



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF CITY COUNCIL REGULAR MEETING
Wednesday, March 22, 2023 at 7:00 PM

Notice is hereby given that the City Council of the City of West Lake Hills, Texas, will hold a Regular Meeting on the 22nd day of March 2023 at 7:00 p.m., in the Council Chambers, Municipal Building, 911 Westlake Drive, West Lake Hills, Texas, at which time the following items will be discussed, to-wit:

REMOTE ACCESS:

Due to the COVID-19 status in Travis County, any citizens or applicants that wish to speak at the meeting are encouraged to attend virtually, as the number of people in the chambers will be limited due to physical distancing. Facial Coverings are not required, but highly recommended, and will be available for any that need one.

Join Zoom Meeting:

<https://us02web.zoom.us/j/3499549035>

Meeting ID: 349 954 9035

If you wish to listen to the meeting via telephone: Dial (346) 248-7799, Meeting ID 349 954 9035.

If you wish to speak during the meeting or provide written comments, please email your name, phone number, comments, and the item number you wish to speak/comment on to citysec@westlakehills.gov by 1:00 P.M. on March 22, 2023.

1. Call to Order
2. Citizen Communications The City Council welcomes public comments at this point on any issue. If the issue is listed on the agenda, the speaker may choose to comment during the Public Comment period or when the specific agenda item is taken up by the Council later in the meeting. The Council cannot respond to or discuss matters not listed on the agenda. The Council may provide factual information, refer the item to a staff member, or request the item be added to a future meeting agenda. Speakers shall limit their comments to five (5) minutes each.
3. Consent Agenda All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one (1) motion. No separate discussion or action on any of

the items is necessary unless requested by a Council Member.

- a. Approval of March 8, 2023 Regular Meeting Minutes.
 - b. Approval of a resolution authorizing the mayor to execute Subdivision Participation Forms as part of the Global Opioid Settlement led by the Texas Attorney General.
 - c. Approval of a resolution encouraging the Texas Legislature to direct State funds toward broadband deployment.
 - d. Approval of the professional services agreement with Walter P. Moore to serve as the City Engineer and authorization for the mayor to execute said agreement.
4. Land Use **3423 Bee Cave Road** - Discuss and consider action on variances to remove two (2) trees with diameters larger than 14 inches for the construction of a new medical office building (Section 22.03.304 of the West Lake Hills Code). Applicant Craig Friedson.
5. Administration Discuss and consider action on a report from the city administrator regarding contracts and expenditures for debris and brush removal services associated with Winter Storm Mara.
6. Administration Discussion and update on bond items regarding Proposition A (new municipal complex) and Proposition B (street and drainage projects).
7. Administration Discussion and update on city-related bills filed during the 88th Legislative Session.
8. Executive Session In accordance with Texas Government Code, Section 551.001, et seq, the City Council will recess in Executive Session (closed meeting) to discuss the following:
 - a. Section 551.071: Consultation with the attorney regarding pending or contemplated litigation, or settlement offer; or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, re: City of West Lake Hills v. the following:
 1. Jaffe - 1405 Wildcat Hollow;
 2. Alvarez - 1505 Wildcat Hollow;
 3. Lambert - 1600 Westlake Drive; and
 4. 1836 Real Estate, LLC - 707 Butler Cove.
 - b. Section 551.071: Consultation with the attorney regarding municipal authority to regulate trees.
 - c. Section 551.071: Consultation with the attorney regarding the table of prohibited uses in Article 38.03.061.
 - d. Section 551.072: Deliberations about real property to discuss acquisition of public easements within the City.

9. Executive Session Reconvene into Open Session and take action if and as deemed appropriate in the City Council's discretion regarding consultation with attorney and deliberation about real property.

10. Adjournment

Approved by: Linda Anthony, Mayor

Certificate

I certify that the above Notice of the March 22, 2023 City Council Regular Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on Friday, March 17, 2023 by 5:00 pm. and will remain posted continuously until said meeting is convened.

Signed by: Terry Blanchard, City Secretary

The City of West Lake Hills is committed to compliance with the Americans with Disabilities Act. Reasonable accommodations and equal access to communications will be provided upon request.

All items on the agenda are for discussion and/or action. City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development).

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A CITY COUNCIL REGULAR MEETING
Wednesday, March 8, 2023 at 7:00 PM

1. Call to Order

With a quorum present, Mayor Anthony called the meeting to order at 7:46 p.m.

CITY COUNCIL PRESENT:

Mayor Linda Anthony
Mayor Pro Tem Gordon Bowman
Brian Plunkett
Beth South
Darin Walker

CITY STAFF PRESENT:

City Administrator Trey Fletcher
City Secretary Terry Blanchard
Director of BDS Ashby Grundman
Chief of Police Scott Gerdes
City Attorney Patty Akers

2. Citizen Communications The City Council welcomes public comments at this point on any issue. If the issue is listed on the agenda, the speaker may choose to comment during the Public Comment period or when the specific agenda item is taken up by the Council later in the meeting. The Council cannot respond to or discuss matters not listed on the agenda. The Council may provide factual information, refer the item to a staff member, or request the item be added to a future meeting agenda. Speakers shall limit their comments to five (5) minutes each.

Mayor Anthony opened the meeting for public comments. Deborah Stewart thanked Council and staff for the tree clean-up and stated that it was very efficient. Suzanne Meade thanked Council for their assistance following the ice storm. She voiced concerns about who would be responsible for the remainder of the lot clean-ups. Austin Energy informed her that some properties were not in compliance and she was concerned about fire safety. Hearing no further comments, the public comment section was closed.

3. Consent Agenda All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one (1) motion. No separate discussion or action on any of the items is necessary unless requested by a Council Member.
- a. Approval of the February 22, 2023 Regular Meeting Minutes.
 - b. Approval of the February 22, 2023 Special Meeting Minutes.

MOTION: Upon a motion made by Councilmember South and a second by Councilmember Walker, the Council voted three (3) for and none (0) opposed with one (1) abstention to approve the consent agenda as presented. Councilmember Plunkett abstained. Motion carried.

4. Land Use 103 Yaupon Valley: Discuss and consider action on variances to remove 5 trees

with diameters larger than 14 inches and three building setback encroachments for the construction of a new single family residence (Sections 22.03.304 and 22.03.281 of the West Lake Hills Code). Applicants Ashton and Erica Weinberger.

The updated request is for three (3) tree variances. Erica Weinberger provided revised documents for Council review. Architects Jay Corder and Joseph Skelton discussed the more compact design. Deborah Stewart and Cindy Brandimarte voiced concerns regarding the proposed plans for the property.

MOTION: Upon a motion made by Councilmember Plunkett and a second by Councilmember Walker, the Council voted four (4) for and none (0) opposed to approve the revised variance request as presented. Motion carried.

5. Administration Discuss and consider a resolution authorizing the Mayor to execute a Non-Exclusive Public ROW License Agreement with Google Fiber Texas LLC for the installation of Network Facilities.

MOTION: Upon a motion made by Councilmember Plunkett and a second by Councilmember South, the Council voted four (4) for and none (0) opposed to approve the agreement as presented. Motion carried.

6. Administration Discuss and consider action on a report from the city administrator regarding contracts and expenditures for debris and brush removal services associated with Winter Storm Mara.

City anticipates exceeding \$1M in clean-up fees. Staff recommends March 18th as the final date for brush removal. A public service call will be placed tomorrow evening with information to citizens regarding the end of city-funded debris removal. Staff will inventory streets still requiring service and work with the contractors to coordinate schedules. Dumpsters will be available for an additional week after debris removal services close.

7. Administration Discuss and consider action to approve a professional services agreement with Walter P. Moore to serve as the City Engineer.

MOTION: Upon a motion made by Councilmember Bowman and a second by Councilmember Plunkett, the Council voted four (4) for and none (0) opposed to approve the contract and fee schedule with staff requesting additional information on the "flat fee" stated in the agreement. Motion carried.

8. Administration Discuss and consider action to approve a professional services agreement with SpawGlass Contractors, Inc to serve as Construction Manager at Risk for the new Municipal Complex.

MOTION: Upon a motion made by Councilmember Walker and a second by Councilmember South, the Council voted four (4) for and none (0) opposed to approve the professional service agreement with SpawGlass. Motion carried.

9. Executive Session In accordance with Texas Government Code, Section 551.001, et seq, the City Council will recess in Executive Session (closed meeting) to discuss the following:

- Section 551.071: Consultation with the attorney regarding pending or contemplated litigation, or settlement offer; or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, re: City of West Lake Hills v. the following:

1. Jaffe - 1405 Wildcat Hollow;
2. Alvarez - 1505 Wildcat Hollow;
3. Lambert - 1600 Westlake Drive; and
4. 1836 Real Estate, LLC - 707 Butler Cove.

Council convened into Executive Session at 8:57 p.m.

10. Executive Session Reconvene into Open Session and take action if and as deemed appropriate in the City Council's discretion regarding consultation with attorney.

Council reconvened in Open Session at 9:16 p.m.

MOTION: Upon a motion made by Councilmember Plunkett and a second by Councilmember Walker, the Council voted four (4) for and none (0) opposed to authorize the city attorney to explore all reasonable actions and options in pursuing the enforcement of the existing judgment with Jaffe and look at other avenues of relief. Motion carried.

11. Adjournment

MOTION: Upon a motion made by Councilmember Walker and a second by Councilmember Plunkett, the Council voted four (4) for and none (0) opposed to adjourn the meeting at 9:19 p.m. Motion carried.

Respectfully submitted,

LINDA ANTHONY, MAYOR

ATTEST:

Terry Blanchard, TRMC
City Secretary

These minutes were approved on March 22, 2023.



City of West Lake Hills City Council

AGENDA REPORT

Meeting Date:	<u>March 22, 2023</u>	Item Number:	<u></u>
Department:	<u>Administration</u>		
Prepared By:	<u>Trey Fletcher</u>	Cost / Budget:	<u>n/a</u>
Exhibits:	<u>Resolution</u>	Source of Funds:	<u>n/a</u>

Subject

Approval of a resolution authorizing the mayor to execute Subdivision Participation Forms as part of the Global Opioid Settlement led by the Texas Attorney General.

Recommendation

Approve the resolution.

Discussion

While the city of West Lake Hills has already opted into a number of opioid settlement agreements, this round of proposed Settlements require Allergan to pay \$135 million, CVS to pay \$304 million, Walgreens to pay \$340 million, and Walmart to pay \$170 million (the "Settlement Amount") to Texas and its political subdivisions. Of the Settlement Amount, the vast majority is earmarked for use by Texas and its subdivisions to remediate and abate the impacts of the opioid crisis. The Settlements also contain injunctive relief provisions governing the opioid marketing as well as the sale and dispensing practices at the heart of the opioid claims in the lawsuits.

The subdivisions within Texas are entitled to decide whether they wish to participate in the settlement. Any subdivision that does not participate cannot directly share in any of the settlement funds.

CITY OF WEST LAKE HILLS, TEXAS
RESOLUTION NO. 2023-03-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST LAKE HILLS, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE TEXAS SUBDIVISION PARTICIPATION FORMS ATTACHED HERETO AS EXHIBIT A IN ACCORDANCE WITH THE PREVIOUSLY ADOPTED TEXAS TERM SHEET; AUTHORIZING THE MAYOR TO EXECUTE ANY FUTURE RELEASE FORMS AS PART OF THE GLOBAL OPIOID SETTLEMENT LED BY THE TEXAS ATTORNEY GENERAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of West Lake Hills, Texas (the “City”) obtained information indicating that certain drug companies and their corporate affiliates, parents, subsidiaries, and such other defendants as may be added to the litigation (collectively, “Defendants”) have engaged in fraudulent and/or reckless marketing and/or distribution of opioids that have resulted in addictions and overdoses; and

WHEREAS, these actions, conduct and misconduct have resulted in significant financial costs to the City; and

WHEREAS, on May 13, 2020, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an Agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (hereafter, the “Texas Term Sheet”) approving the allocation of any and all opioid settlement funds within the State of Texas (the “Global Opioid Settlement”); and

WHEREAS, on December 8, 2021, the City Council of the City of West Lake Hills (the “City Council”) adopted and approved the Texas Term Sheet in its entirety; and

WHEREAS, the City Council now intends to execute those certain Settlement Participation Forms, attached hereto as **Exhibit A** and incorporated herein, adding entities Allergan, CVS, Walgreens, and Walmart as Defendants in the Global Opioid Settlement pursuant to the Texas Term Sheet, and releasing such entities from claims outside of the Global Opioid Settlement; and

WHEREAS, the City intends to authorize the Mayor to execute any further similar forms for the Global Opioid Settlement, with funds distributed according to the Texas Term Sheet.

NOW, THEREFORE, BE IT RESOLVED that we, the City Council of the City of West Lake Hills:

1. Find that there is a substantial need for repayment of opioid-related expenditures and payment to abate opioid-related harms in and about the City; and

2. Authorize the Mayor to complete and submit the necessary Settlement Participation Forms, attached hereto as **Exhibit A**, for settlements with Allergan, CVS, Walgreens, and Walmart, as part of the Global Opioid Settlement conducted by the Texas Attorney General's office, and pursuant to the Texas Term Sheet; and
3. Hereby authorize the Mayor to execute and submit any future related Global Opioid Settlement release forms for further Defendants, and subject to the Texas Term Sheet.

DULY PASSED AND APPROVED by the City Council of the City of West Lake Hills on this the 22nd day of March, 2023.

Linda Anthony, Mayor
City of West Lake Hills

ATTEST:

Terry Blanchard, City Secretary

APPROVED AS TO FORM:

Patty Akers, City Attorney

EXHIBIT A
ALLERGAN, CVS, WALGREENS, WALMART
SUBDIVISION PARTICIPATION FORMS

Subdivision and Special District Settlement Participation Form

Governmental Entity:	City of West Lake Hills	State:	TX
Authorized Signatory:	Mayor Linda Anthony		
Address 1:	911 Westlake Drive		
Address 2:			
City, State, Zip:	West Lake Hills, TX 78746		
Phone:	512-327-3628		
Email:	mayor@westlakehills.gov		

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 ("Allergan Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Allergan Settlement, release all Released Claims against all Released Entities, and agrees as follows:

1. The Governmental Entity is aware of and has reviewed the Allergan Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Allergan Settlement as provided therein.
2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Allergan Settlement regarding Cessation of Litigation Activities.
3. The Governmental Entity shall, within fourteen (14) days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the MDL Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopiodsettlement.com>.
4. The Governmental Entity agrees to the terms of the Allergan Settlement pertaining to Subdivisions and Special Districts as defined therein.
5. By agreeing to the terms of the Allergan Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the Allergan Settlement solely for the purposes provided therein.



7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Allergan Settlement.
8. The Governmental Entity has the right to enforce the Allergan Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Allergan Settlement, including, but not limited to, all provisions of **Section V (Release)**, and along with all departments, agencies, divisions, boards, commissions, Subdivisions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist in bringing, or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Allergan Settlement are intended to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in anyway to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Allergan Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Allergan Settlement.
11. In connection with the releases provided for in the Allergan Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Allergan Settlement.

12. Nothing herein is intended to modify in any way the terms of the Allergan Settlement, to which the Governmental Entity hereby agrees. To the extent this Settlement Participation Form is interpreted differently from the Allergan Settlement in any respect, the Allergan Settlement controls.



I have all necessary power and authorization to execute this Settlement Participation Form on behalf of the Governmental Entity.

Signature: _____

Name: Linda Anthony

Title: Mayor

Date: March 22, 2023



Sub division Participation and Release Form

Governmental Entity:	City of West Lake Hills	State:	TX
Authorized Signatory:	Mayor Linda Anthony		
Address 1:	911 Westlake Drive		
Address 2:			
City, State, Zip:	West Lake Hills, TX 78746		
Phone:	512-327-3628		
Email:	mayor@westlakehills.gov		

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 ("*CVS Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the CVS Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the CVS Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the CVS Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopiodsettlement.com>.
3. The Governmental Entity agrees to the terms of the CVS Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the CVS Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the CVS Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the CVS Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the CVS Settlement.
7. The Governmental Entity has the right to enforce the CVS Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the CVS Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the CVS Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in anyway to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The CVS Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the CVS Settlement.
10. In connection with the releases provided for in the CVS Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the CVS Settlement.



11. Nothing herein is intended to modify in any way the terms of the CVS Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the CVS Settlement in any respect, the CVS Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: Linda Anthony

Title: Mayor

Date: March 22, 2023



Subdivision Participation and Release Form

Governmental Entity:	City of West Lake Hills	State:	TX
Authorized Signatory:	Mayor Linda Anthony		
Address 1:	911 Westlake Drive		
Address 2:			
City, State, Zip:	West Lake Hills, TX 78746		
Phone:	512-327-3628		
Email:	mayor@westlakehills.gov		

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 ("*Walgreens Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the Walgreens Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walgreens Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Walgreens Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopiodsettlement.com>.
3. The Governmental Entity agrees to the terms of the Walgreens Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the Walgreens Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walgreens Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walgreens Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Walgreens Settlement.
7. The Governmental Entity has the right to enforce the Walgreens Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walgreens Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walgreens Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in anyway to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walgreens Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Walgreens Settlement.
10. In connection with the releases provided for in the Walgreens Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walgreens Settlement.



11. Nothing herein is intended to modify in any way the terms of the Walgreens Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Walgreens Settlement in any respect, the Walgreens Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: Linda Anthony

Title: Mayor

Date: March 22, 2023



Sub division Participation Form

Governmental Entity:	City of West Lake Hills	State:	TX
Authorized Official:	Mayor Linda Anthony		
Address 1:	911 Westlake Drive		
Address 2:			
City, State, Zip:	West Lake Hills, TX 78746		
Phone:	512-327-3628		
Email:	mayor@westlakehills.gov		

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated November 14, 2022 ("Walmart Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Walmart Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walmart Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Walmart Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event within 14 days of the Effective Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com/>.
3. The Governmental Entity agrees to the terms of the Walmart Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Walmart Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walmart Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walmart Settlement.
7. The Governmental Entity has the right to enforce the Walmart Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walmart Settlement, including but not limited to all provisions of Section X (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walmart Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walmart Settlement shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Walmart Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walmart Settlement.
10. Nothing herein is intended to modify in any way the terms of the Walmart Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Walmart Settlement in any respect, the Walmart Settlement controls.



I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: Linda Anthony

Title: Mayor

Date: March 22, 2023





City of West Lake Hills City Council

AGENDA REPORT

Meeting Date: March 22, 2023
Department: Administration
Prepared By: Trey Fletcher
Exhibits: Resolution

Item Number: _____
Cost / Budget: _____
Source of Funds: _____

Subject

Approval of a resolution encouraging the Texas Legislature to direct State funds toward broadband deployment.

Recommendation

Approve the resolution.

Discussion

Related to the annual appropriations bill, HB1, AT&T has requested the city to consider resolution of support for the funding of expanded broadband in Texas.

RESOLUTION 2023-03-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST LAKE HILLS, TEXAS ENCOURAGING THE TEXAS LEGISLATURE TO DIRECT STATE FUNDS TOWARD BROADBAND DEPLOYMENT.

WHEREAS, high-speed internet access, or broadband, is essential in our increasingly digital world; and

WHEREAS, the City recognizes that broadband networks enhance economic, educational, and healthcare outcomes; and

WHEREAS, the City acknowledges that too many Texans still lack access to the broadband connections required to fully participate in and benefit from today's educational, professional, economic, and civic opportunities; and

WHEREAS, the City understands that building, maintaining and operating broadband networks is extremely expensive, especially in non-metro and hard to reach areas, and that closing the digital divide will require the public and private sectors working together.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST LAKE HILLS, TEXAS, that the City encourages the Texas Legislature to direct state funds toward broadband deployment to ensure that all Texans have the connectivity they need to succeed in today's society.

PASSED AND APPROVED on this 22nd day of March 2023.

