (a) marital status at the time of a pregnancy; (b) use of assisted reproduction to become pregnant; (c) use of contraception or a specific form of pregnancy; or (d) obtainment or use of any other health care drug, device or service relating to reproductive health; (2) require an employer that provides an employee handbook include in the handbook information regarding the prohibition of discrimination based on a reproductive decision; and (3) make a mandatory arbitration agreement between an employer and an employee void and unenforceable to the extent the agreement limits the reproductive decisions of an employee or employee's close family or household members. (Companion bill is **H.B. 722** by **Rosenthal**.)

**S.B. 274 (Blanco) – Discrimination:** would, among other things, prohibit discrimination on the basis of sexual orientation or gender identity or expression of an individual in public accommodations and by an employer, including a city.

**S.B. 284 (Eckhardt) – Expressing Breast Milk:** would require a public employer to provide a place, other than a bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk.

**S.B. 533 (Paxton) – Training:** would, among other things, provide that: (1) as part of the minimum curriculum requirements, the Texas Commission on Law Enforcement shall require a peace officer to complete a training program on responding to and investigating child fatalities, the difference between sudden unexpected infant death and sudden infant death syndrome, and the relevant regulations applicable to child-care facilities; and (2) the officer shall complete the training program not later than the second anniversary of the date the officer is licensed unless the officer completes the program as part of the officer's basic training course.

**S.B. 563 (Sparks) – Employment Benefits:** would provide that: (1) a city may not adopt or enforce an ordinance, order, rule, regulation, or policy requiring any terms of employment that exceed or conflict with federal or state law relating to any form of employment leave, hiring practices, employment benefits, scheduling practices, or other terms of employment; (2) any provision of an ordinance, order, rule, regulation, or policy that violates (1), above, is void and unenforceable; and (3) the provision in (1), above, does not apply to minimum wage or a contract relating to the terms of employment voluntarily entered into between a private employer or entity and a governmental entity. (Companion bill is **H.B. 121** by **Vasut**.)

**S.B. 582 (Eckhardt) – Local Minimum Wage:** would, among other things, allow: (1) a city to adopt a minimum wage that exceeds the federal minimum wage to be paid by an employer to each of its employees for services performed in the city; and (2) a county to adopt a minimum wage that exceeds the federal minimum wage to be paid by an employer to each of its employees for services performed in the unincorporated areas of the county, including areas located within the extraterritorial jurisdiction of a city. (Companion bill is **H.B. 193** by **Ortega**.)

**S.B. 631 (Menendez) – Unemployment Benefits:** would allow an individual to qualify for unemployment benefits if the individual involuntarily leaves the workplace because of sexual harassment and: (1) reports the sexual harassment to the individual’s employer or a law enforcement agency; or (2) files a sexual harassment complaint with the Texas Workforce Commission or the Equal Employment Opportunity Commission. (Companion bill is **H.B. 864** by **Hernandez**.)

**S.B. 632 (Menendez) – Unemployment Benefits:** would provide that an individual is not disqualified for unemployment benefits if the individual leaves the workplace to care for the individual’s minor child due to an unexpected illness, accident, or other unforeseeable event, but only if no reasonable, alternative care was available. (Companion bill is **H.B. 1242** by **Hernandez**.)

### **Purchasing**

**H.B. 679 (Bell) – Soliciting and Awarding Construction Contracts:** would, among other things: (1) define “experience modifier” as a factor that is: (a) assigned to an employer seeking to purchase a workers’ compensation insurance policy in Texas; (b) affects the premium amount for the policy; and (c) is based on the employer’s past and prospective loss cost experience; (2) prohibit a city from: (a) requesting or requiring an offeror to include an experience modifier in a bid, proposal, qualification, offer, or other response submitted as part of the selection process for the award of a contract; (b) considering an experience modifier in the process of awarding a contract, including the: (i) evaluation of bids, proposals, qualifications, offers, or other responses; or (ii) selection of an offeror; and (3) provide that a contract entered into in violation of (2), above, is void as against public policy.

**H.B. 857 (Gervin-Hawkins) – Payment Bonds:** would increase the amount of a public works contract for which a payment bond is required from \$25,000 to \$100,000.

**H.B. 876 (Raymond) – Flag Purchases:** would, among other things, for each United States flag or Texas state flag purchased by a city, require the city to: (1) give first preference to flags manufactured in the Texas using materials grown, produced, or manufactured in Texas to the extent reasonable and practicable; and (2) give second preference to flags manufactured in Texas or the United States using materials grown, produced, or manufactured in the United States.

**H.B. 1132 (Spiller) – Competitive Bidding Thresholds:** would, among other things: (1) increase the threshold at which competitive bidding is required for city purchases from \$50,000 to \$100,000; and (2) increase the threshold at which competitive bidding in relation to historically underutilized businesses (HUBs) is required from \$50,000 to \$100,000.

**H.B. 1440 (Button) – Contract Change Orders:** would: (1) allow a city council in a city with a population of 240,000 or more (previously 300,000 or more) to grant general authority to a city administrative official to approve a change order for a public works contract if it involves a decrease or an increase of \$100,000 or less; and (2) provide generally that the change order procedures apply only to a contract awarded through a competitive procedure.

**H.B. 1717 (Hernandez) – Historically Underutilized Businesses:** would, among other things, provide that persons with a disability as defined by the Federal Americans with Disabilities Act are included in the state’s list of historically underutilized businesses.

**H.B. 1817 (Capriglione) – Contract Disclosure:** would provide that a city contract that requires an action or vote by the city council before the contract may be signed, has a value of at least \$1 million, or is for services that would require a person to register as a lobbyist is voidable for failure to provide the required disclosure of interested parties if: (1) the city submits to the business entity written notice of the business entity’s failure to provide the required disclosure; and (2) the business entity fails to submit the required disclosure on or before the 10<sup>th</sup> business day after the date the business entity receives the written notice in (1), above.

**S.B. 283 (Eckhardt) – Workers’ Compensation Insurance:** would require a city that enters into a building or construction contract to require the contractor on the public project to provide a written certificate that any subcontractor on the project provides workers’ compensation insurance for each employee of the subcontractor on the public project. (Companion bill is **H.B. 778** by **Walle**.)

**S.B. 541 (Campbell) – Prohibited Vendors:** would, among other things, provide that a city council shall, by ordinance, order, or other measure, bar a vendor from participating in city contracts if the vendor: (1) is prohibited from participating in federal contracts under Section 889, John S. McCain National Defense Authorization Act for Fiscal Year 2019; (2) contracts with an entity described in (1), above; or (3) is designated as a risk to state security by the governor, with advice from the Homeland Security Council, under rules adopted by the governor.

## **Transportation**

**H.B. 108 (Cortez) – Classroom Teachers Park Free:** would: (1) require the Texas Department of Transportation to issue specialty license plates to: (a) classroom teachers with at least 15 years

of service teaching public school students; and (b) retired classroom teachers with at least 20 years of service teaching public school students; and (2) prohibit a governmental authority from collecting a parking fee through a parking meter for a vehicle displaying these licensees.

**H.B. 167 (Cortez) – Red Light Cameras:** would provide that photographic traffic signal enforcement contracts, including those executed before May 17, 2019, are void.

**H.B. 177 (Cortez) – Red Light Cameras:** would provide that photographic traffic signal enforcement contracts, including those executed before May 17, 2019, are void.

**H.B. 366 (Bell) – High Speed Rail Bond:** would provide that before a private entity begins operation of new high-speed rail service the entity must file a bond in an amount sufficient to restore real property used for the service to its original condition if the service ceases operation.

**H.B. 805 (Toth) – High Occupancy Vehicle Lanes:** would provide that regardless of the number of occupants in a motor vehicle, an operator of a motor vehicle is entitled to use any high occupancy vehicle lane for the purpose of passing another vehicle that is being operated at a speed that is less than the posted speed limit for the roadway if the operator enters and exits the high occupancy vehicle lane at designated entry and exit points.