Linda Anthony, Mayor

ATTEST:

Terry Blanchard, TRMC
City Secretary



City of West Lake Hills City Council

AGENDA REPORT

Meeting Date:	March 22, 2023	Item Number:	
Department:	Administration		
	Trey Fletcher,		
Prepared By:	City Administrator	Cost / Budget:	TBD
	Revised Professional		
Exhibits:	Services Agreement	Source of Funds:	General Fund

Subject

Discuss and consider action to approve a professional services agreement with Walter P. Moore to serve as the City Engineer.

Recommendation

Staff recommends approval of the professional services agreement revised to remove provisions regarding "flat fees."

Discussion

At the February 8, 2023 City Council meeting, the city administrator was authorized to negotiate a professional services agreement scope and fee with Walter P. Moore. The recommended scope and fee have been provided and are recommended for approval.

Staff met with Susan Turrieta, who will be the city engineer to discuss priorities and workload. There are several items that were discussed, including reducing turnaround time on plan reviews, exploring opportunities and creative solutions for wastewater service, especially in the commercial corridor, and becoming integrated with the community to better serve the residents of West Lake Hills.

On March 8, the City Council approved the agreement regarding the scope and fee schedule but raised concerns associated with references to "flat fees" within Article II of the agreement. Staff and Ms. Turrieta concur with the deletion. The revised agreement is attached and reflects this change.

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

CITY OF WEST LAKE HILLS, TEXAS
PROFESSIONAL SERVICES CONTRACT

THIS PROFESSIONAL SERVICES CONTRACT ("Contract") is made and entered into this _____ day of _____, 2023, by and between the City of West Lake Hills, Travis County, Texas, a Type A General Law municipal corporation, ("City"), whose address is: 911 Westlake Drive, West Lake Hills, Texas 78746 and Walter P Moore ("Engineer/Engineer"), whose address is 401 South 1st Street, Suite 600, Austin, Texas 78704.

W I T N E S S E T H:

That in consideration of the terms and conditions contained herein the parties do mutually agree as follows:

I.

Engineering Services

Engineer shall perform all services under this Contract to the prevailing professional standards consistent with the level of care and skill ordinarily exercised by members of the engineering professions, both public and private, currently practicing in the same locality under similar conditions, including reasonable, informed judgments and prompt, timely action. If Engineer is representing that he/she has special expertise in one or more areas to be utilized in this Contract, then Engineer agrees to perform those special expertise services to the appropriate local, regional or national professional standards. Engineer shall provide the services, as needed and when needed, related to engineering related services ("Base Services") as generally described in the attached Exhibit A, which is incorporated herein for all purposes. Additional Services, if applicable and as defined below may also be required and such Base and Additional Services may be collectively referred to as the "Project" or the "Work".

If Engineer determines that services outside the scope of Exhibit A ("Additional Services") are required or recommended, or that Engineer is being asked by City to perform services not covered by Exhibit A or by previously approved amendments to this Contract, Engineer shall notify City that such services are Additional Services, the cost associated with their performance and shall receive approval to perform such Additional Services prior to undertaking them. Any provision in this Contract to the contrary notwithstanding, City shall not be liable to Engineer for the payment of any Additional Services, unless the City and Engineer have entered into a written amendment to this Contract which identifies the services to be performed as Additional Services, and states the cost, or a not-to-exceed amount, for such services prior to the commencement of such Additional Services. Additional Services shall be calculated at the professional rates listed in Exhibit B.

II.

Compensation to Engineer

COMPENSATION: City agrees to pay Engineer for all services outlined in Section I. Payments shall be made on an hourly fee basis per the rates and in the manner indicated in Exhibit B as

part of this Contract. Exhibit B is hereby incorporated herein for all purposes. Prior to the performance of any services, other than for services provided under Exhibit A, Engineer shall prepare a budget and scope of work ("Work Order Approval") for such services and shall receive written approval from City prior to commencement of such services. Engineer shall not be entitled to receive compensation for any services performed by Engineer if the Work Order Approval is not approved prior to commencement of such work.

Payments to Engineer will be made by City from invoices submitted by the Engineer and shall be based on the percentage of the work performed, or the number of hours expended, as applicable, by the Engineer on the Project as of the date of the invoice. Invoices shall itemize the services performed for each Base Services, Additional Services and expenses, as applicable. Invoices shall not be submitted more frequently than one time per month. Invoices are due and payable thirty (30) days after receipt by the City.

III.

Timely Completion of Professional Services.

The Engineer shall make all reasonable efforts to complete assigned duties and tasks in a timely manner. For all services related to the Project, and on at least a Weekly Basis, the Engineer shall provide a Schedule of the tasks that have been completed and the percentage of the Project that is remaining, and any obstacles that may cause a delay in completing professional services related to the Project.

IV.

Engineer's Coordination with Owner

Engineer shall be available for conferences with City, or its Project Representative, so that the Work can be designed and managed with the full benefit of City's experience and knowledge of existing needs and facilities and be consistent with current policies and construction standards. City shall make available to Engineer all existing plans, maps, field notes, and other data in its possession relative to the Work. Engineer may show justification to City for changes in design from City standards due to the judgment of said Engineer of a cost savings to City and/or due to the surrounding topographic and geological conditions. City shall make the final decision as to any changes after appropriate request by Engineer.

Engineer shall accompany City representatives on Project or Work observation visits during construction at appropriate frequencies to ensure the Work is progressing based on Engineer's plans and specifications. City may require more frequent construction observation visits if construction problems arise as a result of Project design.

V.

Contract Termination Provision

This Contract may be terminated at any time by City for any cause without penalty or liability except as may otherwise be specified herein. Upon receipt of written notice by City,

Engineer shall immediately discontinue all services and Engineer shall immediately terminate placing orders or entering into contracts for supplies, assistance, facilities or materials in connection with this Contract and shall proceed to cancel promptly all existing contracts insofar as they are related to this Contract. As soon as practicable after receipt of notice of termination, Engineer shall submit a statement showing in detail the services performed but not paid for under this Contract to the date of termination. City shall then pay Engineer promptly the accrued and unpaid services to the date of termination, to the extent the services are approved by City.

This Contract may be terminated by Engineer with thirty (30) days prior written notice to the City at any time for any cause without penalty or liability except as may otherwise be specified herein. Engineer shall submit written notice to terminate Contract and shall submit to City all plans and documents relative to the design of the Project or related to the Work. City shall then ascertain cost to complete the balance of the work under this Contract. If the cost to complete the balance of the work as described in the scope of work under Exhibit A is greater than the unpaid contract amount, City shall retain all unpaid balances and, in addition, Engineer shall pay directly to City the difference in the unpaid balance and the cost to complete the Work. In no case shall City pay Engineer any additional monies other than those previously paid under the Contract. Engineer shall not be held liable for any direct or indirect costs associated with the balance of work to be performed under this contract.

VI.

Ownership of Documents

Copies of the construction documents, both electronic and hard copy, prepared by the Engineer under this Contract shall become the property of the City and shall be delivered to the City, without restriction on future use. Drawings and specifications shall be submitted to City in both hard copy and usable electronic formats. Engineer shall retain in its files all original drawings, specifications and all other pertinent information for the Work. Engineer shall have no liability for changes made to drawings, specifications, and other documents by other Engineers subsequent to the completion of the Work. City shall require that any such change be sealed, dated, and signed by the Engineer making that change and shall be appropriately marked to reflect what was changed or modified.

The Engineer shall retain ownership of all original electronic files, specifications, and other Consulting documents for the project(s) included in this Contract. Engineer may utilize such documents for any future use, whether related to City, or another entity.

VII.

Insurance

The Engineer shall procure, pay for, and maintain during the term of this Contract, with a company authorized to do business in the State of Texas and otherwise acceptable to the City, the minimum insurance coverage described below.

Engineer agrees to carry and maintain insurance in the following types and amounts for the duration of this Contract as follows:

(a) Commercial General Liability insurance at minimum combined single limits of \$1,000,000 per-occurrence and \$2,000,000 general aggregate for bodily injury and property damage, which coverage shall include products/completed operations (\$1,000,000 products/completed operations aggregate), and XCU (Explosion, Collapse, Underground) hazards. Coverage must be written on an occurrence form. Contractual Liability must be maintained covering the Consultants obligations contained in the Agreement.

(b) Workers Compensation insurance at statutory limits, including Employers Liability coverage with minimum limits of \$1,000,000 each-occurrence each accident/\$1,000,000 by disease each-occurrence/\$1,000,000 by disease aggregate.

(c) Commercial Automobile Liability insurance with minimum combined single limits of \$1,000,000 per-occurrence for bodily injury and property damage, including owned, non-owned, and hired car coverage.

(d) Errors & Omissions coverage and the following conditions will apply:

(1) Professional Liability with minimum limits of \$1,000,000 or higher.

(2) This coverage must be maintained for at least two (2) years after the Work is completed. If coverage is written on a claims-made basis, a policy retroactive date equivalent to the inception date of the Agreement (or earlier) must be maintained during the full term of the Agreement.

PLEASE NOTE: The required limits may be satisfied by any combination of primary, excess, or umbrella liability insurances, provided the primary policy complies with the above requirements and the excess umbrella is following the requirements herein stated. The Engineer may maintain reasonable and customary deductibles, subject to approval by the City.

(e) Any Subconsultant(s) hired by the Engineer shall maintain insurance coverage equal to that required of the Engineer. It is the responsibility of the Consultant to assure compliance with this provision. The City accepts no responsibility arising from the conduct, or lack of conduct, of the Subconsultant.

(f) A Comprehensive General Liability insurance form may be used in lieu of a Commercial General Liability insurance form. In this event, coverage must be written on an occurrence basis, at limits of \$1,000,000 for each occurrence, combined single limit, and coverage must include a broad form Comprehensive General Liability Endorsement, products/completed operations, XCU hazards (for engineering and architects), and contractual liability.

(g) With reference to the foregoing insurance requirement, Consultant shall specifically

endorse applicable insurance policies as follows:

- (1) The City shall be named as an additional insured with respect to General Liability and Automobile Liability.
- (2) All liability policies shall contain no cross-liability exclusions or insured versus insured restrictions.
- (3) A waiver of subrogation in favor of the City shall be contained in the Workers Compensation coverage, and all liability policies.
- (4) All insurance policies shall be endorsed to require the insurer to immediately notify the City of any material change in the insurance coverage.
- (5) All insurance policies shall be endorsed to the effect that the City will receive at least thirty- (30) days' notice prior to cancellation or non-renewal of the insurance.
- (6) All insurance policies, which name the City as an additional insured, must be endorsed to read as primary coverage regardless of the application of other insurance.
- (7) Required limits may be satisfied by any combination of primary and umbrella liability insurances.
- (8) Consultant may maintain reasonable and customary deductibles, subject to approval by the City.
- (9) Insurance must be purchased from insurers that are financially acceptable to the City and authorized to conduct business in the State of Texas.
- (10) Power of Attorney forms must name a Texas resident.

(h) All insurance must be written on forms filed with and approved by the Texas Department of Insurance. Certificates of Insurance shall be prepared and executed by the insurance company or its authorized agent and shall contain provisions representing and warranting the following:

- (1) Sets forth all endorsements and insurance coverages according to requirements and instructions contained herein.
- (2) Shall specifically set forth the notice-of-cancellation or termination provisions to the City.

(i) Upon request, Engineer shall furnish the City with certified copies of all insurance policies.

(j) All Engineers and Subconsultants must meet minimum OSHA safety requirements as applicable to their operations.

VIII. Monies Withheld

When City has reasonable grounds for believing that:

- A. Engineer will be unable to perform this Contract fully and satisfactorily within the time fixed for performance; or
- B. A claim exists or will exist against Engineer or City arising out of the negligence of the Engineer or the Engineer's breach of any provision of this Contract; then

City may withhold payment of any amount otherwise due and payable to Engineer under this Contract. Any amount so withheld may be retained by City for that period of time as it may deem advisable to protect City against any loss and may, after written notice to Engineer, be applied in satisfaction of any claim described herein. This provision is intended solely for the benefit of City, and no other person or entity shall have any right or claim against City by reason of City's failure or refusal to withhold monies. No interest shall be payable by City on any amounts withheld under this provision. This provision is not intended to limit or in any way prejudice any other right of City.

IX.

No Damages for Delays

Notwithstanding any other provision of this Contract, Engineer shall not be entitled to claim or receive any additional compensation as a result of or arising out of any delay, hindrance, disruption, force majeure, impact or interference, foreseen or unforeseen without prior written concurrence between City and Engineer.

X.

Right to Inspect Records

Engineer agrees that City shall have access to and the right to examine directly any pertinent books, documents, papers and records of Engineer involving transactions relating to this Contract. Engineer agrees that City shall have access during normal working hours to all necessary Engineer facilities and shall be provided adequate and appropriate workspace in order to conduct audits in compliance with the provisions of this section. City shall give Engineer reasonable advance notice of intended audits.

Engineer further agrees to include in subcontract(s), if any, a provision that any subconsultant of Engineer agrees that City shall have access to and the right to examine any directly pertinent books, documents, papers and records of such Engineer or subconsultant involving transactions to the subcontract, and further, that City shall have access during normal working hours to all Engineer or subconsultant facilities, and shall be provided adequate and appropriate work space, in order to conduct audits in compliance with the provisions of this paragraph. City shall give the Engineer or subcontractor reasonable advance notice of intended audits.

XI.
No Third-Party Beneficiary

For purposes of this Contract, including its intended operation and effect, the parties (City and Engineer) specifically agree and contract that: (1) the Contract only affects matters/disputes between the parties to this Contract, and is in no way intended by the parties to benefit or otherwise affect any third person or entity, notwithstanding the fact that such third person or entities may be in a contractual relationship with City or Engineer or both; and (2) the terms of this Contract are not intended to release, either by contract or operation of law, any third person or entity from obligations owing by them to either City or Engineer.

XII.
Successors and Assigns

City and Engineer each bind itself and their respective successors, executors, administrators and assigns to the other party of this Contract and to the successor, executors, administrators and assigns of such other party in respect to all covenants of this Contract. Neither City nor Engineer shall assign or transfer its interest herein without the prior written consent of the other.

XIII.
Engineer's Liability

Acceptance of any final plans by City shall not constitute nor be deemed a release of the responsibility and liability of Engineer, its employees, associates, agents or Engineers for the accuracy and competency of their designs, working drawings, specifications or other documents and work; nor shall such acceptance be deemed an assumption of responsibility by City for any defect in the designs, working drawings, specifications, or other documents and work; nor shall such acceptance be deemed an assumption of responsibility or liability by City for any defect in the designs, working drawings, specifications, or other documents prepared by said Engineer, its employees, subcontractor, agents and Engineers.

XIV.
Indemnification

TO THE FULLEST EXTENT PERMITTED BY LAW, ENGINEER SHALL AND DOES HEREBY AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY, ITS OFFICERS, AGENTS, AND EMPLOYEES FROM ANY AND ALL DAMAGES, LOSS OR LIABILITY OF ANY KIND, WHATSOEVER, BY REASON OF DEATH OR INJURY TO PROPERTY OR THIRD PERSONS CAUSED BY THE NEGLIGENT ACT OR OMISSION OF ENGINEER, ITS OFFICERS, AGENTS, EMPLOYEES, INVITEES OR OTHER PERSONS FOR WHOM IT IS LEGALLY LIABLE, WITH REGARD TO THE PERFORMANCE OF THIS CONTRACT, AND ENGINEER SHALL, AT ITS COST AND EXPENSE, DEFEND, PAY ON BEHALF OF, AND PROTECT THE CITY AND ITS

OFFICERS, AGENTS, AND EMPLOYEES AGAINST ANY AND ALL SUCH CLAIMS AND DEMANDS.

XV.
Severability

If any of the terms, sections, subsections, sentences, clauses, phrases, provisions, covenants, or conditions of this Contract are for any reason held to be invalid, void or unenforceable, the remainder of the terms, sections, subsections, sentences, clauses, phrases, provisions, covenants, or conditions of this Contract shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

XVI.
Conflict of Interest

A. Chapter 176 of the Local Government Code requires businesses conducting business activity with the City to file a “Conflict Disclosure Statement,” and the Engineer shall complete such Statement and it shall be on file with the City, with the Statement to be updated as necessary.

Received on: *Received with SOQ, 1/12/2023* (Staff use only)

B. The Engineer, when performing all services under this Contract, shall devote itself to the professional duties and services required by the City. A “conflict of interest” condition exists when another Client of the Engineer proposes that the Engineer engage in professional services for a project or development that is under the auspices and authority of the City of West Lake Hills and such development will connect to or prosper from the Project that is the subject of this Contract. The Engineer shall refrain from those situations that create an actual conflict of interest or the appearance of same. However, if such a situation is unavoidable, then Engineer shall withdraw from this Contract so that City can identify and utilize another Engineer without delay or hindrance. Engineer should also review and comply with the West Lake Hills Ethics Ordinance set out in Article 2.05 Ethics of the Code of Ordinances.

XVII.
Gift to a Public Servant

The City may immediately terminate this Contract if the Engineer offers or agrees to confer any benefit on a City employee or official that the City employee or official is prohibited by law from accepting. “Benefit” means anything reasonably regarded as pecuniary gain or pecuniary advantage; “Benefit” does not mean purchase, by the Engineer, of a meal (breakfast, lunch, or dinner) for employee or official in the course of regular business activity. Notwithstanding any other legal remedies, City may require Engineer to remove any employee of Engineer from the Project who has violated the restrictions of this section or any similar State or Federal Law and obtain reimbursement for any expenditures made as a result of the improper offer, agreement to confer, or conferring of a benefit to a City employee or official.

XVIII.
Governing Law and Legal Construction

A. This Contract shall be governed by and construed in accordance with the laws and court decisions of the State of Texas, without regard to conflict of law or choice of law principles of Texas or of any other state.

B. In the event any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this Contract, and this Contract shall be considered as if such invalid, illegal, or unenforceable provision had never been contained in this Contract.

XIX.
Independent Contractor

Engineer covenants and agrees that he/she is an independent contractor, and not an officer, agent, servant or employee of City; that Engineer shall have exclusive control of and exclusive right to control the details of the Work performed hereunder, and all persons performing same, and shall be liable for the acts and omissions of its officers, agents, employees, contractors, subcontractors and Engineers; that the doctrine of respondent superior shall not apply as between City and Engineer, its officers, agents, employees, contractors, subcontractors and Engineers, and nothing herein shall be construed as creating a partnership or joint enterprise between City and Engineer.

XX.
Disclosure

By signing this Contract, Engineer acknowledges to City that he/she has made a full disclosure in writing of any existing conflicts of interest or potential conflicts of interest, including personal financial interests, direct or indirect, in property abutting the proposed Project and business relationships with abutting property owners. Engineer further agrees that it shall make disclosure in writing of any conflicts of interests which develop subsequent to the signing of this Contract and prior to payment under the Contract.

XXI.
Venue

The parties to this Contract agree and covenant that this Contract shall be enforceable in West Lake Hills, Texas; and that if legal action is necessary to enforce this Contract, exclusive venue shall lie in Travis County, Texas.

XXII.
Entire Agreement

This Contract embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties relating to matters herein; and except as otherwise provided herein, cannot be modified without written agreement of the parties.

XXIII.
Applicable Law

This Contract is entered into subject to the ordinances of the City, as they may be amended from time to time, and is subject to and is to be construed, governed, and enforced under all applicable State of Texas and federal laws. Situs of this Contract is agreed to be Travis County, Texas, for all purposes, including performance and execution.

XXIV.
Default

If at any time during the term of this Contract, Engineer shall fail to commence the Work in accordance with the provisions of this Contract or fails to diligently provide services in an efficient, timely, and careful manner and in strict accordance with the provisions of this Contract or fails to use an adequate number or quality of personnel or equipment to complete the Work or fails to perform any of its obligations under this Contract, then City shall have the right, if Engineer does not cure any such default after thirty (30) days written notice thereof, to terminate this Contract and complete the work in any manner it deems desirable, including engaging the services of other parties thereof. Any such act by City shall not be deemed a waiver of any other right or remedy of City. If after exercising any such remedy, the cost to City of the performance of the balance of the work, as defined in Exhibit A, is in excess of that part of the contract sum which has not therefore been paid to Engineer hereunder, Engineer shall be liable for and shall reimburse City for such excess.