**H.B. 820 (King) – Additional Hybrid Vehicle Registration Fee:** provides that applicants for registration or renewal of registration for a hybrid or electric vehicle shall pay an additional fee of \$200 if the vehicle is an electric vehicle and \$100 if the vehicle is a hybrid vehicle with 90% of the fees to be deposited into the state highway fund and 10% to be deposited into a new electric vehicle battery disposal account administered by the Texas Commission on Environmental Quality.

**H.B. 960 (Jetton) – Electric Vehicle Registration Fee:** would provide that at the time of application for registration or renewal of registration of an electric vehicle, the applicant shall pay an additional \$100 road maintenance fee, which must be deposited to the credit of the state highway fund.

**H.B. 1156 (Rogers) – Surplus Traffic Safety Equipment:** would provide, among other things, that the Texas Department of Transportation and Texas Department of Public Safety may directly donate or sell at a discounted rate surplus traffic and roadwork safety equipment to Texas cities.

**H.B. 1379 (Ortega) – Transportation Projects:** would expand the definition of “transportation project” for purposes of a regional mobility authority to include an urban green space or aesthetic enhancement located above, adjacent to, or connected to an interstate highway, which may include: (1) recreational, bicycle, and pedestrian facilities; (2) an intermodal hub; (3) parking areas; and (4) components that will benefit users of transit, pedestrian, and other transportation modes, and promote economic development in adjacent areas.

**H.B. 1460 (Guillen) – Vehicle Weight:** would provide that a vehicle or combination of vehicles that is transporting aggregates may operate at an axle weight that is not heavier than 20,000 pounds

for a single axle or 34,000 pounds for a tandem axle plus a tolerance allowance of 15 percent of that allowable weight.

**H.B. 1461 (Guillen) – Grants:** would provide that, for a grant awarded by the Texas Department of Transportation for the construction of a transportation project in a county with a population of less than 25,000 or a city with a population of less than 15,000, the department must reimburse a grant recipient for costs incurred by the recipient that exceed the amount of the grant if the project is managed by the department.

**H.B. 1855 (Goodwin) – Highway Safety Corridors:** would provide, among other things, that: (1) the Texas Department of Transportation (TxDOT) must designate as a highway safety corridor a portion of a roadway containing a site with a high number of traffic accidents that lead to a serious injury or fatality as identified by the governing body of a political subdivision in whose jurisdiction the site is located; (2) the fines for certain moving violations within designated highway safety corridors are doubled; and (3) TxDOT must erect signage at each end of a designated portion of a roadway and at appropriate intermediate sites along the roadway indicating that the roadway is a highway safety corridor and stating “Fines double: highway safety corridor.”

**H.J.R. 77 (Walle) – Transportation Funding:** would amend the Texas Constitution to provide that dedicated revenue transferred to the state highway fund may be used for constructing, maintaining, and acquiring rights-of-way for: (1) public transportation; (2) public bicycle paths; and (3) public sidewalks.

**S.B. 41 (Zaffirini) – Cell Phone Ban:** would provide: (1) that a vehicle operator commits an offense if the operator uses a portable wireless communication device while operating a motor vehicle, unless the vehicle is stopped outside a lane of travel; and (2) for an affirmative defense (except for a person under 18 years of age or by a person operating a school bus with a minor passenger on the bus) for the use of a portable wireless communications device: (a) in conjunction with a hands-free device; (b) to contact emergency services; or (c) that was mounted in or on the vehicle solely to continuously record or broadcast video inside or outside of the vehicle.

**S.B. 254 (Eckhardt) - Gas Tax:** would increase the rate of the state gasoline tax and diesel fuel tax from 20 to 40 cents per gallon.

**S.B. 505 (Nichols) – Additional Electric Vehicle Registration Fee:** would provide that applicants for registration or renewal of registration for an electric vehicle shall pay an additional fee of \$400 for an initial two-year registration and an additional fee of \$200 for one-year registration or renewals with these fees to be deposited into the state highway fund.

**S.B. 684 (Hall) – Motor Vehicle Inspections:** would, among other things, provide that for motor vehicle inspections: (1) the amount of time between required inspections shall be increased by up to five years; and (2) that the minimum fees charged for certain vehicle inspections shall be increased.

**S.J.R. 37 (Miles) - Transportation Funding:** would amend the Texas Constitution to provide that dedicated revenue transferred to the state highway fund may be used for constructing, maintaining,

and acquiring rights-of-way for: (1) public transportation; (2) public bicycle paths; and (3) public sidewalks. (Companion resolution is **H.J.R. 77** by **Walle**.)

### **Utilities and Environment**

**H.B. 26** (**Ordaz**) – **Medical Waste Facilities**: would, among other things, provide that an applicant for an application for or notice of intent to file an application for a permit to construct, operate, or maintain a facility to store, process, or dispose of medical waste shall provide notice of the application or notice of intent by hand delivery, facsimile, or United States Post Service mail to the governing body of the city in which the facility is or is to be located, if applicable. (Companion bill is **S.B. 173** by **Blanco**.)

**H.B. 94** (**Jarvis Johnson**) – **Concrete Plant**: would provide that, in determining whether to approve an application for a standard permit for a concrete batch plant, the executive director of the Texas Commission on Environmental Quality must base the decision, in part, on a consideration of the potential harm to local property values and the location of the facility relative to homes, schools, churches, parks, and other community assets.

**H.B. 124** (**Jarvis Johnson**) – **Concrete Plants**: would limit the state law under which the Texas Commission on Environmental Quality may issue an air quality permit for a concrete plant located in an area of a city not subject to zoning regulations and require that such a plant comply with certain notice and hearing requirements.

**H.B. 349** (**Bucy**) – **Municipal Drainage Service Charges**: would: (1) authorize a city to exempt property from all or a portion of drainage charges if the property is used as a principle residence of an individual who is a disabled veteran, 65 years of age or older, a veteran of the armed forces of the United States, or a member of the armed services of the United States on active deployment; and (2) authorize a city to impose additional eligibility requirements for an exemption under (1), above.

**H.B. 372** (**Jarvis Johnson**) – **Concrete Plants**: would extend the distance within which a concrete plant or crushing facility must be from a single- or multi-family residence, school, or place of worship from 440 yards to 880 yards.

**H.B. 406** (**Collier**) – **Concrete Plants**: would provide that a representative of a school, place of worship, licensed day-care center, hospital, or medical facility or a person residing within 880 yards of a proposed concrete plant may request a public hearing from the Texas Commission on Environmental Quality regarding the construction of a concrete plant.

**H.B. 407** (**Collier**) – **Concrete Plants**: would provide that a representative of a school, place of worship, licensed day-care center, hospital, or medical facility or a person residing within 880 yards of a proposed concrete plant may request a public hearing from the Texas Commission on Environmental Quality regarding the construction of a concrete plant.

**H.B. 583 (Raymond) – Drinking Water Report:** would require the Texas Commission on Environmental Quality to produce an annual report on public drinking water supply systems in Texas and deliver the report to the legislature not later than September 1 of each year.

**H.B. 585 (Raymond) – Water Treatment Facilities Reporting:** would: (1) require the Texas Commission on Environmental Quality (TCEQ) to create a plan to protect water treatment facilities from: (a) electrical outages; (b) catastrophic weather events; (c) terrorist attacks; (d) the projected effects of climate change; and (e) other potential disruptions to providing water service; and (2) require TCEQ to submit the plan to the governor and the legislature by September 1, 2024.

**H.B. 695 (Rogers) – Eminent Domain:** would provide that a city may not take private property through eminent domain for the purpose of developing or operating a wind power facility.

**H.B. 758 (Walle) – Concrete Plants:** would provide that the Texas Commission on Environmental Quality (TCEQ) must allow the filing of a request for a contested case hearing on an authorization to use a standard permit for a concrete plant that performs wet batching, dry batching, or central mixing at any time during the public comment period on the authorization, including during any extension of the public comment period for public meetings.