XXV.
Headings

The headings of this Contract are for the convenience of reference only and shall not affect in any manner any of the terms and conditions hereof.

XXVI.
Non-Waiver

It is further agreed that one (1) or more instances of forbearance by City in the exercise of its rights herein shall in no way constitute a waiver thereof.

XXVII.
Remedies

No right or remedy granted herein or reserved to the parties is exclusive of any other right or remedy herein by law or equity provided or permitted; but each shall be cumulative of every other right or remedy given hereunder. No covenant or condition of this Contract may be waived without consent of the parties. Forbearance or indulgence by either party shall not constitute a waiver of any covenant or condition to be performed pursuant to this Contract.

XXVIII.
Equal Employment Opportunity

Engineer shall not discriminate against any employee or applicant for employment because of race, age, color, religion, sex, ancestry, national origin, place of birth or disability. Engineer shall take action to ensure that applicants are employed and treated without regard to their race, age, color, religion, sex, ancestry, national origin, place of birth or disability. This action shall include, but not be limited to: employment, upgrading, demotion or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection of training, including apprenticeship.

XXIX.
Construction of Contract

Both parties have participated fully in the review and revision of this Contract. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply to the interpretation of this Contract.

XXX.
Notices

All notices, communications, and reports required or permitted under this Contract shall be personally delivered or mailed to the respective parties by depositing same in the United States mail, postage prepaid, at the addresses shown below, unless and until either party is otherwise notified in writing by the other party, at the following addresses. Mailed notices shall be deemed communicated as of five (5) days after mailing regular mail.

If intended for City, to:

City of West Lake Hills
Attn: City Administrator
West Lake Hills, Texas 78746
Email: cityadmin@westlakehills.gov

If intended for Engineer, to:

Walter P Moore

Attn: Susan Turrieta
401 South 1st Street, Suite 600
Austin, Texas 78704

XXXI.
Warranty

To the extent allowed by law, Engineer warrants that all Work will be performed to the professional services standard indicated in Section I. of this Contract.

XXXII.
Attorney Fees

In the event any party to this Contract should bring suit against the other party with respect to any matters provided for in this Contract, the prevailing party shall be entitled to recover from such other party its costs of court, legal expenses and reasonable attorneys' fees in connection with such suit.

XXXIII.
Miscellaneous

Governmental Powers; Waivers of Immunity. By its execution of this Agreement, the City does not waive or surrender any of its respective governmental powers, immunities, or rights except as provided in this section. The Parties acknowledge that the City waives its sovereign immunity as to suit solely for the purpose of adjudicating a claim under this Agreement. This is an agreement for the provision of goods or services to the City under Section 271.151 et seq. of the Texas Local Government Code.

No Third-Party Beneficiary. For purposes of this Agreement, including its intended operation and effect, the parties (City and Engineer) specifically agree and contract that: (1) the agreement only affects matters/disputes between the parties to this agreement, and is in no way intended by the parties to benefit or otherwise affect any third person or entity, notwithstanding the fact that such third person or entities may be in a contractual relationship with City or Engineer or both; and (2) the terms of this Agreement are not intended to release, either by contract or operation of law, any third person or entity from obligations owing by them to either City or Engineer.

Statutory Terms Applicable to Political Subdivisions. As required by Chapter 2270, Government Code, Engineer hereby verifies that it does not boycott Israel and will not boycott Israel through the term of this Agreement. For purposes of this verification, "boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.

Iran, Sudan and Foreign Terrorist Organizations. Engineer represents that neither it nor

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any of its parent company, wholly-or majority-owned subsidiaries, and other affiliates is a company identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Texas Government Code, and posted on any of the following pages of such officer's internet website: <https://comptroller.texas.gov/purchasing/docs/sudan-list.pdf>, <https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or <https://comptroller.texas.gov/purchasing/docs/fto-list.pdf>. The foregoing representation is made solely to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable Federal law and excludes Engineer and each of its parent company, wholly-or majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization. Engineer understands "affiliate" to mean any entity that controls, is controlled by, or is under common control with Engineer and exists to make a profit.

Form 1295. Submitted herewith is a completed Form 1295 in connection with Engineer's participation in the execution of this Agreement generated by the Texas Ethics Commission's (the "TEC") electronic filing application in accordance with the provisions of Section 2252.908 of the Texas Government Code and the rules promulgated by the TEC (the "Form 1295"). The City hereby confirms receipt of the Form 1295 from Engineer, and the City agrees to acknowledge such form with the TEC through its electronic filing application not later than the 30th day after the receipt of such form. Engineer and the City understand and agree that, with the exception of information identifying the City and the contract identification number, neither the City nor its employees or representatives are responsible for the information contained in Form 1295; that the information contained in the Form 1295 has been provided solely by Engineer and the City has not verified such information.

Boycotts.

(a) Engineer hereby verifies that they and their parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott energy companies and will not boycott energy companies during the term of this Agreement. The foregoing verification is made solely to enable the City to comply with Section 2274.002 (as added by Senate Bill 13 in the 87th Texas Legislature, Regular Session), Texas Government Code, as amended, and to the extent such Section does not contravene applicable Texas or federal law. As used in the foregoing verification, "boycott energy companies" shall mean, without an ordinary business purpose, refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with a company because the company (A) engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law; or (B) does business with a company described by (A) above.

(b) The Engineer hereby verifies that they and their parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and

will not discriminate against a firearm entity or firearm trade association during the term of this Agreement. The foregoing verification is made solely to enable the City to comply with Section 2274.002 (as added by Senate Bill 19 in the 87th Texas Legislature, Regular Session), Texas Government Code, as amended, and to the extent such Section does not contravene applicable Texas or federal law. As used in the foregoing verification, ‘discriminate against a firearm entity or firearm trade association’ (A) means, with respect to the firearm entity or firearm trade association, to (i) refuse to engage in the trade of any goods or services with the firearm entity or firearm trade association based solely on its status as a firearm entity or firearm trade association, (ii) refrain from continuing an existing business relationship with the firearm entity or firearm trade association based solely on its status as a firearm entity or firearm trade association, or (iii) terminate an existing business relationship with the firearm entity or firearm trade association based solely on its status as a firearm entity or firearm trade association and (B) does not include (i) the established policies of a merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories and (ii) a company’s refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship (aa) to comply with federal, state, or local law, policy, or regulations or a directive by a regulatory agency or (bb) for any traditional business reason that is specific to the customer or potential customer and not based solely on an entity’s or association’s status as a firearm entity or firearm trade association. As used in the foregoing verification, (b) ‘firearm entity’ means a manufacturer, distributor, wholesaler, supplier, or retailer of firearms (i.e., weapons that expel projectiles by the action of explosive or expanding gases), firearm accessories (i.e., devices specifically designed or adapted to enable an individual to wear, carry, store, or mount a firearm on the individual or on a conveyance and items used in conjunction with or mounted on a firearm that are not essential to the basic function of the firearm, including detachable firearm magazines), or ammunition (i.e., a loaded cartridge case, primer, bullet, or propellant powder with or without a projectile) or a sport shooting range (as defined by Section 250.001, Texas Local Government Code), and (c) ‘firearm trade association’ means a person, corporation, unincorporated association, federation, business league, or business organization that (i) is not organized or operated for profit (and none of the net earnings of which inures to the benefit of any private shareholder or individual), (ii) has two or more firearm entities as members, and (iii) is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c) of that code.

IN WITNESS WHEREOF, the parties enter into this Contract on the date first written above.

WITNESS:

ENGINEER:

BY: David Lundberg

David Lundberg, PE

Printed or Typed Name

BY: Susan Turrieta

Susan Turrieta, PE

Printed or Typed Name

Principal, Managing Director Civil

Printed or Typed Title

74-1554339

Tax Identification No.

ATTEST:

CITY OF WEST LAKE HILLS, TEXAS:

Terry Blanchard, City Secretary

BY: _____

EXHIBIT “A”

SCOPE OF CIVIL ENGINEERING SERVICES

City Engineer

BASIC SERVICES:

Services described herein are to be provided on an on-call, as-needed basis as directed by the City Administrator.

- 1) Development Review
 - a) Review site development applications in a timely manner, consistent with state law requirements.
 - b) Process – review and improvement development review application and process.
 - c) Drainage - Review drainage designs for building permits for residential and commercial properties.
 - d) Wastewater - Review residential and commercial connections for capacity and compliance.
 - e) Platting - Review engineering for preliminary and final subdivision plats and replats.
 - f) Other – additional reviews and recommendations related to site development.
- 2) Stormwater
 - a) Review update drainage criteria manual.
 - b) Assist with drainage studies and master planning.
 - c) Assist with submittals, reports, and compliance.
 - i) Municipal Separate Storm Sewer Systems (MS4).
 - ii) Floodplain Manager.
 - d) CIP development.
 - e) Procurement.
- 3) Wastewater
 - a) Evaluate issues and opportunities for the expansion of the city’s wastewater collection system.
 - b) Perform condition, capacity assessment, develop asset management program.
 - c) CIP development.
 - d) Procurement.
- 4) Pavement Management
 - a) Perform pavement condition assessments.
 - b) Develop rehabilitation recommendations.
 - c) Develop street maintenance program.
 - d) CIP development.
 - e) Procurement.
- 5) Design Services – Various infrastructure projects
 - a) Civil - Perform design services for various city infrastructure projects.
 - b) Traffic – Perform traffic engineering services including but not limited to TIAs, speed studies, queuing, and other intersection analysis.
 - c) Structural

- i) Assist with structural review.
 - ii) Design of various city infrastructure.
- 6) GIS and CADD
 - a) Assist with any GIS needs.
 - b) Assist with CAD production for design manual details.
 - c) Assist with developing exhibits.
- 7) Planning
 - a) Master Plan - Assist with review, updates, and implementation.
- 8) Meetings
 - a) City Council
 - b) Planning and Zoning
 - c) Progress meetings
- 9) Other

EXHIBIT “B” **Rates, Payment and Compensation**



Schedule RC1

BILLING RATE SCHEDULE

Infrastructure Group
2023 Standard

<u>Category</u>	<u>Rate</u>
Senior Principal/Managing Principal	\$ 345.00
Principal	\$ 315.00
Chief Hydrologist.....	\$ 270.00
Managing Director	\$ 275.00
Team Director	\$ 260.00
Senior Project Manager	\$ 260.00
Project Manager	\$ 190.00
Senior Engineer	\$ 205.00
Engineer	\$ 170.00
Graduate Engineer	\$ 140.00
Senior Transportation Planner.....	\$ 200.00
Transportation Planner.....	\$ 160.00
Graduate Transportation Planner.....	\$ 135.00
Senior Graphic Designer	\$ 140.00
Senior GIS Specialist.....	\$ 195.00
GIS Specialist.....	\$ 165.00
Senior Designer.....	\$ 195.00
Designer	\$ 140.00
BIM Manager	\$ 215.00
CAD Manager	\$ 195.00
Senior CAD Technician	\$ 150.00
CAD Technician	\$ 115.00
Senior Field Representative	\$ 160.00
Field Representative	\$ 140.00
Engineering Intern	\$ 95.00
Project Accountant	\$ 145.00
Senior Administrative Assistant	\$ 145.00
Administrative Assistant	\$ 115.00

Notes:

1. These billing rates are effective through December 31, 2023.
2. Rates are adjusted annually.



AGENDA REPORT

Meeting Date:	March 22, 2023	Item Number:	4
Department:	Building and Development Services		
Prepared By:	Ashby Grundman	Cost / Budget:	None
Exhibits:	See Attached	Source of Funds:	N/A

Subject

3423 Bee Cave Road: Discuss and consider action on proposed variances for the removal of two (2) trees with trunk diameters of 14 inches or greater for the construction of a new medical office building (Section 22.03.304 of the West Lake Hills Code). Applicant Craig Friedson.

Recommendation

Staff recommends approval of the variance request.

Zoning and Planning Commission is considering this item at the March 22 Special Meeting and their recommendation will be provided to City Council during the staff presentation.

The City Council shall consider the following conditions for granting a variance:

Sec. 38.05.032 Conditions required for granting variance

No variance shall be granted unless the following conditions are fulfilled:

- (1) The applicant has established by competent evidence that:
 - (A) The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.
 - (B) There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
 - (C) There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
 - (D) The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.

Discussion

Property Information, Zoning & Site Characteristics:

Owner: Hill Country Specialists, LLC

Legal Description: 6.2309 Acres of Lot 2B, Brodie Keene Subdivision Phase 3

Lot Size: 6.2309 acres (271,418 square feet)

Zoning: B-1, Business 1

The site has O (Office) to the east, B2 (Business 2) to the north, GUI and Office to the west, and City of Austin Residential to the south.

Background & Analysis:

The applicant is seeking additional tree variances for the proposed construction of a new medical office. The trees being requested for removal are two Crape Myrtles, T4011 and T4036.

T4011 is an 18-Inch Crape Myrtle (Multi-trunk – 6, 5, 4, 4, 4, 4, 3)

T4026 is a 17-Inch Crape Myrtle (Multi-trunk – 5, 4, 4, 4, 4, 4, 2, 2)

There were a four other trees on the original application, however they have adjusted the building to save two and two have been certified as dead by the applicants arborist with reports included in the packet.

There were variances approved in 2021 for six trees, height, impervious cover, and cut/fill. The minutes and packet from the September 2021 Board of Adjustment and City Council meeting are included in the packet.

Variance Criteria Review:

When applying for a variance, the applicant has established by competent evidence that:

1. *The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.*
Our hardship for this proposed development is primarily the existing topography. Secondary hardship is maintaining parking agreements on site that support commercial businesses at 3425Bee Caves and Sway.
2. *There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.*
See attached supporting documents and tree report.
3. *There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.*
See attached supporting documents and tree report.
4. *The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.*
See attached supporting documents and tree report.
5. *The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.*
See attached supporting documents and tree report.
6. *The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.*
See attached supporting documents and tree report.

Outdoor Lighting

Outdoor lighting is not proposed with this variance request. Any outdoor lighting will need to comply with the City's Code.

Compliance with Adopted Uniform Building Code

The property and future construction will have to comply with all applicable City codes.

Subdivision

There is no change to the subdivision proposed with this application.

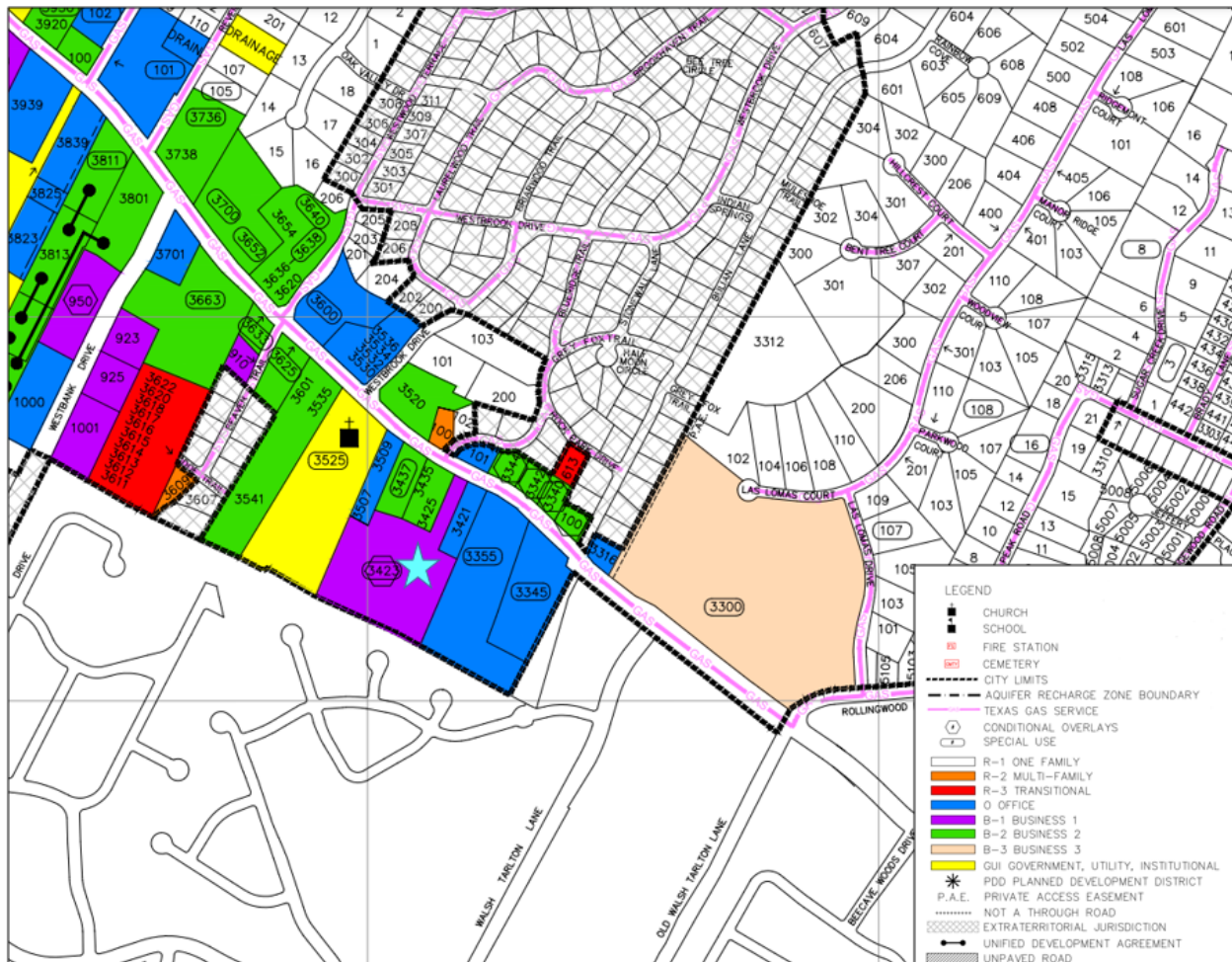
Comprehensive Planning Analysis

The existing and future land use is in conformance with the City of West Lake Hills Master Plan.