**H.B. 759 (Walle) – Concrete Plants:** would provide that a person may file with the Texas Commission on Environmental Quality (TCEQ) a motion to overturn as described by TCEQ rule to challenge an executive director’s final decision on an authorization to use a standard permit for certain concrete plants.

**H.B. 874 (Bowers) – Water Rights:** would provide that a water right is not cancelled for nonuse if the nonuse resulted from an executed temporary or permanent forbearance agreement that: (1) promotes restoration, preservation, or enhancement of instream flows; (2) was entered into by the holder of the permit, certified filing, or certificate of adjudication; and (3) was filed with the Texas Commission on Environmental Quality not later than the 180th day after the date the agreement was executed.

**H.B. 926 (Dutton) – Concrete Plant Permitting:** would provide that a representative of a school, place of worship, licensed day-care center, hospital, medical facility, or a person residing within 440 yards of a proposed wet batching, dry batching, or central mixing concrete plant may request a public hearing prior to the construction or permitting of the concrete plant.

**H.B. 973 (Zwiener) – Critical Infrastructure:** would, among other things: (1) create a critical infrastructure resiliency fund that may be used by the Texas Division of Emergency Management to make a grant to an eligible entity; (2) establish the electric grid improvement account as an account within the critical infrastructure resiliency fund that may be used to make grants to municipally owned electric utilities, among others, for projects related to hardening and weatherizing the electric grid; (3) establish the hospital infrastructure resiliency account within the critical infrastructure resiliency fund that may be used to make grants to a city-owned hospital, among others, for projects relating to the purchase of reserve power supply that is reliable during an extreme weather event; and (4) authorize the use of funding under the water loan assistance fund for projects to harden and weatherize water and wastewater systems in the state.

**H.B. 1146 (Reynolds)** – **ERCOT Grid**: would, among other things, provide that, so long as the interconnection does not pose a significant and imminent risk to public health and safety, a transmission and distribution utility, municipally owned utility, or electric cooperative that transmits or distributes power purchased at wholesale in the ERCOT power region, may construct, own, and operate facilities as necessary to: (1) access transmission service from outside of the ERCOT power region; and (2) purchase power at wholesale from outside of the ERCOT power region.

**H.B. 1194 (Turner)** – **Oil and Gas**: would: (1) provide that the Railroad Commission (RRC) may not grant an application for a permit to drill a new oil or gas well if the proposed well site is located within 1,500 feet of the property line of a child-care facility, private school, primary or secondary public school, or facility that is owned by a school district and used by students enrolled in that district unless: (a) the RRC holds a public hearing in the county in which the proposed well site is located to receive public comments on whether granting the permit application is in the public interest; and (b) the RRC considers the comments received when determining whether to grant the application; and (2) the bill does not affect the authority of a political subdivision to enact, amend, or enforce an ordinance or other measure related to the drilling of new oil or gas wells.

**H.B. 1312 (Vasut)** – **Municipal Utility Districts**: would: (1) require a regular or special meeting of the board of a municipal utility district to be held at a publicly accessible location inside or not more than five miles outside the territory of the district; and (2) provide that (1), above, does not prohibit the board of a district from holding an open or closed meeting by telephone conference call or videoconference call in accordance with the Open Meetings Act.

**H.B. 1387 (Walle)** – **Concrete Plant Permitting**: would provide that a representative of a school, place of worship, licensed day-care center, hospital, medical facility, or a person residing within 440 yards of a proposed wet batching, dry batching, or central mixing concrete plant may request a public hearing prior to the construction or permitting of the concrete plant.

**H.B. 1412 (Schaefer)** – **Electric Grid Resilience**: would, among other things: (1) prohibit a city from enacting or enforcing an ordinance or other measure that bans, limits, or otherwise regulates inside the boundaries of the extraterritorial jurisdiction of the city a micro-grid that is certified by the Texas Grid Security Commission; and (2) require the Texas Grid Security Commission to establish resilience standards for cities. (Companion bill is **S.B. 330** by **Hall**.)