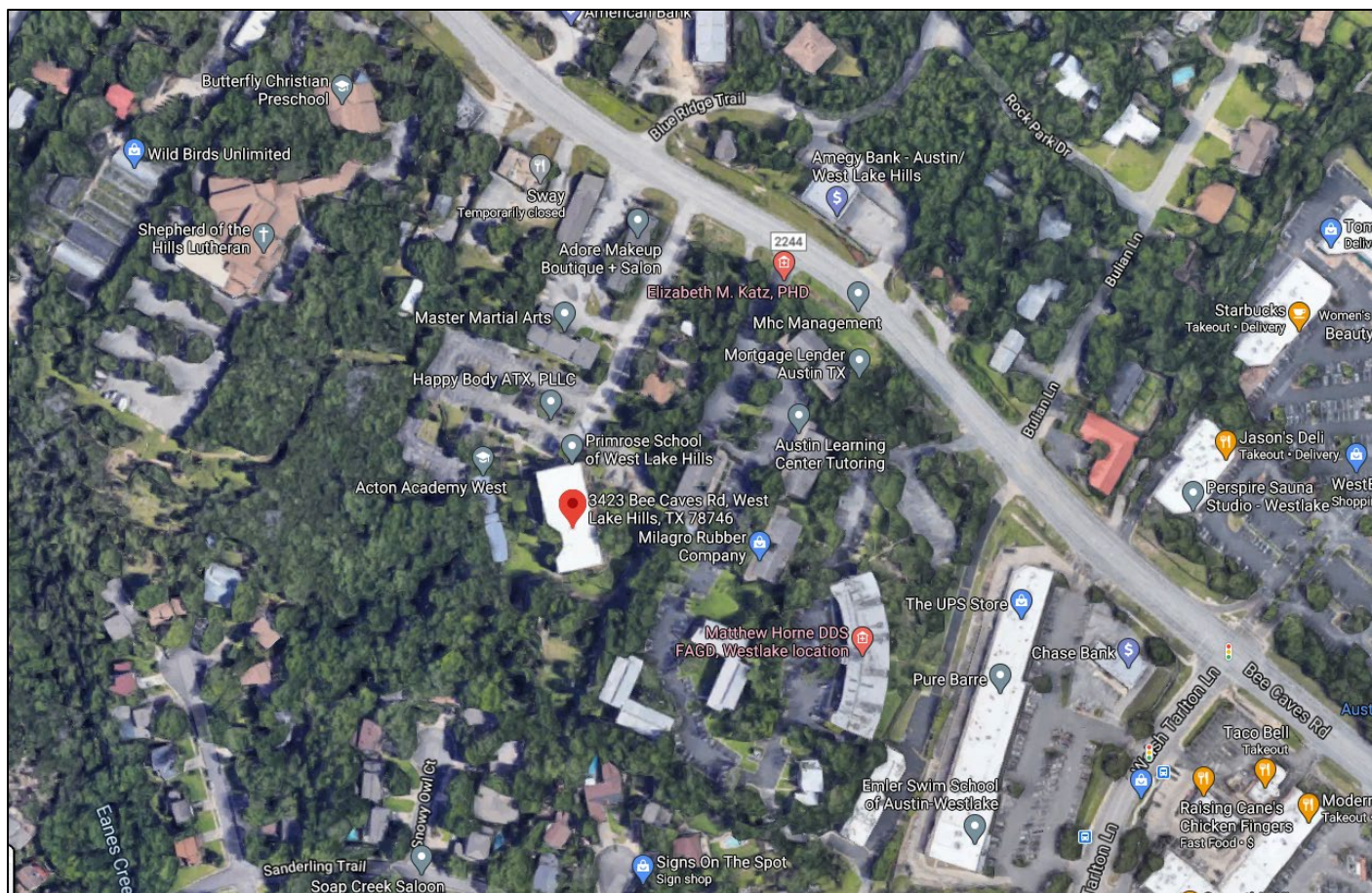
Links to Relevant Code:

- [Sec. 22.03.034](#) [Tree and Vegetation Removal and Replacement](#)
- [Section 38.05.031](#) [Variances](#)
- [Section 22.03.511](#) [Criteria and process required for granting variance](#)

Zoning:



Aerial:





To: Kathy Roche, City of Westlake Hills
From: Sam Levatino, Square One Consultants
Craig Friedson, TOPO-DG
Date: Friday, January 6, 2023
Project: Smiles Medical Office. Core/Shell.
Address: 3423 Bee Caves Rd.

Project Smiles-Response to Comments

Kathy,

Square One serves as a consultant/owner's representative to TOPO for the Smiles Medical Office Project located at 3423 Bee Caves Rd. Questions requesting information on various trees were provided via email following submittal of the Site Development Permit. Please let this letter serve as our response and clarification on such questions.

The following trees were identified requesting further clarification. Please see the List of trees listed below including their listed species and diameter as noted in the Survey. Additionally, a Tree Assessment Survey was performed by a certified Arborist, Tree Man Solutions (TMS) in March of 2022 to assess the condition of various trees on site. The report is provided as a separate attachment.

Tree List:

- **5040-** 16" Ashe Juniper "Cedar"
- **5324-** 18" Ashe Juniper "Cedar" (9-8.5-7.5)
- **5540-** 21" Live Oak
- **5609-** 17" Red Oak
- **4011-** 18" Crepe Myrtle (6-5-4-4-4-4-3)
- **4036-** 17" Crepe Myrtle (5-4-4-4-4-4-2-2)
- **5080-** 14" Crepe Myrtle

Please see a response provided below for each tree identified:

- **5040-** The Diameter is actually 12" as measured by TMS. Please reference attached report from TMS on P. 1 & P.2. ("TMS_CAMG_3423BeeCaveRd_MedicalOffice_TreeReport_20220310.pdf")
- **5324-** The tree was presumed damaged during geotechnical investigation. Please reference attached report from TMS on P. 1 & P.5 noting before and after conditions. ("TMS_CAMG_3423BeeCaveRd_MedicalOffice_TreeReport_20220310.pdf")
- **5540-** The noted tree is being saved due to building updates. Resubmittal of Plans dated December 8, 2022 include the updated footprint. The footprint is located outside of the tree's ½ Critical Root Zone. Please refer to the attached Exhibit "SMILES-Tree Variance-Exhibit_20230106.pdf" displaying the preservation of this tree. The pending Site Plan resubmittal will include the modified footprint.

- **5609-** See attached report from TMS listing this tree as DDI (Dead, Diseased, or Imminent Hazard.) TMS does not recommend preservation of this tree. Please reference attached report from TMS on P. 1 & P.11.
("TMS_CAMG_3423BeeCaveRd_MedicalOffice_TreeReport_20220310.pdf")
- **4011-** The Tree was not intended for mitigation as it is a multitrunked Crepe Myrtle. Tree is conflicting with the required right turn out which was requested by Council. Location of the Tree will impose a safety hazard to cars queuing in the right turn lane.
- **4036-** The Tree was not intended for mitigation as it is a multitrunked Crepe Myrtle. This is an undesirable species not recommended for preservation.
- **5080-** The Tree is being saved due to site plan updates. Resubmittal of Plans dated December 8, 2022 include removal of the circular drive. Please Ref. the attached Exhibit displaying the preservation of this tree. The pending Site Plan resubmittal will include the modified footprint.

ATTACHMENTS

1. TMS Report: TMS_CAMG_3423BeeCaveRd_MedicalOffice_TreeReport_20220310.pdf"
2. Tree Variance Exhibit-CEC: "SMILES-Tree Variance-Exhibit_20230106.pdf"

Please feel free to reach out with any follow up questions or clarifications.

Thank You,



Craig Friedson
VP Development
TOPO
cfriedson@topo-dg.com



January 6, 2023

Chairman Robert Meisel
City of West Lake Hills
Planning & Zoning Commission
911 Westlake Drive
West Lake Hills, Texas 78746

Dear Mr. Chairman,

We represent a group of West Lake Hills physicians interested in purchasing and developing a permanent location in Westlake for their longstanding medical/dental practices. Drs. Vincent Cavaretta, Randy Kunik, Juan Vesga and David Yu have decades of experience serving the West Lake Hills community and will be partners in this project.

We presented to ZAPCO in March 2021 and were denied because we did not define a hardship. We also presented to Council in April, 2021. Our hardship for this proposed development is primarily the existing topography. Secondary hardship is maintaining parking agreements on site that support commercial businesses at 3425 Bee Caves and Sway.

In April 2021, we listened to the concerns raised by the Community and Council regarding scale, height, drainage, safety, and site lines and revised our location and massing to better address those issues. We took a more modest approach to our previous design with regard to height, location, and site lines. The City of West Lake Hills subsequently approved the requested variances in the attached letter dated September 13, 2021.

Since the variances were approved, the project team identified additional trees that are creating hardship for the project. Below is the requested administrative variance:

- **Removal of Trees** [Sec. 22.03.303-305]
- Trees: 5040,5324,5540,5609, 4011,4036,5080

Thank you for taking the time to consider this request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Craig Friedson', with a stylized, flowing script.

Craig Friedson,
VP Development
TOPO
www.topo-dg.com

Encl:

- Variance Application [*December 2020 form*]
- Application Checklist Items
- Variance Approval letter dated September 13, 2021



3423 Bee Cave Road – Variance Request Exhibit

1. Removal of Trees [Sec. 22.03.303-305]

We request a variance to remove trees as described in the in the Code of Ordinances Sec. 22.03.304(d)(4)(A)(iv) (Tree and vegetation removal and replacement). We have attached a tree survey that has identified over 1,400 trees on site. The ordinance requires a variance from Council to remove trees over 14-inches in diameter. We are asking to remove the following tree: Tree # 5040, 5324, 5540, 5609, 4011, 4036, 5080

- 1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.
 - *With the existing topography, the easement locations, the drainage area, and the existing buildings on site limit the location for development. The building location provides for the minimal removal of large trees for the use intended.*
- 2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?
 - *We are attempting to save any trees that are on the edge of the area of impact of the building and adjacent parking. We will adhere to the code for replacement, replanting where possible, and fee in lieu of if necessary.*
- 3) What other alternatives have you considered? Why won't those other options alleviate the difficulty or hardship that you think exists?
 - *We previously proposed a different location that requested the removal of fewer live oaks. This location also required more height variance and had additional issues that were not desirable.*
- 4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?
 - *Our previous proposal requested fewer trees removed. For this proposed location we did reorient the building to a location that preserves some larger trees.*
- 5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?
 - *The intent of the zoning ordinance was written to preserve large trees for the enjoyment of the landowner and the neighbors. None of the trees proposed to be removed can be seen by the residential lots to the south of the site.*
- 6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?
 - *The removed tree will increase the use of the lot by the landowner. None of the trees proposed to be removed can be seen by the residential lots to the south of the site. A vegetative buffer will remain in place after the construction of the proposed development ranging from 105 feet to the property directly to the north and up to 300-feet to the property to the South.*



3/10/2022

Tree Condition Assessment CAMG

3423 Bee Cave Rd. West Lake Hills, TX 78746

Introduction:

Tree identification, measurement, inspection, and arboriculture consultation were performed by a board-certified master arborist team who through related training and experience are familiar with the techniques and equipment used in such operations.

TMS was contacted regarding a property being studied for construction. The team wanted a better understanding of trees on site and their potential impacts/benefits to the project.

Assignment:

Tree Mann Solutions to inspect, identify, measure dbh, and provide condition rating with supportive notes for protected pecan in backyard. TMS to review provided documents and make preservation/removal recommendation where warranted. Summary report with photos provided for team use.

Summary:

- **T5040**, a 12" Ashe juniper, was found to be in poor condition. It had decay on one stem and was growing into adjacent Ligustrum. This tree is not an ideal preservation candidate.
- **T5324**, a 17" Ashe juniper, was unable to be located.
- **T5540**, a 20" live oak, was found to be in high fair condition. This tree is highly competitive and does not have any significant signs of decay. There was minor old dieback/wound at the base of the tree, but significant response growth was present. The canopy is well balanced, and the tree would make a decent preservation candidate.
- **T5609**, a 17" red oak, was found to be in very poor condition; DDI (dead, diseased, imminent hazard). It was seasonally defoliated at time of inspection revealing multiple previous failures, significant to excessive trunk damage and decay, borer damage, and a decay cavity at the base. The cavities on the trunk (NE and SW sides approximately 6-10' above grade) extend at least 10-12" into the trunk and the height of the decay column is unknown. There was further damage observed on the main stem approximately 18-20' above grade, where bark shows horizontal cracking. This tree is not recommended for preservation due to observed defects and risk associated with likelihood of failure.
- **T5653**, a 15" live oak, was found to be in low fair condition. While no major defects were observed, it exhibited a significantly reduced canopy with moderate deadwood accumulation, likely due to competition. It was growing fused to an adjacent Ligustrum that is currently shown to be removed. Due to the marginal condition of the tree and current conditions, it may not be reasonable to preserve and would be more feasible to remove and mitigate for.

TMS recommends designing with good data, maintaining compliance with municipal tree regulations, and promoting healthy urban canopy through quality preservation and/or mitigation with new, well-planned plantings. If you have any questions and/or concerns regarding tree assessment on this site, please reach me at (512)470-9073 or joe@treemannsolutions.com. We are here to help promote smart planning, aid efficient permitting, and ensure quality urban tree canopy preservation!

Respectfully,

Joe Zaniewski

Joe Zaniewski | Project Manager

Tree Mann Solutions, LLC

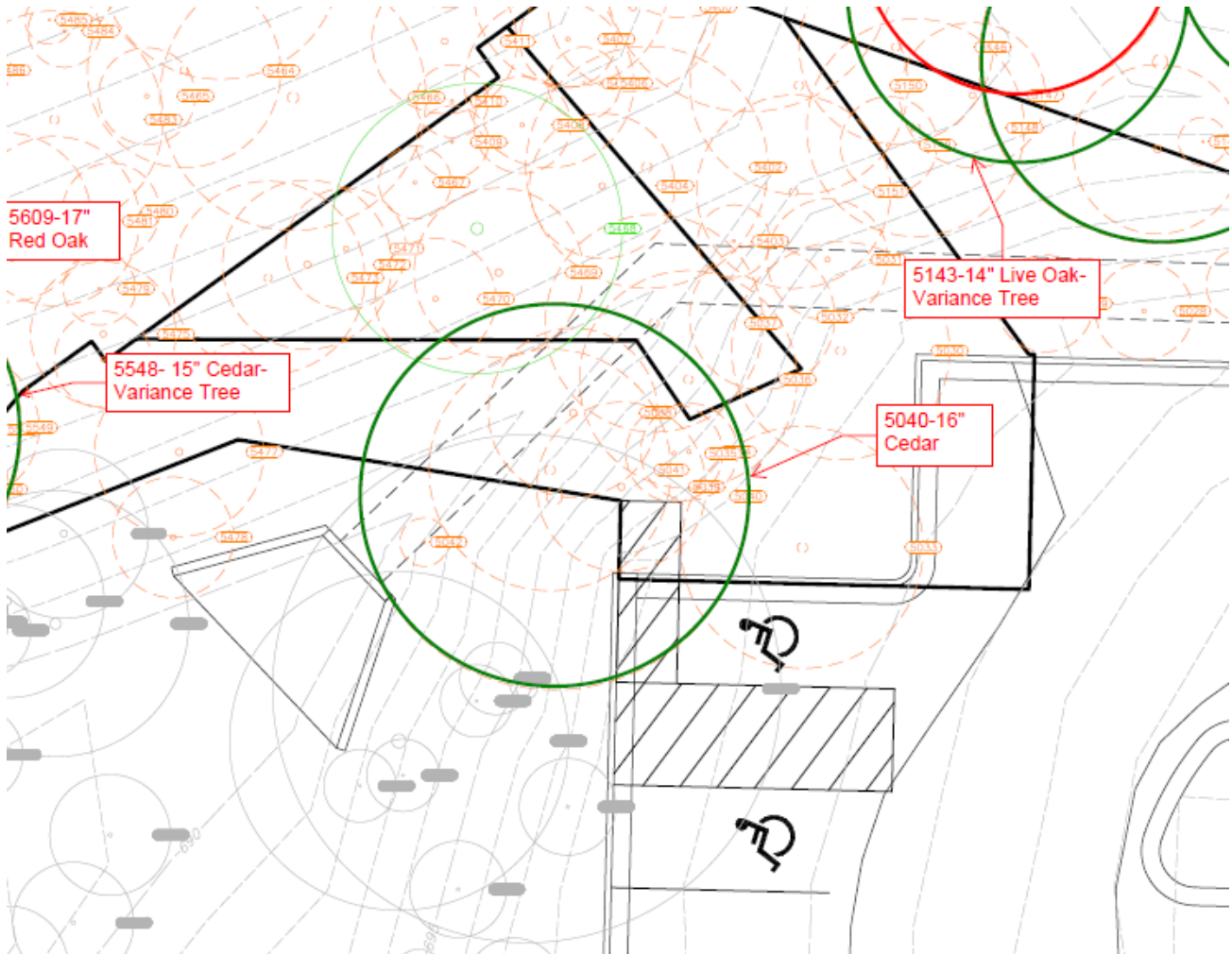
ISA TX-4294A, TRAQ, TOWQ

TDA Applicator License No. 0798941

Licensed Irrigator LI0024812

E: joe@treemannsolutions.com | C: [\(512\)470-9073](tel:5124709073)

Tree Number	5040
Tree Species	Ashe Juniper
Diameter (DBH)	12
Multi Stem	8.5, 7.5
Condition	Poor
Notes	50% potential canopy, moderately unbalanced, poor structure & vigor, moderate decay
Summary	Decay on one stem. Growing into adjacent ligustrum.

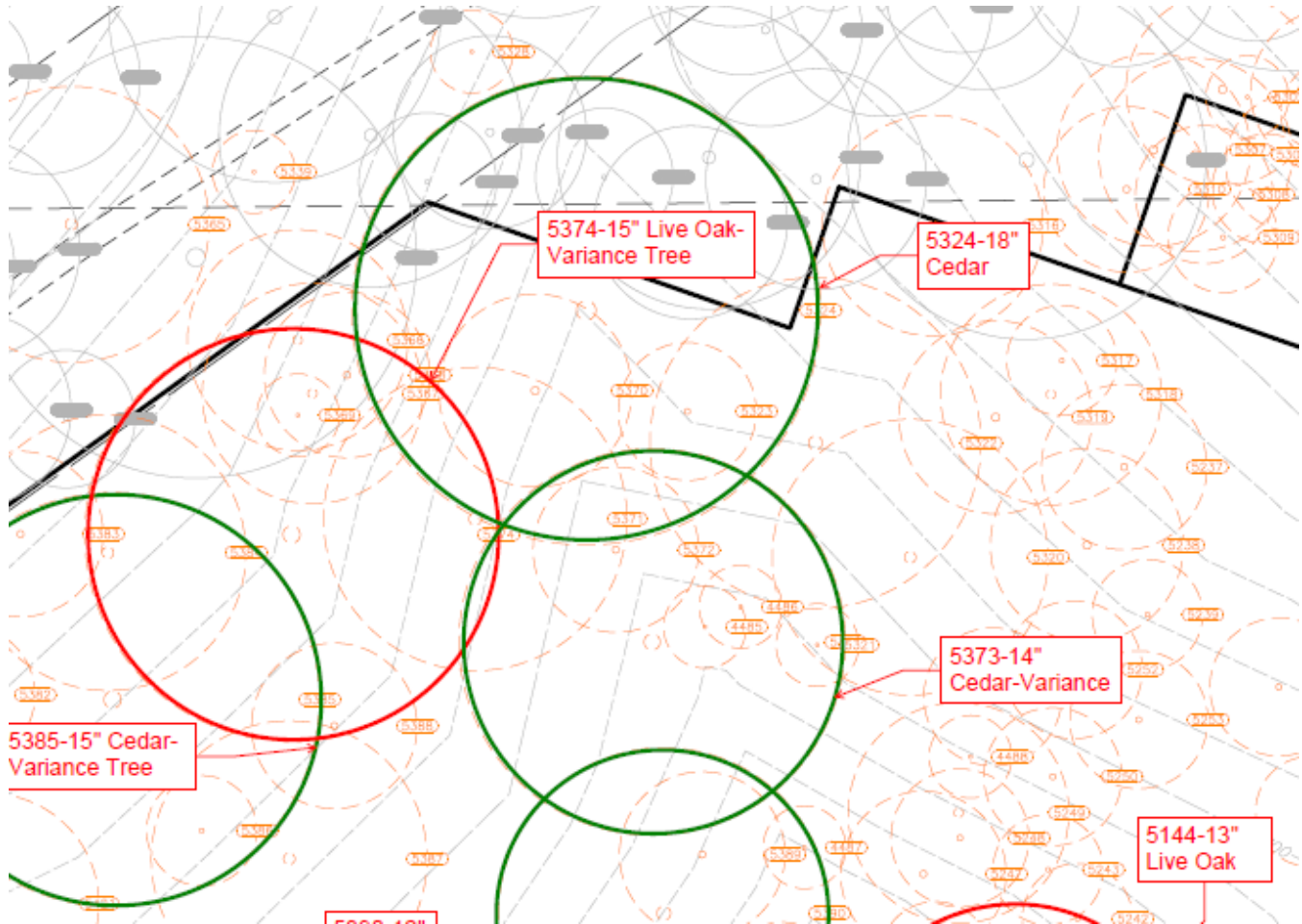


Photos





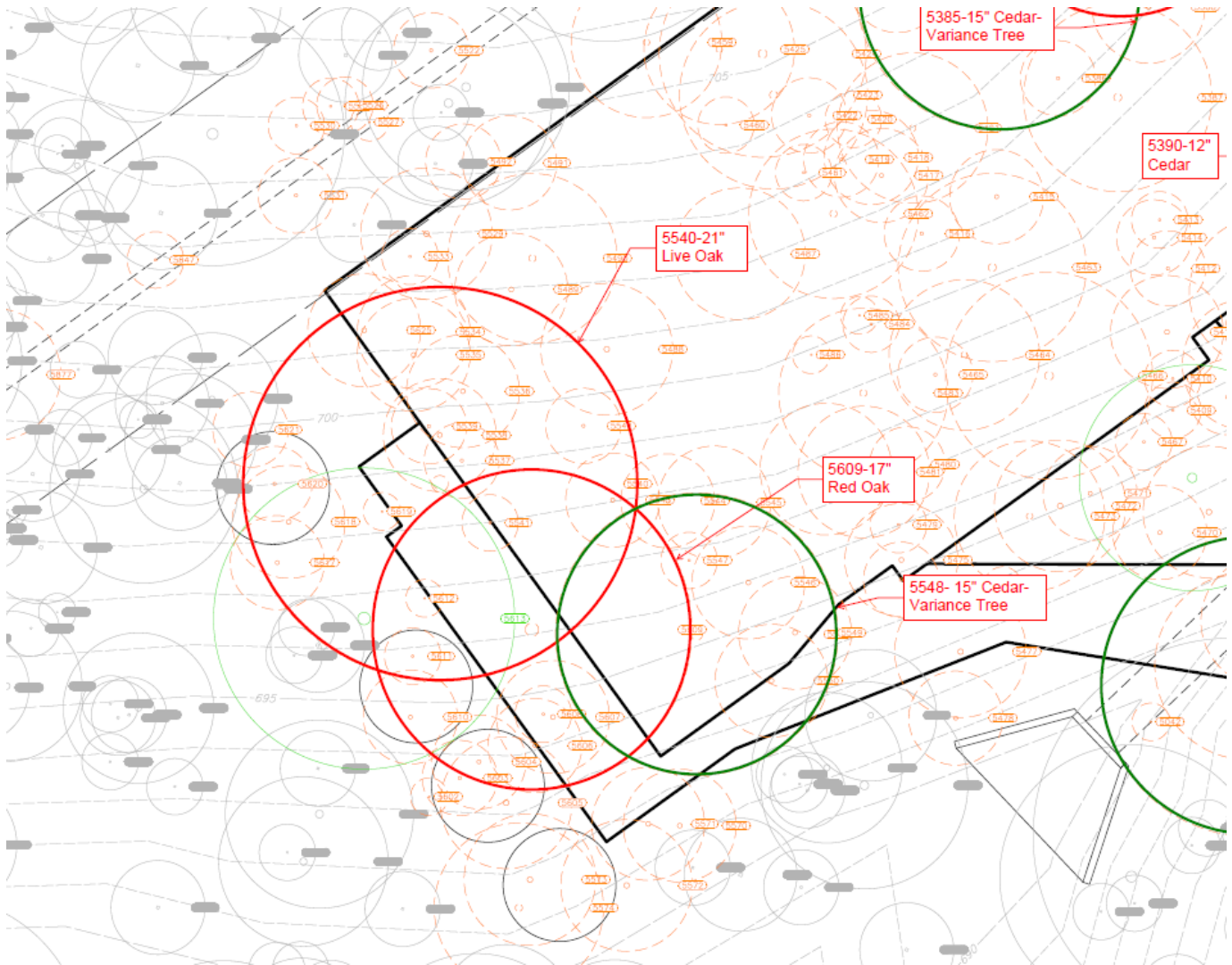
Tree Number	5324
Tree Species	Ashe Juniper
Diameter (DBH)	17
Multi Stem	9, 8.5, 7.5
Condition	Missing
Notes	fair structure & vigor, co-dominant stems, 25% potential canopy
Summary	Unable to be located. Adjacent trees all determine subject tree missing from area in photos.



Photos



Tree Number	5540
Tree Species	Live Oak
Diameter (DBH)	20
Multi Stem	
Condition	Fair
Notes	fair structure, good vigor, 75% potential canopy, deadwood 15%-30%, moderate decay
Summary	High fair. This tree is highly competitive and does not have any significant signs of decay. Minor old dieback wound at base of tree but significant response growth present. The canopy is well balanced and the tree would make a decent preservation candidate.



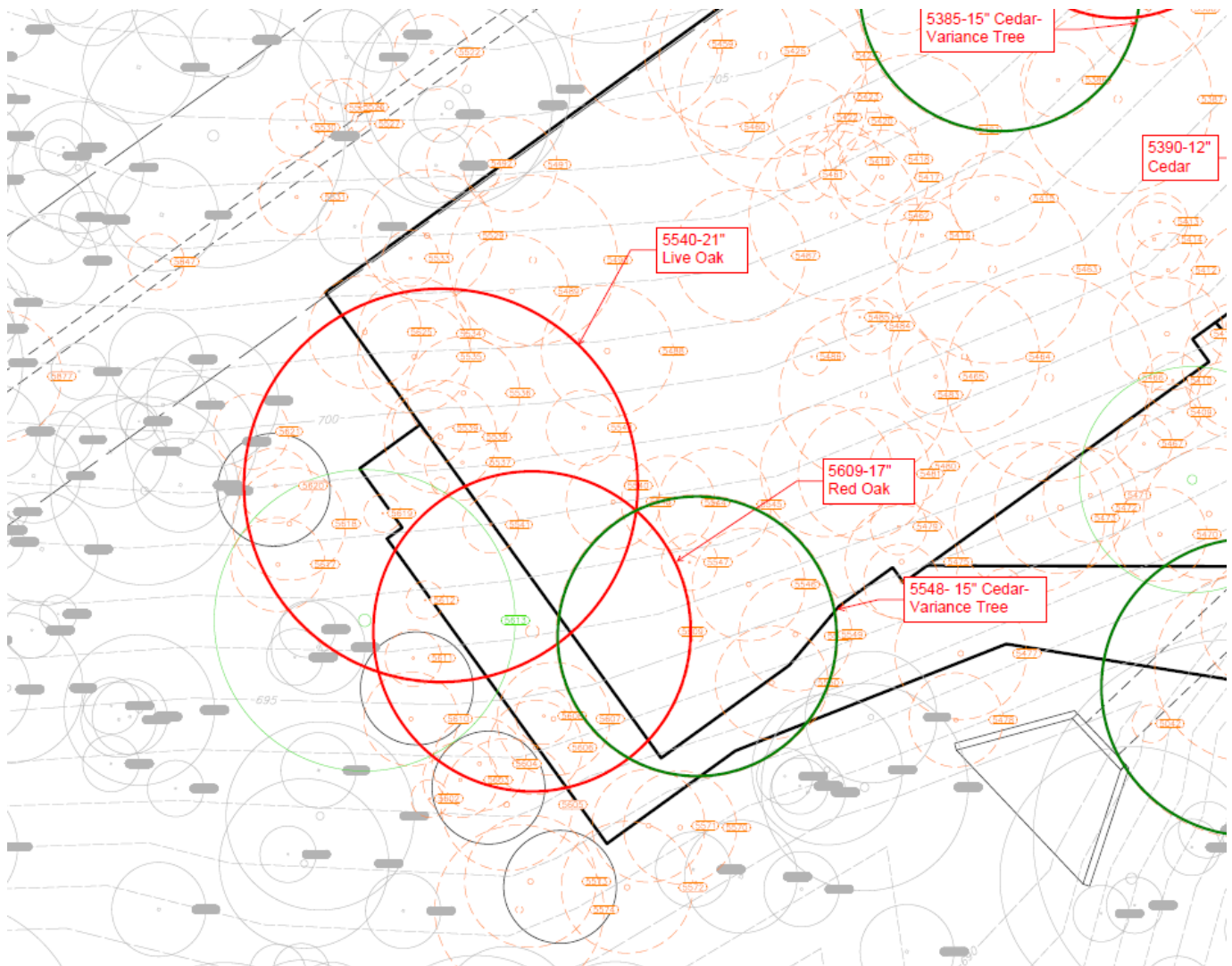
Photos







Tree Number	5609
Tree Species	Red Oak
Diameter (DBH)	17
Multi Stem	
Condition	Very Poor
Notes	very poor structure & vigor, trunk lean, root decay, deadwood >75%, 10% potential canopy, flare damage, moderate storm damage, moderate decay, moderate cavities
Summary	This tree was found to be DDI. It was seasonally defoliated at time of inspection revealing multiple previous failures, significant to excessive trunk damage and decay, borer damage, and a decay cavity at the base. The cavities on the trunk (NE and SW sides approximately 6-10' above grade) extend at least 10-12" into the trunk and height of the decay column is unknown. There was further damage observed on main stem approximately 18-20' above grade where bark shows horizontal cracking. This tree is not recommended for preservation due to observed defects and risk associated with likelihood of failure.



Photos





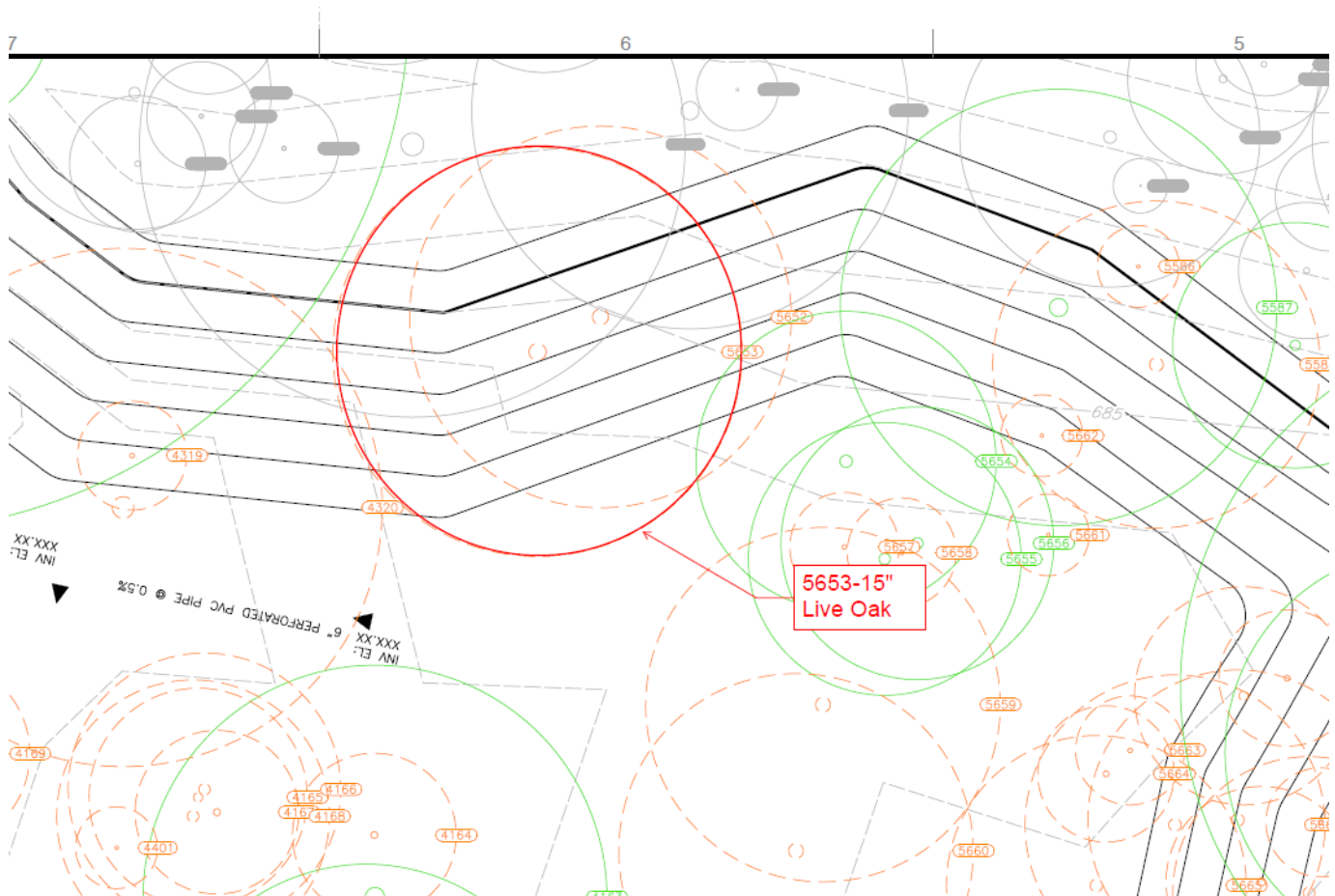








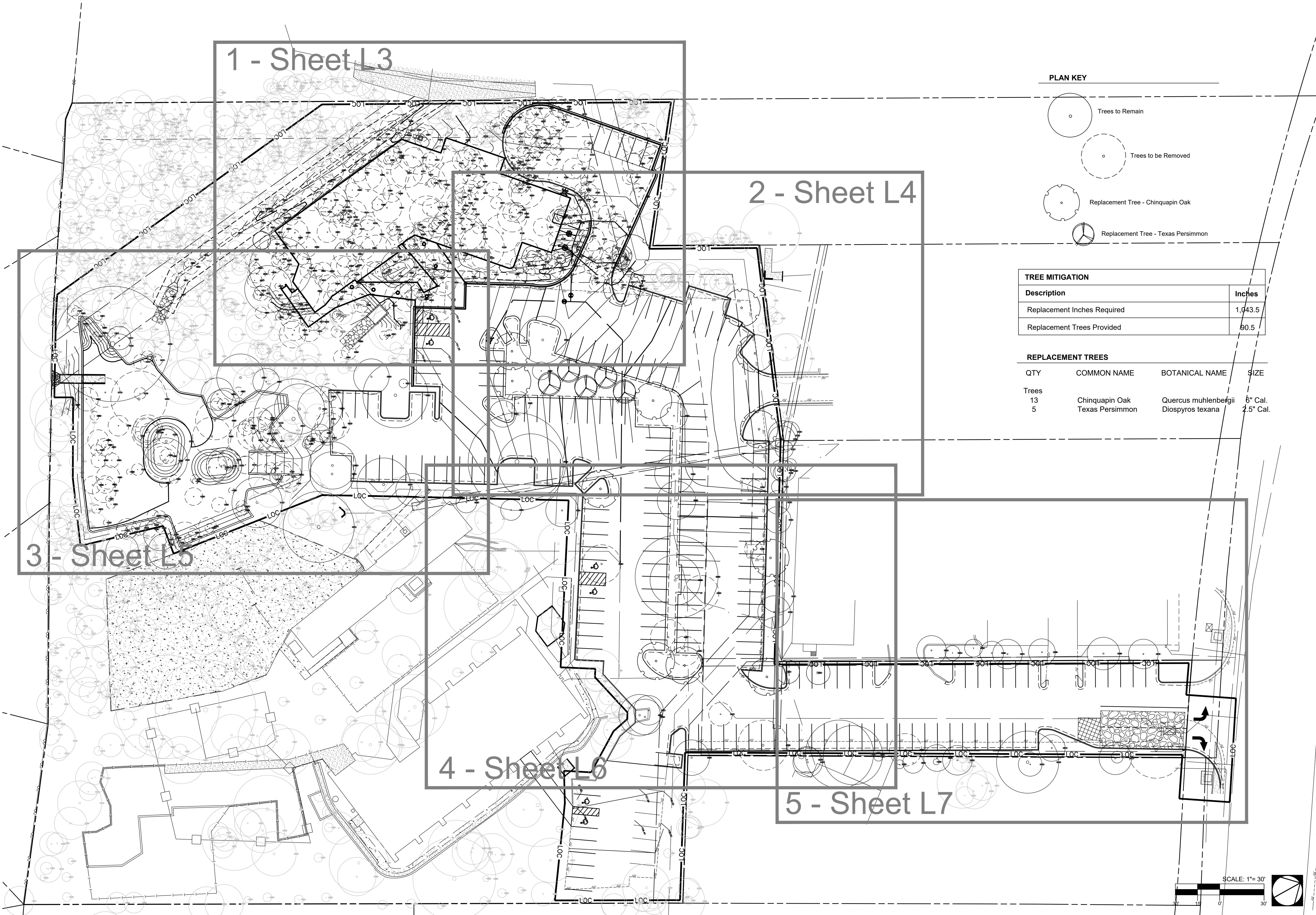
Tree Number	5653
Tree Species	Live Oak
Diameter (DBH)	15
Multi Stem	
Condition	Fair
Notes	fair structure & vigor, trunk lean, deadwood 15%-30%, 25% potential canopy, moderately unbalanced, flare damage
Summary	This tree was found to be in fair to low fair condition. While no major defects were observed, it exhibited a significantly reduced canopy with moderate deadwood accumulation likely due to competition. It was growing fused to adjacent ligustrum currently shown to be removed. Due to the marginal condition of the tree and current conditions, it may not be reasonable to preserve and would be better removed and mitigated for.



Photos







SMILES MEDICAL OFFICE PARK
3423 Bee Cave Road
City of Westlake Hills, Travis County, Texas

TREE
MITIGATION
KEY MAP

REVISIONS

No.	Date	Issued For
1	4/21/22	City Review
2	12/8/22	Response to City Comment

L1



VERDI

www.verdiaustin.com
(512) 419.0883

December 8, 2022



Lauren Renz

SMILES MEDICAL OFFICE PARK

3423 Bee Cave Road
City of Westlake Hills, Travis County, Texas

TREE LIST

REVISIONS

No.	Date	Issued For
1	4/21/22	City Review
2	12/8/22	Response to City Comment

L2

Sheet 6 of 29



PLAN KEY

Trees to Remain

Trees to be Removed

Replacement Tree - Chinquapin Oak

Replacement Tree - Texas Persimmon

 **VERDI**

www.verdiaustin.com
(512) 419.0883

December 8, 2022


Lauren R. Gentry

SMILES MEDICAL OFFICE PARK

3423 Bee Cave Road
City of Westlake Hills, Travis County, Texas

**TREE
MITIGATION**

REVISIONS		
No.	Date	Issued For
1	4/21/22	City Review
2	12/8/22	Response to City Comment

L3



PLAN KEY

- Trees to Remain
- Trees to be Removed
- Replacement Tree - Chinquapin Oak
- Replacement Tree - Texas Persimmon



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(512) 419.0883

December 8, 2022



Lauren Renz

SMILES MEDICAL OFFICE PARK

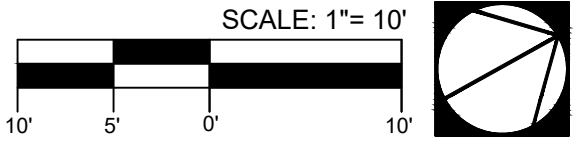
3423 Bee Cave Road
City of Westlake Hills, Travis County, Texas