**H.B. 1443 (Slawson)** – **Wind Power Near Airport**: would: (1) define “joint-use airport” as an airport: (a) that is owned or operated by a federal defense agency; (b) at which both military and civilian aircraft make shared use of the airfield; and (c) that provides air traffic control for all military and civilian aircraft operating within 60 nautical miles of the airport’s boundaries; (2) provide that a power generation company or other person required by a Public Utility Commission (PUC) rule to register with the PUC before generating electricity may not operate a wind-powered generation facility in the ERCOT power region at a location that is within 65 nautical miles of the boundaries of a joint-use airport located in Texas; and (3) prohibit an electric cooperative or municipally owned utility from operating a wind-powered generation facility in the ERCOT power region at a location that is within 65 nautical miles of the boundaries of a joint-use airport located in Texas.

**H.B. 1503 (M. González) – Scrap Tires:** would provide that the Texas Commission on Environmental Quality may develop a scrap tire remediation grant program to award grants to counties for the purpose of reducing the number of scrap tires disposed of in inland or coastal water and onto public rights-of-way and other public land.

**H.B. 1598 (Darby) – Solid Waste Facilities:** would, among other things, provide that: (1) an applicant for a permit under the Solid Waste Disposal Act is not required to obtain a permit for the siting, construction, or operation of a municipal solid waste facility from a local government or other political subdivision of the state as a prerequisite to a permit being issued by the Texas Commission on Environmental Quality (TCEQ); (2) a local government or other political subdivision may not adopt an order that conflicts with or is inconsistent with: (a) the requirements for hazardous waste management or municipal solid waste facilities as specified by: (i) the rules of TCEQ; or (ii) a permit issued by TCEQ; or (b) the requirements for a municipal solid waste facilities; and (3) the bill may not be construed to prevent or limit the right of: (a) a county or city to exercise the authority granted under state law to prohibit the processing or disposal of municipal solid waste; (b) a county to exercise the authority granted state law to prohibit the disposal of municipal solid waste; or (c) a local government or other political subdivision to adopt or enforce a rule, order, or ordinance under the authority of the National Flood Insurance Program governing permits or other approvals for the development of land in areas prone to floods or mudslides.

**H.B. 1612 (Lozano) – Public Drinking Water:** would, among other things require: (1) each public drinking water supply system to have a water supply that must provide a quantity of water or capacity of water sufficient to serve the number of connections served by the public drinking water supply system; and (2) the Texas Commission on Environmental Quality to establish by rule connection equivalency values for each meter size used to serve a recreational vehicle park for use in determining the number of connections served by a public drinking water supply system that provides service through meters. (Companion bill is **S.B. 594** by **Zaffirini**.)

**H.B. 1687 (Murr) – Aggregate Production Operations:** would: (1) require an aggregate production operation first required to be registered on or after January 1, 2016, that occupies at least 10 acres, and is located in the boundaries or extraterritorial jurisdiction of a city, to file a reclamation plan and provide a related performance bond; and (2) provide that the reclamation plan described in (1), above, may be amended with approval of the city.

**H.B. 1845 (Metcalf) – Public Water Systems:** would provide that for a Class D license for wastewater operators or public water system operators, the Texas Commission on Environmental Quality by rule shall establish a provisional certification program by which a person who does not possess a high school diploma or its equivalent may act as a provisional operator if the person: (1) has completed all commission-required training associated with the license; (2) has passed any commission-required examinations associated with the license; and (3) acts under the direct supervision of a license holder. (Companion bill is **S.B. 650** by **Perry**.)