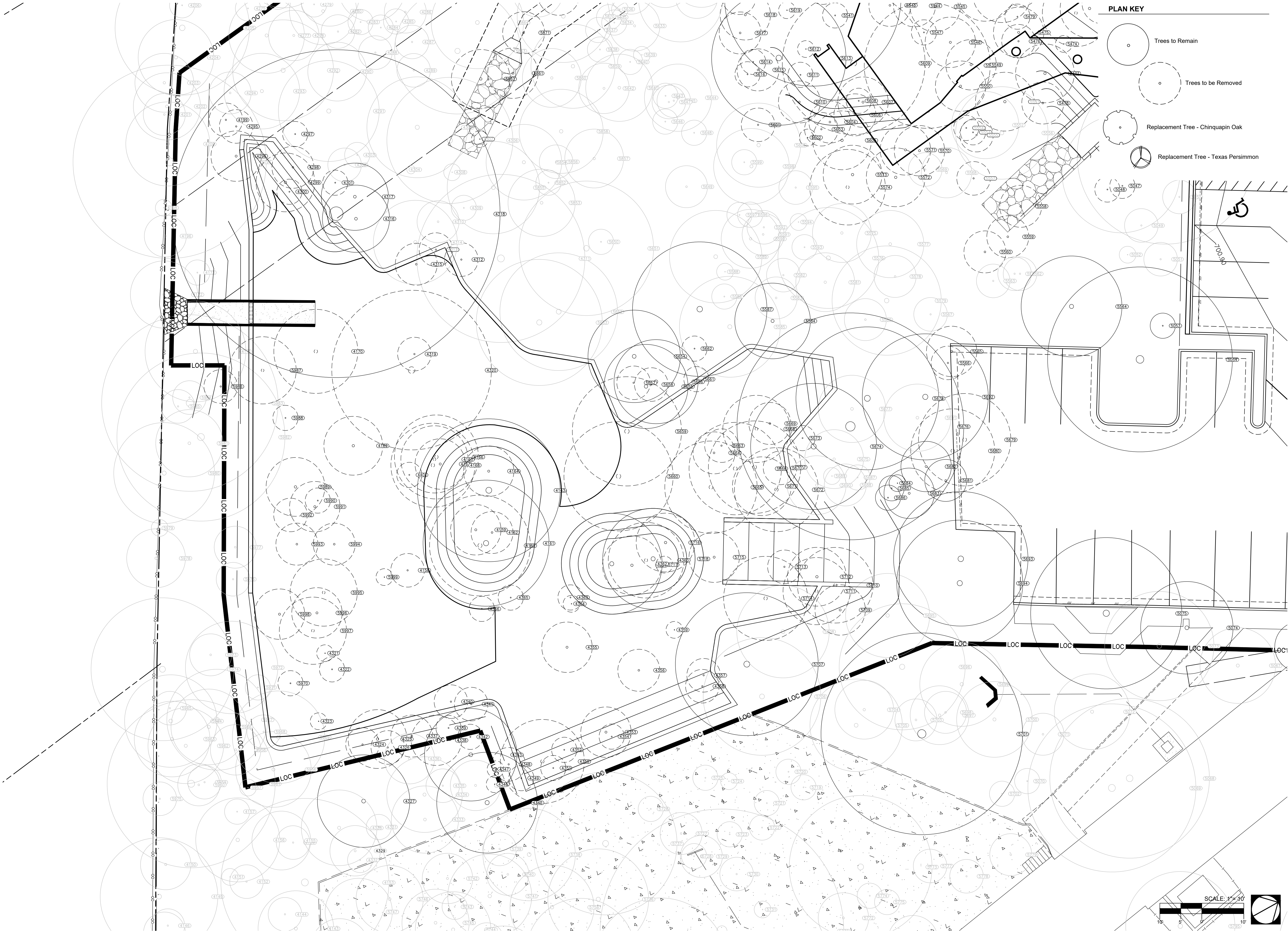
TREE MITIGATION

REVISIONS		
No.	Date	Issued For
1	4/21/22	City Review
2	12/8/22	Response to City Comment

L4

Sheet 8 of 29







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December 8, 2022



Lauren Renz

SMILES MEDICAL OFFICE PARK

3423 Bee Cave Road
City of Westlake Hills, Travis County, Texas

TREE
MITIGATION

REVISIONS		
No.	Date	Issued For
1	4/21/22	City Review
2	12/8/22	Response to City Comment



SMILES MEDICAL OFFICE PARK

3423 Bee Cave Road
City of Westlake Hills, Travis County, Texas

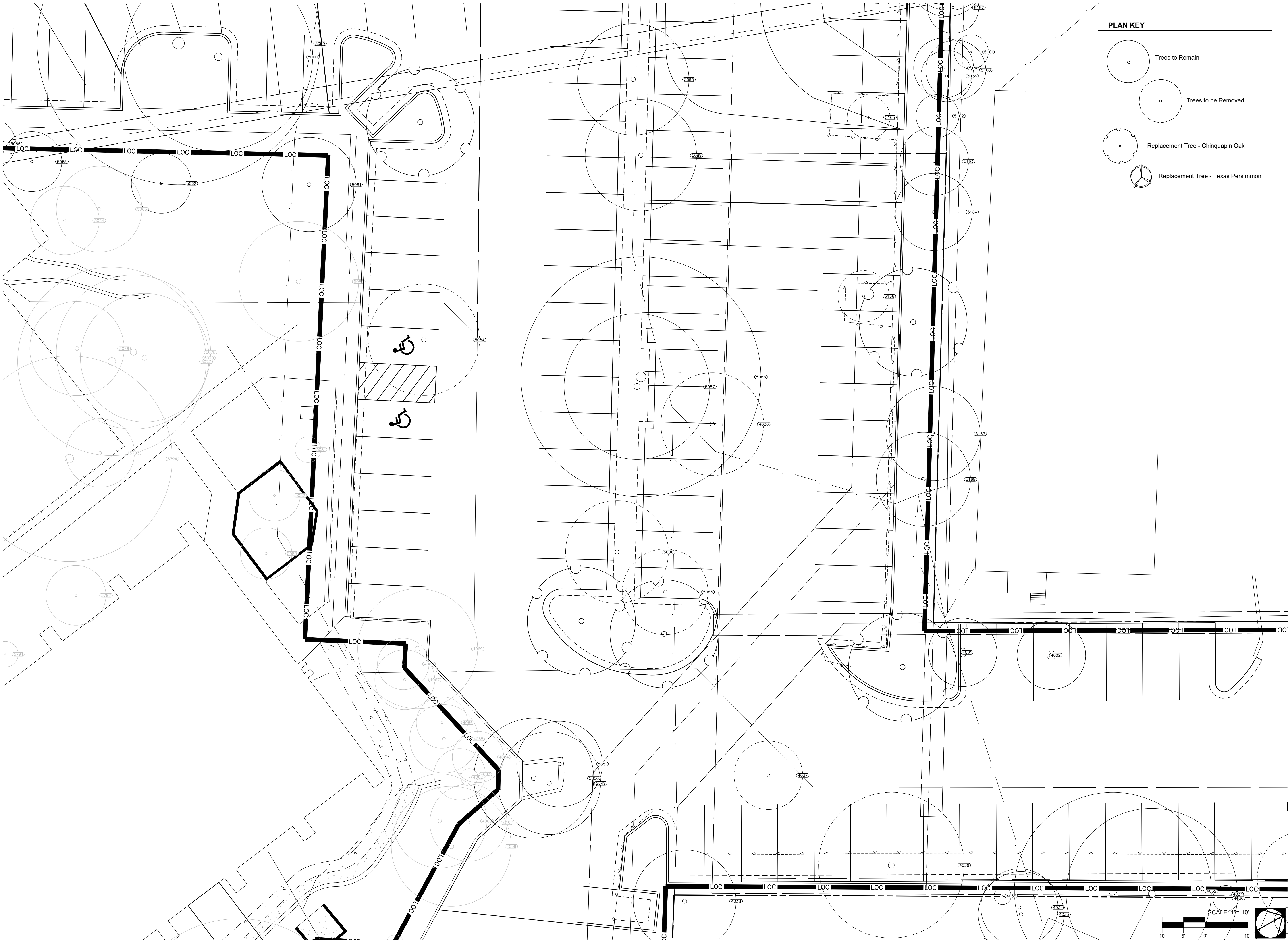
TREE MITIGATION

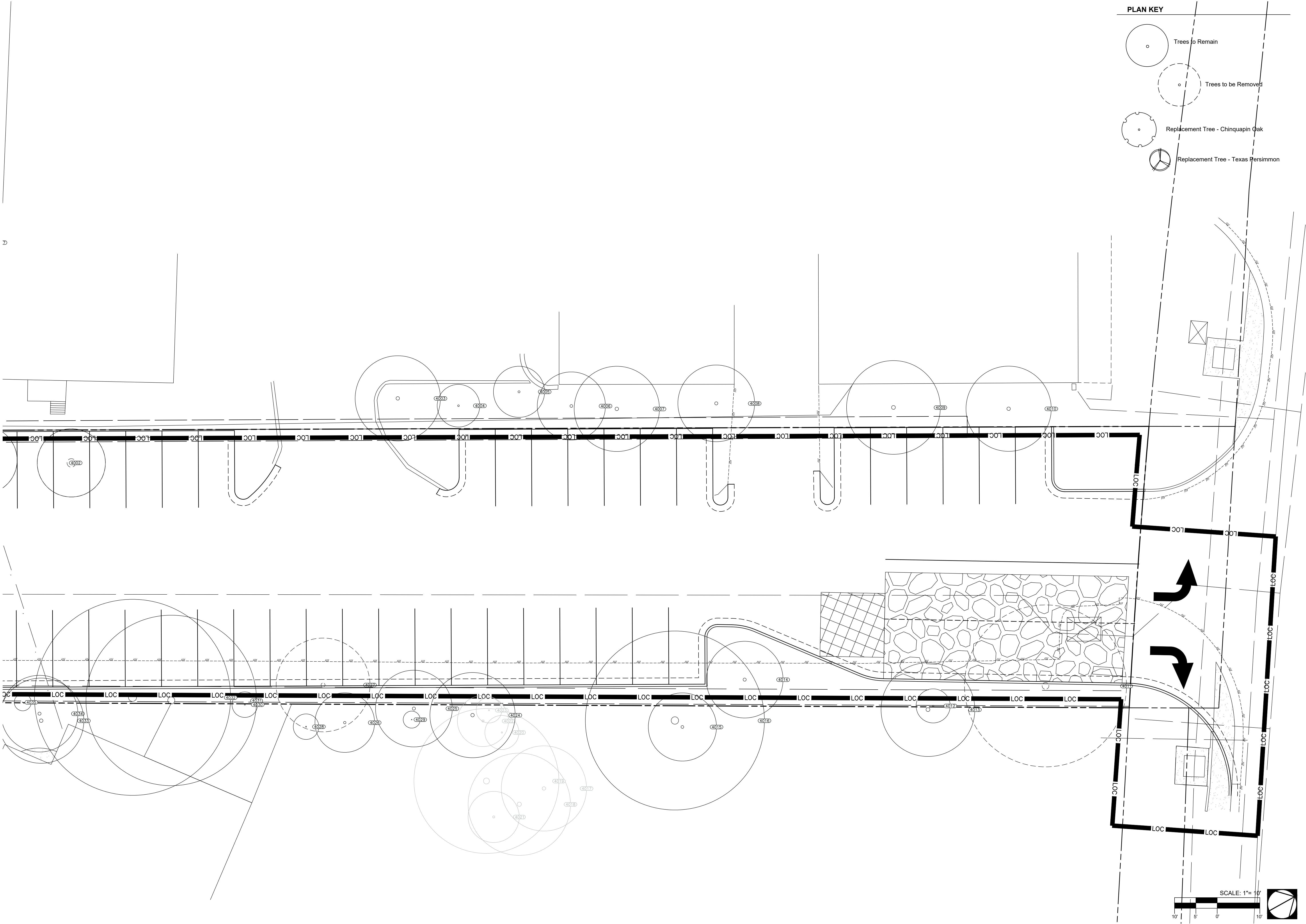
REVISIONS

No.	Date	Issued For
1	4/21/22	City Review
2	12/8/22	Response to City Comment

L6

Sheet 10 of 29





PLAN KEY

- Trees to Remain
- Trees to be Removed
- Replacement Tree - Chinquapin Oak
- Replacement Tree - Texas Persimmon



VERDI

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December 8, 2022



Lauren Renz

SMILES MEDICAL OFFICE PARK

3423 Bee Cave Road
City of Westlake Hills, Travis County, Texas

TREE
MITIGATION

REVISIONS

No.	Date	Issued For
1	4/21/22	City Review
2	12/8/22	Response to City Comment

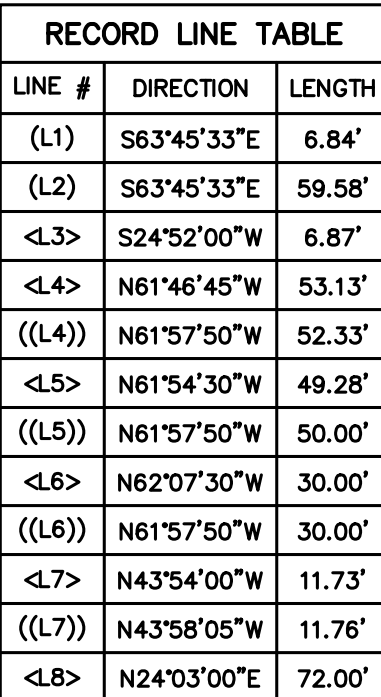
L7

THIS DOCUMENT IS
RELEASED FOR
REVIEW ONLY AND IS
NOT INTENDED FOR
PERMITTING,
CONSTRUCTION, OR
ANY OTHER PURPOSE.
JAMES C. MASSARO
P.E. 92530 (TEXAS)
January 6, 2023



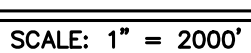
TREE VARIANCE EXHIBIT

DRAWING NO.:
EXHIBIT
SHEET OF



CURVE TABLE					
CURVE #	RADIUS	LENGTH	DELTA	BEARING	DISTANCE
C1	1,962.88'	59.38'	1°44'00"	S62°53'37"E	59.38'
C2	989.87'	40.33'	2°20'04"	S62°35'34"E	40.33'
C3	1,962.88'	151.16'	4°24'44"	N59°49'14"W	151.12'
C4	1,962.88'	135.27'	3°56'55"	N55°38'25"W	135.25'
C5	1,962.88'	102.62'	2°59'43"	N52°10'06"W	102.60'

RECORD CURVE TABLE					
CURVE #	RADIUS	LENGTH	DELTA	BEARING	DISTANCE
(C1)	1,962.88'	59.39'	1°44'00"	S62°53'32"E	59.38'
(C2)	989.87'	40.27'	2°19'47"	S62°35'40"E	40.25'
(C3)	1,962.88'	135.27'	4°24'55"	N59°49'05"W	151.23'
(C4)	1,962.88'	135.27'	3°56'55"	N55°38'10"W	135.25'
(C5)	1,962.88'	102.52'	2°59'33"	N52°09'56"W	102.51'

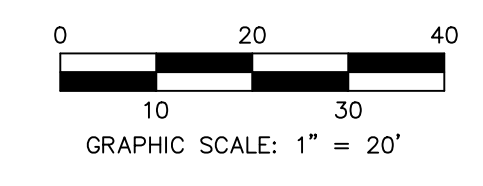
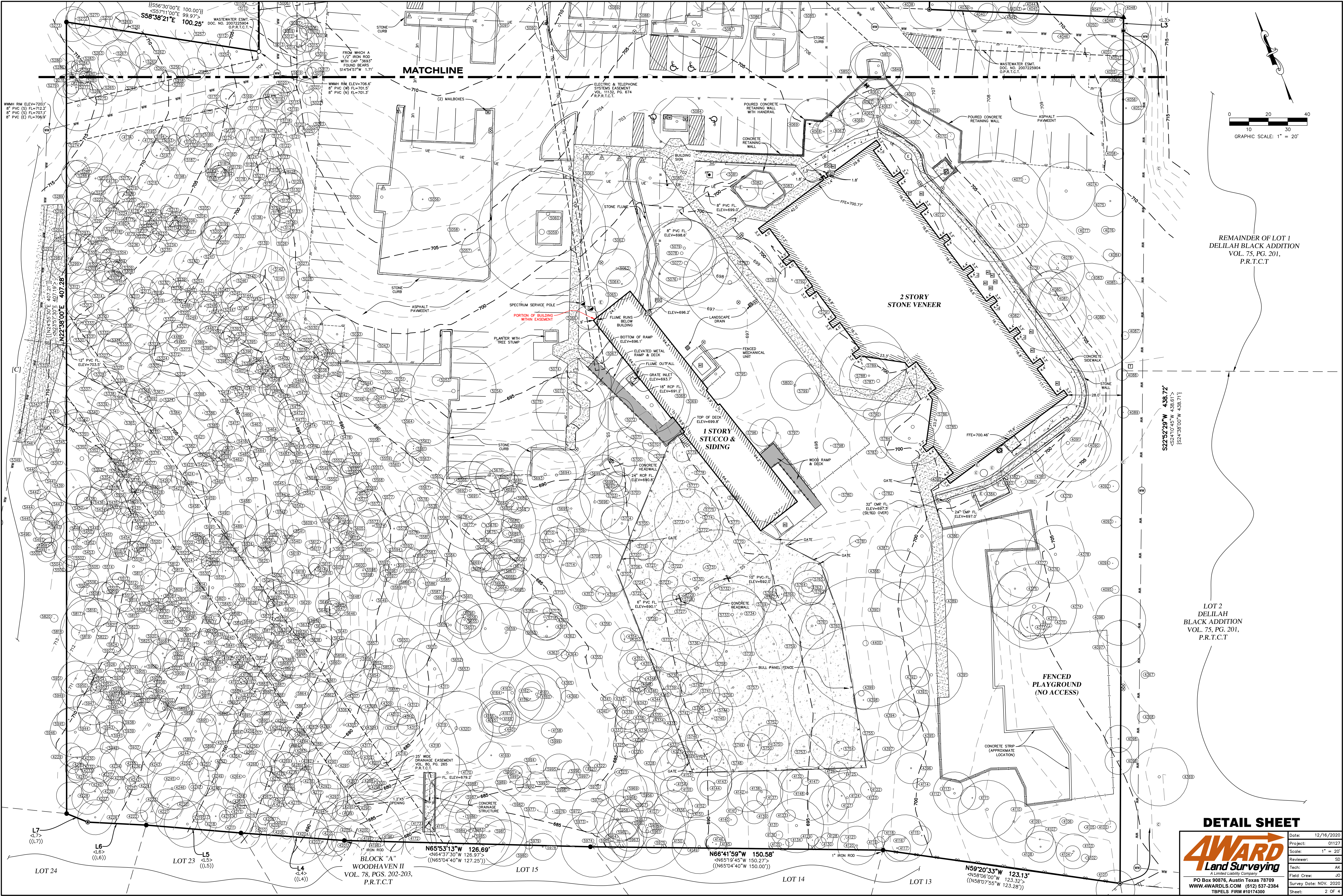


**LAND TITLE,
TOPOGRAPHIC & TREE
SURVEY OF LOT 2B,
BRODIE KEENE
SUBDIVISION
PHASE THREE
City of Westlake Hills,
Travis County, Texas**



PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2388
TBPELS FIRM #10174300

Date:	12/16/2020
Project:	01127
Scale:	1" = 50'
Reviewer:	SD
Tech:	AK
Field Crew:	JO
Survey Date:	NOV. 2020
Sheet:	1 OF 4



REMAINDER OF LOT 1
DELLAH BLACK ADDITION
VOL. 75, PG. 201,
P.R.T.C.T.

S22°52'29"W 438.72'
S24°10'45"W 438.85'
S24°38'00"W 438.71'

LOT 2
DELLAH
BLACK ADDITION
VOL. 75, PG. 201,
P.R.T.C.T.

DETAIL SHEET

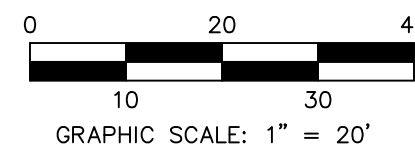


PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TPELS FIRM #10174590

Date:	12/16/2020
Project:	01127
Scale:	1" = 20'
Reviewer:	SD
Tech:	AK
Field Crew:	JO
Survey Date:	NOV. 2020
Sheet:	2 OF 4

SURVEY CONTROL POINT
GRID N: 10,073,468.54
GRID E: 3,094,892.92
ELEV.= 728.24'

RANCH TO MARKET ROAD 2244
(A.K.A. BEE CAVE ROAD)
(R.O.W. WIDTH VARIES)



REMAINDER
OF LOT 1
BEN ATWELL
ADDITION
VOL. 82, PG. 38
P.R.T.C.T.
OWNER: OFLP I LTD.
DOC. NO. 2005182002
O.P.R.T.C.T.