**S.B. 31 (Zaffirini) – Electricity:** would, among other things, provide that: (1) a transmission and distribution utility, municipally owned utility, or electric cooperative that transmits or distributes power purchased at wholesale in the ERCOT power region may construct, own, and operate facilities as necessary to: (a) access transmission service from outside the ERCOT power region;

and (b) purchase power at wholesale from outside the ERCOT power region; and (2) unless otherwise provided by federal law, the Public Utility Commission (PUC) shall require ERCOT to approve the interconnection of a facility in (1), above, unless the PUC or ERCOT determines that the interconnection poses a significant and imminent risk to public health and safety.

**S.B. 40 (Zaffirini) – Water Utilities:** would require the Texas Commission on Environmental Quality to develop and implement an alert system that must include the ability to provide notifications through electronic instant messaging to be activated in the event of a boil water notice and any related information, including any rescission or expiration of the boil water notice.

**S.B. 53 (Zaffirini) – Texas Water Development Board Financing:** would provide that: (1) a political subdivision may use financial assistance from the Texas Water Development Board (TWDB) to pay for the installation, maintenance, operation, and fueling of a backup power generator for a facility of a public water supply and sanitary sewer system; (2) assistance under the bill shall only be provided to political subdivisions that demonstrate an inability to pay for the installation, maintenance, operation, and fueling of a backup power generator described by (1), above, in accordance with TWDB rules; (3) if the TWDB determines that a political subdivision to which assistance has been provided under (1), above, is ineligible to receive the assistance, the TWDB may seek reimbursement from the political subdivision; and (4) the TWDB shall adopt rules to implement the bill.

**S.B. 114 (Menendez) – Electricity:** would, among other things: (1) provide that a retail electric customer is entitled to: (a) participate in demand response programs through retail electric providers and demand response providers; and (b) receive notice from the retail electric provider that serves the customer: (i) when the independent organization for the ERCOT power region issues an emergency energy alert about low operating reserves to providers of generation in the power region; or (ii) of planned outages and the length of time the outages are expected to last; and (2) require the Public Utility Commission to adopt rules that require each retail electric provider in the ERCOT power region to create a residential demand response program to reduce the average total residential load by at least: (a) one percent of peak summer and winter demand by December 31, 2024; (b) two percent of peak summer and winter demand by December 31, 2025; (c) three percent of peak summer and winter demand by December 31, 2026; and (d) five percent of peak summer and winter demand by December 31, 2027.

**S.B. 131 (Campbell) – Concrete Plant Permitting:** would provide that a representative of a school, place of worship, licensed day-care center, hospital, medical facility, or a person residing in a permanent residence within 440 yards of a proposed wet batching, dry batching, or central mixing concrete plant may request a public hearing prior to the construction or permitting of the concrete plant.

**S.B. 173 (Blanco) – Medical Waste Facilities:** would, among other things, provide that an applicant for an application for or notice of intent to file an application for a permit to construct, operate, or maintain a facility to store, process, or dispose of medical waste shall provide notice of the application or notice of intent by hand delivery, facsimile, or United States Post Service mail to the governing body of the city in which the facility is or is to be located, if applicable. (Companion bill is **H.B. 26** by **Ordaz**.)

**S.B. 223 (Campbell) – Wastewater Permitting:** would require the Texas Commission on Environmental Quality to hold at least one public meeting on an application for an initial permit for a wastewater treatment facility in the county in which the facility is proposed to be located.

**S.B. 330 (Hall) – Electric Grid Resilience:** would, among other things: (1) prohibit a city from enacting or enforcing an ordinance or other measure that bans, limits, or otherwise regulates inside the boundaries of the extraterritorial jurisdiction of the city a micro-grid that is certified by the Texas Grid Security Commission; and (2) require the Texas Grid Security Commission to establish resilience standards for cities.

**S.B. 365 (Zaffirini) – Electricity:** would provide that an electric utility must provide written notice to each landowner whose property is located within 300 feet of a substation for a transmission line when the utility applies for a certificate of convenience and necessity (CCN) or when the electric utility applies to amend the CCN to construct a transmission line that connects to the utility’s existing transmission facilities to a substation or metering point.