REMAINDER OF LOT 3
BRODIE KEENE
SUBDIVISION,
PHASE THREE
VOL. 80, PG. 265-266
P.R.T.C.T.
OWNER: TON HEIN HUYNH
VOL. 10681, PG. 46,
R.P.R.T.C.T.

REMAINDER OF LOT 1
BRODIE KEENE
SUBDIVISION
VOL. 65, PG. 60,
P.R.T.C.T.
OWNER: BEE CAVE
CENTER, LLC
DOC. NO. 2011095274,
O.P.R.T.C.T.

REMAINDER OF LOT 1
DELILAH BLACK ADDITION
VOL. 75, PG. 201, P.R.T.C.T.
OWNER: 3355 BEE CAVE ROAD, LTD.
VOL. 11446, PG. 1341, R.P.R.T.C.T.

DETAIL SHEET

4WARD
Land Surveying
A Limited Liability Company

PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TPELS FIRM #10174300

Date: 12/16/2020
Project: 01127
Scale: 1" = 20'
Reviewer: SD
Tech: AK
Field Crew: JO
Survey Date: NOV. 2020
Sheet: 3 OF 4
P:\01127\04\01127.dwg



City of West Lake Hills

911 Westlake Drive
West Lake Hills, TX 78746

[\(512\) 327-3628](tel:5123273628) www.westlakehills.org

September 13, 2021

Peter Narvarte
701 South Lamar, Suite C
Austin, Texas 78704

via e-mail: pnarvarte@causmg.com

Re: **3423 Bee Cave Road:** Discuss And Consider Action An Application For A Request For Multiple Variances To Construct A New Medical Office Building:

- 1) Removal Of Six Trees 14 Inches Or Greater (#5140, 15 Inch Live Oak, #5143, 14 Inch Live Oak, #5373, 14 Inch Cedar, #5374, 15 Inch Live Oak, #5385, 15 Inch Cedar And #5548, 15 Inch Cedar)
- 2) Building Height Exceeds Maximum Permitted Height
- 3) Impervious Cover Exceeds Maximum Permitted
- 4) Cut And Fill Exceeds Maximum Permitted
(West Lake Hills Code Sec. 22.03.170, 22.03.281, 22.03.249, 22.03.278 & 22.03.304)

Dear Peter:

The City of West Lake Hills Board of Adjustment unanimously approved (6-0) the above referenced variances on Wednesday, September 8, 2021. Below is a summary of each of the requested variances 2, 3 and 4:

- Height of building - Requested height up to 37 feet. Maximum allowed is 30 feet but up to 37 feet if incentives listed in the Code are met;
- Impervious cover – Seeking variance/incentives approval to receive up to 41% impervious cover (base impervious cover allowance is 35% with up to 47% if incentives listed in Code are met); and
- Cut and fill – Requested up to 8 feet of cut and fill that includes retaining walls, code allowance is 6 feet.

All approved variances must be acted upon within one year of the approval date.

Please let us know if you have any questions.

Sincerely,

Mark Littrell
Zoning & Planning Secretary



MULTIPLE VARIANCES
STAFF REPORT

September 8, 2021

Project Address: 3423 Bee Cave Road

Project Number: 16719

Agenda Item: Land Use: **3423 Bee Cave Road:** Discussion/recommendation on an application for a request for multiple variances to construct a new medical office building: 1) Removal of Six Trees 14 inches or greater (#5140, 15 Inch Live Oak, #5143, 14 Inch Live Oak, #5373, 14 Inch Cedar, #5374, 15 Inch Live Oak, #5385, 15 Inch Cedar and #5548, 15 Inch Cedar), 2) Building Height exceeds maximum permitted height, 3) Impervious Cover exceeds maximum permitted, 4) Cut and Fill exceeds maximum permitted; (West Lake Hills Code Sec. 22.03.170, 22.03.281, 22.03.249, 22.03.278 & 22.03.304). Peter Narvarte agent for KCBC LLC.

- Section 22.03.170 – Site Disturbance (Excavation, Grading or Filling)
- Section 22.03.281 – Schedule of Regulations. (Impervious Cover & Height)
- Section 22.03.249 – Driveway, Parking and Loading Area Setbacks
- Section 22.03.304 – Tree and Vegetation Removal and Replacement

Applicant Information: Peter Narvarte agent for KCBC LLC

Hearing Dates:

January 20, 2021 ZAPCO (Postponed)

June 16, 2021 ZAPCO (Postponed)

July 21, 2021 ZAPCO (Postponed)

August 18, 2021 ZAPCO

September 8, 2021 Board of Adjustment/City Council

Location: The subject property is located at 3423 Bee Cave Road

Zoning & Site Characteristics:

The subject property is zoned B1 Business 1.

The site has O (Office) to the east, B2 (Business 2) to the north, GUI and Office to the west, and City of Austin Residential to the south.

Background & Analysis:

The applicant is requesting several variances to construct a new office building at this location. The proposed building would become the permanent location of several medical and dental offices. The building is 20,000sf is two stories with a building footprint of 10,000sf, which is a reduction from the original 30,000sf proposed building and includes a ground level parking garage in addition to surface parking.

There are existing buildings and parking areas on the site that will remain, including the Primrose School and Acton Academy.

It is worth noting that there are instances of commercial/office uses abutting residential properties all along Bee Cave Road, and this proposed building is 119 feet from the rear property line and the setback per code is 40 feet, so it is about three times as far as the code minimum from the adjacent residential properties.

Variance Request Summary:

Below is a summary of each of the requested variances:

- Site Disturbance: requesting up to 8 feet of cut and fill that includes retaining walls, code allowance is 6 feet.
- Height of building: requesting height variances for the proposed building – up to 37 feet. Maximum height allowed is 30 feet but up to 37 feet if incentives listed in the Code are met.
- Impervious cover: seeking variance/incentives approval to receive up to 41% impervious cover (base impervious cover allowance is 35% with up to 47% if incentives listed in Code are met)
- Tree variances: requesting the removal of six trees that are 14 Inches or greater (#5140, 15 Inch Live Oak, #5143, 14 Inch Live Oak, #5373, 14 Inch Cedar, #5374, 15 Inch Live Oak, #5385, 15 Inch Cedar and #5548, 15 Inch Cedar).

There are four emails opposing the request in the packet along with two emails supporting the variances.

Variance Criteria Review:

When applying for a variance, the applicant has established by competent evidence that:

1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.

The application states – “We are looking to develop approximately 30,000 sf. During the planning for a location, size, and height, we considered the zoning, which is B-1, the current use on site, the impervious cover, drainage, and trees. The B-1 zoning limits us to a singular 15,000 sf footprint per building. If we were to propose building two buildings, we would far exceed impervious cover and remove more trees than we would like or would be acceptable.”

2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.

The application states – “After consulting the West Lake Hills Drainage and Erosion Control Design Manual, Code of Ordinances Sec. 22.03.210, Sec. 22.03.170, and Article 22.03, we would propose building across a drainage valley and improving the capture and direction of the drainage. This will allow us opportunity to relocate/replant existing and new native landscaping elements with intentional irrigation that allow for the remaining and new flora to flourish.”

3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.

The application states – “We have reviewed 4 options including the option we are presenting.” (see application for details of the other three options)

4. **The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.**

The application states – “We have been thoughtful with our approach to this request...as local business owners and residents we are trying to keep the fabric of West Lake Hills intact and want to continue to operate our businesses in Westlake and become property owners.”

5. **The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.**

The application states – “We believe there to be a specific challenge with the topography of the site that works directly opposed to the intent of City criteria and 22.03.281 Schedule of Regulations. As shown in the attached section view and street view from Bee Caves Road we believe there is a specific challenge for development on this site due to the topography.”

6. **The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.**

The application states – “The building we are proposing will sit within the compatibility setbacks for our zoning and the zoning around us as required by the WLH Code of Ordinances. The height we are proposing will place the top of the building approximately 10 feet above the existing tree line.”

Lighting

Outdoor lighting is not proposed with this variance request. Any outdoor lighting will need to comply with the City’s Code.

Building Code

The property and future construction will have to comply with all applicable City codes.

Subdivision

This request will not change the subdivision.

Comprehensive Planning Analysis

The goal of the master plan for nonresidential areas is to permit continued growth and development in a manner consistent with the needs of the residents of the City of West Lake Hills and in a manner complementary with the city’s rural character. Land in this area may be used for church, appropriate residential, commercial, office, school, or public purposes.

Zoning and Planning Commission Recommendation

ZAPCO voted to recommend denial unanimously (4-0).

Staff Recommendation

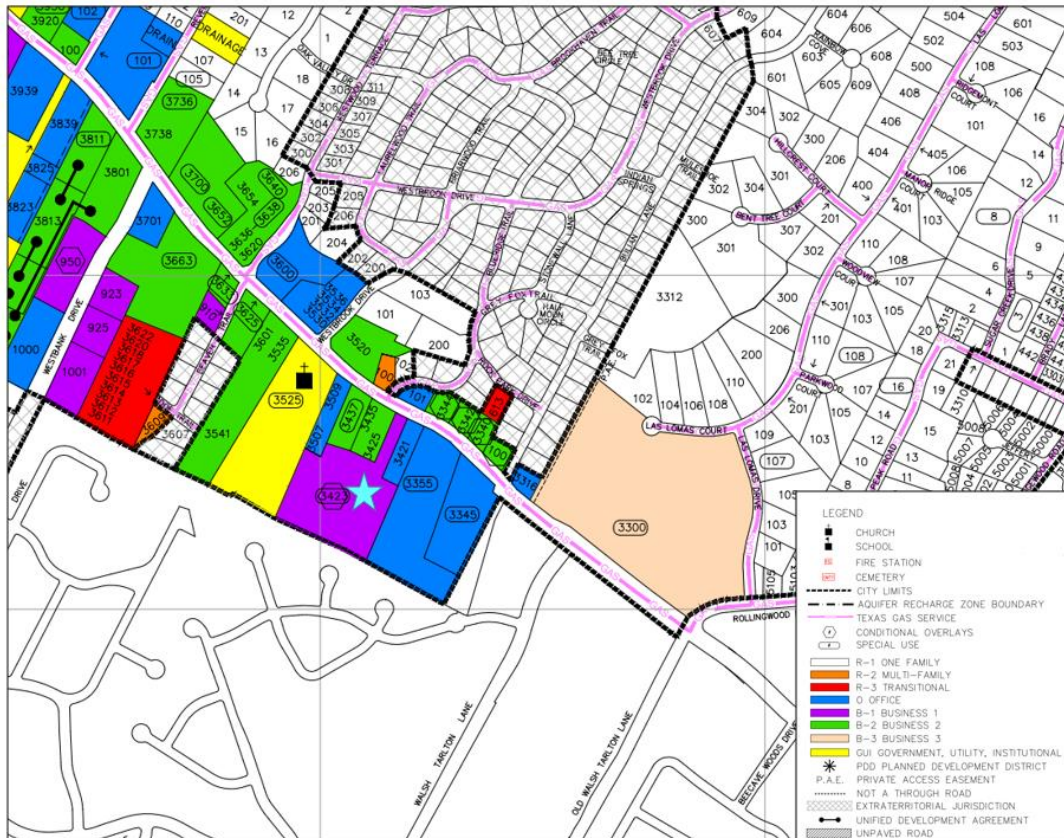
Staff recommends APPROVAL of the variance request based on the following findings of fact:

- There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
- The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
- The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.

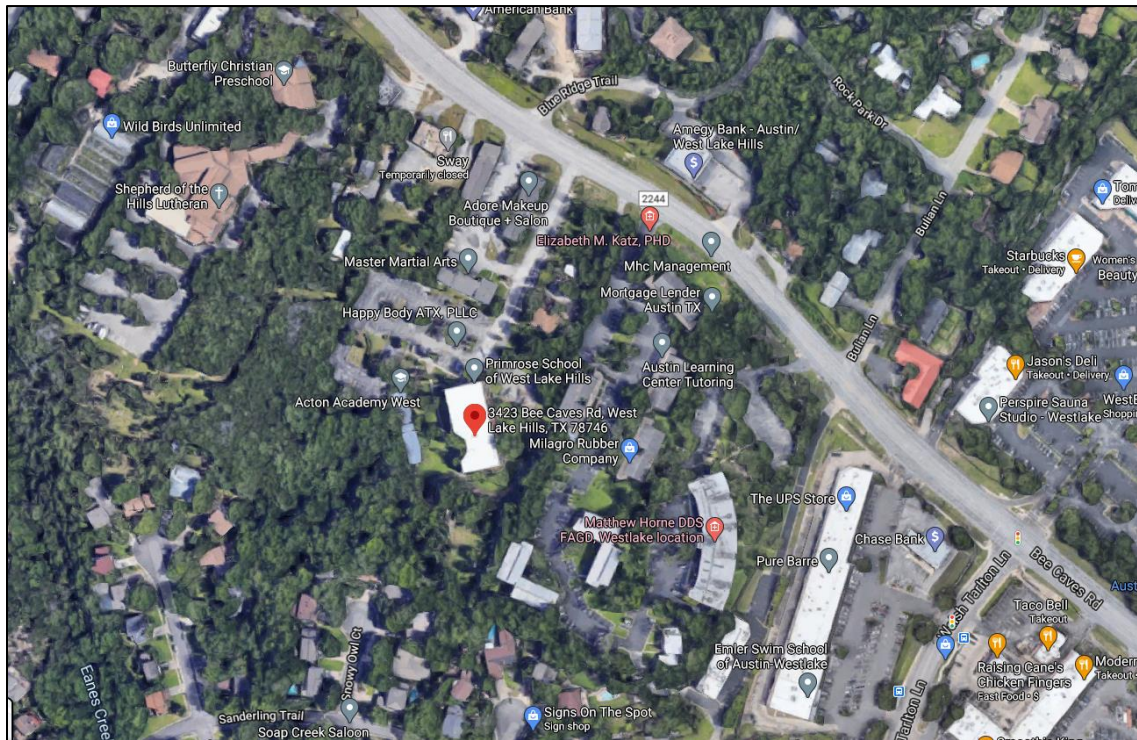
Links to Relevant Code:

- [Sec. 22.03.281](#) [Schedule of Regulations](#)
- [Sec. 22.03.170](#) [Site disturbance \(excavation, grading or filling\)](#)
- [Sec. 22.03.304](#) [Tree and vegetation removal and replacement](#)
- [Sec. 22.03.514](#) [Criteria and process required for granting variance](#)

Zoning:



Aerial:



VARIANCE APPLICATION



Date Received: _____ Received By: _____
Amount Due \$ _____ Date Payment Received: _____
Admin Complete Date: _____ Permit No: _____

****All applications and supporting documents should be submitted electronically to
pzsec@westlakehills.org and planner@westlakehills.org****

APPLICANT & PROPERTY INFORMATION

The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

Property Owner: KCBC, LLC Phone: 512-439-8628

Email: [REDACTED]

Address: 1221 S Mopac Expressway City: Austin State: TX Zip: 78704

Agent*: Peter Narvarte Phone: 512-563-6707

Email: [REDACTED]

Address: 701 South Lamar Suite C City: Austin State: TX Zip: 78704

Property Address: 3423 Bee Cave Rd City: West Lake Hills State: TX Zip: 78746

Property Information

Subdivision Name: Keene Brodie Phase 3

Block: _____ Lot: 2B TCAD Tax Parcel ID: 107838

Current Zoning Classification: B-1 Total Lot Size (Acres): 6.2301

***Please submit Power of Attorney form designating authorized agent.**

PROJECT INFORMATION

Please list all variances being applied for: (Please be detailed-for tree variances, must include tree #, size, species; setback variances-which setback and how far is requested encroachment; for height specify how much height being requested; etc.)

- 1) Impervious Cover (within the incentives allowed by WLH Code)
- 2) Height (within the incentives allowed by WLH Code)
- 3) Tree Removal above 14-inch diameter
- 4) Encroaching into the 5-foot Vegetative Buffer to the West along the entrance drive
- 5) Cut and Fill



VARIANCE APPLICATION

- 6) _____
7) _____
8) _____
9) _____
10) _____

Brief Description of project/why variances are needed: _____

We have a site zoned for B-1 Commercial development. This site has steep topography requiring us to be creative with location of the Project. This is our second approach with a more modest development. We have tried to address comments from ZAPCO, Council, and the Community regarding Safety, Height, Impervious Cover, Scale, Drainage, and site lines to the neighborhood.

Variance Questionnaire *(Applicant must demonstrate a hardship for variance request. The ZAPCO Commissioners, Board of Adjustment/City Council consider these responses when evaluating your application.)*

1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.

The steep topography is preventing a traditional design while balancing impervious cover, trees, parking, height, and access/egress.

2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?

Responded to in the letter for each Variance

3) What other alternatives have you considered? Why won't those other options alleviate the difficulty or hardship that you think exists?

Responded to in the letter for each Variance

4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?

Responded to in the letter for each Variance



VARIANCE APPLICATION

5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?

Responded to in the letter for each Variance

6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?

Responded to in the letter for each Variance

AUTHORIZATION & ACKNOWLEDGEMENT

The above information is true to the best of my knowledge. I attest that the real property described is owned by me and all others as signed below. If the below is signed by the authorized agent of said property, the signature of the property owner must be included below or consent must be attached (Power of Attorney Form).

Peter Narvarte

Digitally signed by Peter Narvarte
DN: cn=Pete, o=Central Axis in Management Group, ou=Central Axis in Management Group, email=p.narvarte@centralaxis.com, c=US
Reason: I attest to the accuracy and integrity of this document
Contact info: 512-265-8707
DN W 2021.05.05 17:23:17-0500

Signature

Date

Pete Narvarte

Printed Name



VARIANCE APPLICATION

APPLICATION CHECKLIST

Zoning Change Application Checklist

- ☒ Completed, signed application
- ☒ Power of Attorney form, if applicable
- ☒ Proof of ownership of subject property
- ☒ Completed Variance Hardship Questionnaire
- ☐ Letter addressed to ZAPCO Chairperson explaining zoning change request and proposed use
- ☒ Property survey
- ☒ Proposed site plan with building setbacks clearly labeled
- ☒ Building elevations, if applicable
- ☒ Tree and topo survey, if applicable
- ☒ Preliminary plans for proposed project (pool plans, building plans, fence design, etc.)
- ☒ Photos of property showing existing conditions (for tree variances, include photos of proposed variance trees)
- ☐ Letters/emails of support from neighbors, if able to obtain
- ☐ Payment of application fees (*refer to Appendix A: Fee Schedule in the Code of Ordinances for current fees. Fees are due upfront with application.*)
- ☐ Other relevant information, as determined necessary by staff (for example, if variance is for cut/fill/retaining wall, you may be requested to provide a drainage report)

Variance Process and Information

- City staff will prepare public notification letters and will provide you a public notice sign to place on the property. You will be notified when the public notice sign is available to be picked-up.
- If you want to see example variance applications, please see the Agenda page on the City website at <https://www.westlakehills.org/> to view the latest ZAPCO, Council and BOA packets
- All variance applications are first considered by the Zoning and Planning Commission (ZAPCO), which is an advisory commission only. Final action is then determined by either City Council or Board of Adjustment, depending on the type of variance being requested.
- Agenda packets are digital and posted on the website the Friday prior to the meeting by 5pm. Staff will send you a meeting reminder email after the agenda and packet are posted.
- Applicants or a designated representative are required to attend/speak at each public hearing; otherwise you will risk postponement or denial for no-show. Applicants should keep remarks brief and the typical time allotment is 5 minutes for ZAPCO and 5 – 10 minutes for City Council/BOA.
- Please note ZAPCO is an advisory commission only – final action must be taken by City Council or BOA, depending on the type of variance. If ZAPCO recommends denial, you can still move forward to City Council/BOA unless you decide to withdraw or postpone your variance request.
- If City Council/BOA denies your variance, you have to wait one year before you can reapply for the same variance.
- If approved by City Council/BOA, variances expire within one year of the approval date if a permit application has not been filed to perform the scope of work related to the variance.