**S.B. 382 (Zaffirini) – Drinking Water Report:** would require the Texas Commission on Environmental Quality to produce an annual report on public drinking water supply systems in Texas and deliver the report to the legislature not later than September 1 of each year. (Companion bill is **H.B. 582** by **Raymond**.)

**S.B. 469 (Springer) – Water Infrastructure:** would: (1) for purposes of the Texas Water Assistance Program and other funding initiatives by the Texas Water Development Board (TWDB), define “rural political subdivision” as: (a) a nonprofit water supply or sewer service corporation, district, or municipality that has a service area with a population of 10,000 or less no part of which is located in an urban area as defined by the United States Bureau of the Census or otherwise qualifies for funding from a federal agency; or (b) a county in which no urban area has a population of more than 50,000; and (2) provide that the TWDB may direct the comptroller to transfer amounts from the financial assistance account to the rural water assistance fund to provide financial assistance to rural political subdivisions for the purpose of providing low-interest loans for water or water-related projects.

**S.B. 519 (Zaffirini) – Solid Waste Landfill Facilities:** would: (1) define “special flood hazard area” as the land in a floodplain subject to not less than one percent chance of flooding in a year as designated by the director or administrator of the Federal Emergency Management Agency (FEMA); (2) provide that the Texas Commission on Environmental Quality (TCEQ) may not issue a permit for a new municipal solid waste landfill facility or a lateral expansion of an existing municipal solid waste landfill facility that is contingent on the removal of the facility from a special flood hazard area; (3) provide that TCEQ may not issue a permit for a new municipal solid waste landfill facility or a lateral expansion of an existing municipal solid waste landfill facility if a part of the facility is or will be located in a special flood hazard area unless the applicant has obtained a letter from FEMA of map change demonstrating the entire facility has been removed from the special flood hazard area; and (4) require that TCEQ coordinate with all applicable regional and local governments to verify that all required map changes to the Flood Insurance Rate Map have been acquired from FEMA and that all necessary permits have been issued for the facility by the governmental entities or agencies with jurisdiction over the facility.

**S.B. 551 (Johnson) – Plastic Bottles at City Golf Courses:** would allow cities to prohibit the sale of single-use water bottles at city-owned or operated golf courses, including attached clubhouses and shops. (Companion bill is **H.B. 1174** by **Howard**.)

**S.B. 594 (Zaffirini) – Public Drinking Water:** would, among other things require: (1) each public drinking water supply system to have a water supply that must provide a quantity of water or capacity of water sufficient to serve the number of connections served by the public drinking water supply system; and (2) the Texas Commission on Environmental Quality to establish by rule connection equivalency values for each meter size used to serve a recreational vehicle park for use in determining the number of connections served by a public drinking water supply system that provides service through meters. (Companion bill is **H.B. 1612** by **Lozano**.)

**S.B. 624 (Kolkhorst) – Renewable Energy:** would, among other things, provide that: (1) a person, including a municipally owned utility, may not operate a renewable energy generation facility in Texas unless the person holds a permit issued by the Public Utilities Commission (PUC) under the bill; and (2) the PUC may approve an application to amend a permit to operate a renewable energy generation facility without holding a hearing if, among other things, the PUC gives notice of the application to the county judge of each county and the governing body of each municipality in which the facility is located at least 30 days before the date of the PUC’s approval of the application and allows the county judges and governing bodies to present information to the PUC on the application.

**S.B. 650 (Perry) – Public Water Systems:** would provide that for a Class D license for wastewater operators or public water system operators, the Texas Commission on Environmental Quality by rule shall establish a provisional certification program by which a person who does not possess a high school diploma or its equivalent may act as a provisional operator if the person: (1) has completed all commission-required training associated with the license; (2) has passed any commission-required examinations associated with the license; and (3) acts under the direct supervision of a license holder.

**S.B. 705 (Miles) – Concrete Plants:** would provide that only a city or county in which a proposed concrete plant will be located and persons actually residing in a permanent residence within 440 yards of the proposed concrete plant may request a public hearing from the Texas Commission on Environmental Quality regarding the construction of the concrete plant.