VARIANCE APPLICATION

STAFF NOTES

For Completion by Staff Only

Date public notification letters mailed: _____

Date of ZAPCO Meeting: _____

ZAPCO Recommendation: _____

Date of City Council/BOA Meeting: _____

City Council/BOA

Action: _____

Notes:



SPECIAL POWER OF ATTORNEY FORM

KNOW ALL PERSONS BY THIS DOCUMENT that I, Mitchell Johnson, KCB LLC
have made, constituted and appointed Peter Narvarte
to be my duly authorized representative in connection with an application dated 12/4/2020
to be heard by the Building Design Committee, Zoning & Planning Commission, and City
Council/Board of Adjustment of the City of West Lake Hills, Texas. All representations, whether
oral or written, made by the representative in support of the request have the full force and effect
of the applicant's approval. I do by this document constitute the above named representative as
my true and lawful attorney-in-fact to act in my name, place and stead, to do and perform any act
in connection with such application which I myself might perform or do if I was personally present.

Mitchell Johnson
Property Owner/Applicant Name

Mitchell Johnson
Property Owner/Applicant Signature

Mailing:

1221 S. Mopac Expy.
Street Address

Austin
City

TX
State

78746
Zip Code

Property:

3423 Bee Cave Rd.

Austin

TX

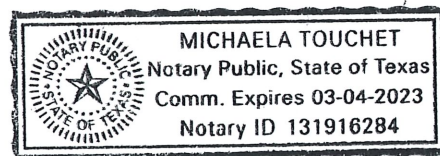
78746

512-439-8628

Property Owner/Applicant Phone Number

This instrument was acknowledged before me on this the 3rd day of Dec, 20 20.

Michaela Touchet
Notary Public in and for the State of Texas



June 9, 2021 (Resubmittal)

Chairman Robert Meisel
Westlake Zoning and Planning Commission
911 Westlake Drive
West Lake Hills, Texas 78746

Dear Mr. Chairman,

We represent a group of West Lake Hills physicians interested in purchasing and developing a permanent location in Westlake for their longstanding medical/dental practices. Drs. Vincent Cavaretta, Randy Kunik, Juan Vesga and David Yu have decades of experience serving the West Lake Hills community and will be partners in this project.

We presented to ZAPCO in March 2021 and were denied because we did not define a hardship. We also presented to Council in April. Our hardship for this proposed development is primarily the existing topography. Secondary hardship is maintaining parking agreements on site that support commercial businesses at 3425 Bee Caves and Sway.

In April we listened to the concerns raised by the Community and Council regarding scale, height, drainage, safety, and site lines and have revised our location and massing to better address those issues. Our current proposal is to take a more modest approach to our previous design with regard to height, location, and site lines. This letter attempts to answer the Variance Questions for each requested Variance. Below are the variances requested:

- **Cut and Fill** [Sec. 22.03.170]
- **Impervious Cover** [Sec. 22.03.281_III.(a)(i)]
- **Setbacks** [Sec. 22.03.249]
- **Removal of Trees** [Sec. 22.03.303-305]
- **Height of Building** [Sec. 22.03.278-280]

Thank you for taking the time to consider these requests.

Sincerely,

Peter Narvarte,
Vice President of Development
Central Austin Management Group
www.causmg.com // 512-563-6707

Encl:

- Variance Application [*December 2020 form*]
- Application Checklist Items

3423 Bee Cave Road – Variance Request Exhibit

Below is the list of 5 (five) requested variances:

1. Cut and Fill Variance [Sec. 22.03.170]

We request an increase of the cut/fill limits in the Code of Ordinances Sec. 22.03.170 Site disturbance (excavation, grading or filling), and the Drainage and Erosion Control Design Manual, Section 7.4.1 to allow 7-8 feet of cut and fill including retaining walls:

- 1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.
 - *With the existing topography and the resulting slopes, strict adherence to the cut/fill limits would eliminate the usability of this site. A 7-8 foot cut and fill is requested for the proposed buildings, drive aisles, parking and retaining walls to protect improvements and trees to the greatest extent possible. Currently, spalling asphalt due to existing slopes affect proposed and existing fire protection and parking for this site and our proposal attempts to correct and protect these issues.*
- 2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?
 - *The Cut/Fill variance will allow a greater use of flat areas without resulting in new slopes on grade changes that may unnecessarily remove existing vegetation.*
- 3) What other alternatives have you considered? Why won't those other options alleviate the difficulty or hardship that you think exists?
 - *Other alternatives included grading on slopes which will result in removal of existing vegetation, including the existing 100'+ vegetative site buffer that exists today between this development and the neighbors to the south. We believe this vegetation to be an asset for the neighbors and the tenants.*
- 4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?
 - *The increased cut/fill limits are the minimum departure from Code possible for topography on this site. Care will be taken to minimize conditions where the design approaches those limits outside the building envelope.*
- 5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?
 - *The increased cut/fill limits are the minimum departure from Code possible for topography on this site. The areas of cut and fill are designed to merge into the existing topography, not deviate from it. Retaining Walls will be implemented to minimize the areas of increased cuts and fills.*
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 - *The topography and southern vegetative buffer of this site will preclude the effects of the cut/fill variance from being a nuisance to the neighbors. It has been requested so that, when the neighbors use the services intended for this office building, they may safely and comfortably drive, park, and walk into the proposed medical offices.*

To the greatest extent possible, great care has been taken to layout the drives, parking and buildings along natural contour lines while minimizing destruction of flora. In order to achieve that goal, the proposed development will need to convey the existing drainage way via a sufficiently sized pipe system beneath the building and the parking area as shown. The existing drainage way has existing slopes exceeding 35% and a variance will be required to fill in this drainage to construct the piped system. We propose a variance to the Drainage and Erosion Control Design Manual, Section 7.4.1 - CUT/FILL LIMITS, to allow a maximum of 8' of fill and 8' of cut, regardless of slope category, to facilitate design and construction of a building with parking area at drivable grades while accommodating parking area of the proposed Medical Office building. Please note that stormwater will be conveyed to the existing pond, maintaining the current drainage pattern.

2. **Impervious Cover** [Sec. 22.03.281.III.(a)(i)]

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- 6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?
 - *The impervious cover proposed will be situated 100 feet from residential properties and drainage improvements for all impervious cover will be required to attenuate all resulting immediate downstream flowrate increases from that impervious cover.*

3. **Vegetative Setback** [Sec. 22.03.249]

We request a decrease of the property line vegetative setback limits in the Code of Ordinances Sec. 22.03.249 (Driveway, parking and loading area setbacks) to allow a small area to have zero feet setback as requested along the property line with 3425 Bee Cave Rd. We have addressed this with Brian Rogers who is the owner of the property and he supports our request.

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- 2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?
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- 3) What other alternatives have you considered? Why won't those other options alleviate the difficulty or hardship that you think exists?
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 - *The goals in the zoning ordinance were to protect one landowner from imposing on another. The landowner adjacent to the area of the setback request is amenable to the change and is not imposed upon. Additionally, this allows us to keep the existing parking agreements with neighboring properties in place.*
- 6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?
 - *The landowner adjacent to the area of the setback request is amenable to the change and is not imposed upon.*

4. **Removal of Trees** [Sec. 22.03.303-305]

We request a variance to remove trees as described in the in the Code of Ordinances Sec. 22.03.304(d)(4)(A)(iv) (Tree and vegetation removal and replacement). We have attached a tree survey that has identified over 1,400 trees on site. The ordinance requires a variance from Council to remove trees over 14-inches in diameter. We are asking to remove eight (8) trees: Tree #5055 (16" Live Oak), #5140 (15" Live Oak), #5143 (14" Live Oak), #5373 (14" Cedar), #5374 (15" Live Oak), #5385 (15" Cedar), #5540 (21" Live Oak), and #5548 (15" Cedar).

- 1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.
 - *With the existing topography, the easement locations, the drainage area, and the existing buildings on site limit the location for development. The building location provides for the minimal removal of large trees for the use intended.*
- 2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?
 - *The considerable portion of the trees to be removed are cedars. We are attempting to save any trees among the ones listed that are on the edge of the area of impact of the building and adjacent parking. We will adhere to the code for replacement, replanting where possible, and fee in lieu of if necessary.*
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 - *Our previous proposal requested fewer trees removed. For this proposed location we did reorient the building to a location that preserves some larger trees.*
- 5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?
 - *The intent of the zoning ordinance was written to preserve large trees for the enjoyment of the landowner and the neighbors. None of the trees proposed to be removed can be seen by the residential lots to the south of the site.*
- 6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?
 - *The removed trees will increase the use of the lot by the landowner. None of the trees proposed to be removed can be seen by the residential lots to the south of the site. A vegetative buffer will remain in place after the construction of the proposed development ranging from 105 feet to the property directly to the north and up to 300-feet to the property to the South.*

5. **Height of Building** [Sec. 22.03.278-280]

We request a variance for the height of the structure as required by 22.03.279 and 22.03.281 which states that we are allowed to build up to 30-feet in height y right for a B-1 zoned commercial building. We intend to comply with items 1-5 of height adjustments listed in Section 22.03.281 VIII (a) which would allow Council to approve an additional 7-foot height variance from natural grade. If these incentives were to be granted by Council then our building height would be entirely below this 37' feet height above natural grade. Our current proposal is responding to Council/Community comments regarding scale, height, location, and site lines.

- To respond to the concern of appropriate scale, we have reduced the overall square footage to 20,000sf which is split between two floors.
- To respond to the concern of height we are proposing a structure that has a second floor that steps back from the first floor footprint to manage the steep slope and keep a usable footprint on the second floor. This step back and reduced scale has allowed us to reduce the request for variance in height.
- To respond to location and safety, we pushed the entirety of the building to the west side of the property to separate construction traffic and doctor parking from the schools.

- To respond to site lines of employees and clients as well as light shining into back yards and homes we have configured the building in such a way that the short side of the building points to the residential neighborhood. This will allow us to have a clerestory façade on the south side that prevent clients from looking to the south. In the areas on the west and east, the architect will be able to use shading devices to prevent site lines to the south. We still believe that practically this will not be an issue we have responded with our design in an effort to address concerns from the Community.
- 1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.
 - *The proposed location is attempting to balance the topography with the impervious cover, the cut/fill, and the height variances. If we are allowed the incentives for an additional 7-feet then the building would be below this 37-foot limit in every location.*
 - 2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?
 - *We have described the disruption in the other variance requests. Allowing the building location and cut/fill variances will allow us to create some areas for additional flora and fauna.*
 - 3) What other alternatives have you considered? Why won't those other options alleviate the difficulty or hardship that you think exists?
 - *We previously proposed a different location that requested a height variance that was too much for the Council and the Community to support. We have also explored other locations on the site but they compromise either proximity to schools, proximity to COA residents, and too much height above what is allowed.*
 - 4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?
 - *All of the other locations explored and proposed cause for less tolerable conditions as mentioned above.*
 - 5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?
 - *This is a B-1 Zoned property which encourages commercial building. We have not asked for a larger footprint than Code requires and would add a 3rd building to our site. This building would be a Class-A medical office and would be designed in accordance with WLH code and comprehensive plan.*
 - 6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?
 - *The orientation and scale of the proposed building responds to concerns from tenants on this property and community members and council members. We are moving the construction and future traffic to the west side of the property, we are directing the short side of the building to the south so that we may control site lines with design elements. We have tried to keep the building central to the site. We have the support of two property owners to the north and will try to meet with neighbors to discuss their concerns with this new plan and explain how we have tried to address their previous concerns.*

~~June 9, 2021 (Resubmittal)~~ **July 13, 2021 (Updated)**

Chairman Robert Meisel
Westlake Zoning and Planning Commission
911 Westlake Drive
West Lake Hills, Texas 78746

Dear Mr. Chairman,

We represent a group of West Lake Hills physicians interested in purchasing and developing a permanent location in Westlake for their longstanding medical/dental practices. Drs. Vincent Cavaretta, Randy Kunik, Juan Vesga and David Yu have decades of experience serving the West Lake Hills community and will be partners in this project.

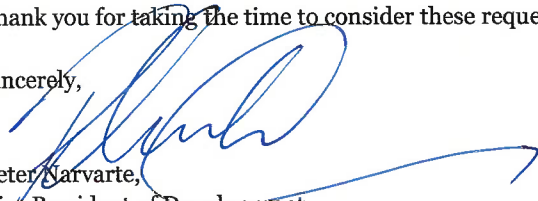
We presented to ZAPCO in March 2021 and were denied because we did not define a hardship. We also presented to Council in April. Our hardship for this proposed development is primarily the existing topography. Secondary hardship is maintaining parking agreements on site that support commercial businesses at 3425 Bee Caves and Sway.

In April we listened to the concerns raised by the Community and Council regarding scale, height, drainage, safety, and site lines and have revised our location and massing to better address those issues. Our current proposal is to take a more modest approach to our previous design with regard to height, location, and site lines. This letter attempts to answer the Variance Questions for each requested Variance. Below are the variances requested:

- **Cut and Fill** [Sec. 22.03.170]
- **Impervious Cover** [Sec. 22.03.281_III.(a)(i)]
- **Setbacks** [Sec. 22.03.249]
- **Removal of Trees** [Sec. 22.03.303-305] - **UPDATED**
- **Height of Building** [Sec. 22.03.278-280]

Thank you for taking the time to consider these requests.

Sincerely,



Peter Narvarte,
Vice President of Development
Central Austin Management Group
www.causmg.com // 512-563-6707

Encl:

- Variance Application [*December 2020 form*]
- Application Checklist Items

3423 Bee Cave Road – Variance Request Exhibit

Below is the list of 5 (five) requested variances:

1. Cut and Fill Variance [Sec. 22.03.170]

We request an increase of the cut/fill limits in the Code of Ordinances Sec. 22.03.170 Site disturbance (excavation, grading or filling), and the Drainage and Erosion Control Design Manual, Section 7.4.1 to allow 7-8 feet of cut and fill including retaining walls:

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To the greatest extent possible, great care has been taken to layout the drives, parking and buildings along natural contour lines while minimizing destruction of flora. In order to achieve that goal, the proposed development will need to convey the existing drainage way via a sufficiently sized pipe system beneath the building and the parking area as shown. The existing drainage way has existing slopes exceeding 35% and a variance will be required to fill in this drainage to construct the piped system. We propose a variance to the Drainage and Erosion Control Design Manual, Section 7.4.1 - CUT/FILL LIMITS, to allow a maximum of 8' of fill and 8' of cut, regardless of slope category, to facilitate design and construction of a building with parking area at drivable grades while accommodating parking area of the proposed Medical Office building. Please note that stormwater will be conveyed to the existing pond, maintaining the current drainage pattern.

July 13
June 9, 2021 ZAPCO letter

2. Impervious Cover [Sec. 22.03.281.III.(a)(i)]

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UPDATE 7/13/21:

- *See Attached Exhibit called "CAMG 3423 Bee Cave Tree Report" containing the report from Arborist Tree Mann Solutions LLC regarding the eight (8) trees that we originally asked for removal. We are adjusting our site parking and proposed decking to keep 2 live oaks 5055 and 5540. The adjusted site parking plan is also attached to reflect how we plan to keep 5055.*

5. Height of Building [Sec. 22.03.278-280]

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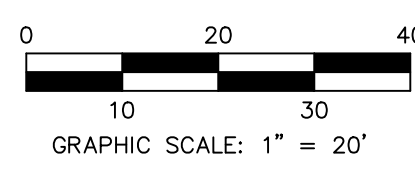
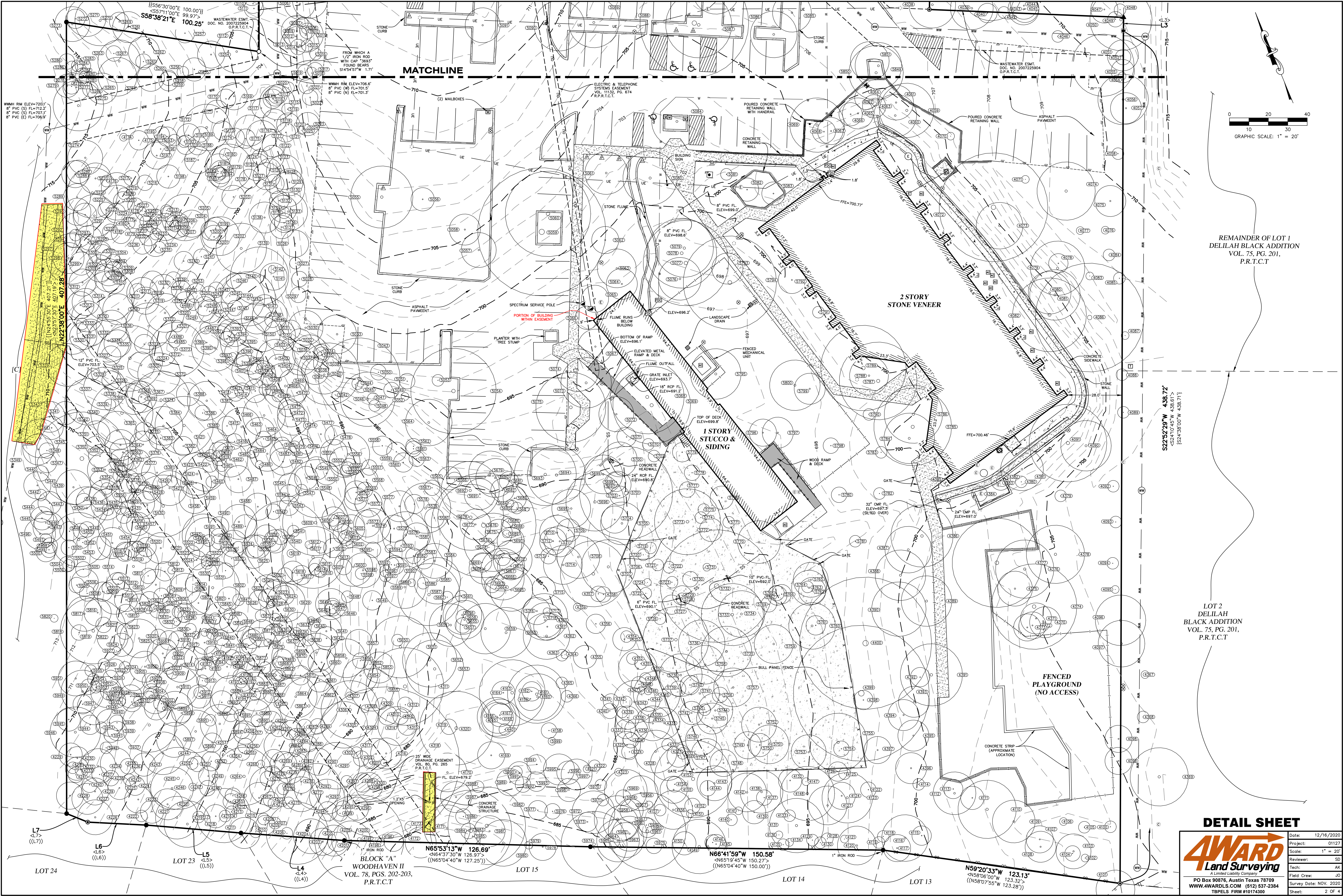
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- To respond to the concern of height we are proposing a structure that has a second floor that steps back from the first floor footprint to manage the steep slope and keep a usable footprint on the sec-

ond floor. This step back and reduced scale has allowed us to reduce the request for variance in height.

- To respond to location and safety, we pushed the entirety of the building to the west side of the property to separate construction traffic and doctor parking from the schools.
 - To respond to site lines of employees and clients as well as light shining into back yards and homes we have configured the building in such a way that the short side of the building points to the residential neighborhood. This will allow us to have a clerestory façade on the south side that prevent clients from looking to the south. In the areas on the west and east, the architect will be able to use shading devices to prevent site lines to the south. We still believe that practically this will not be an issue we have responded with our design in an effort to address concerns from the Community.
- 1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.
 - *The proposed location is attempting to balance the topography with the impervious cover, the cut/fill, and the height variances. If we are allowed the incentives for an additional 7-feet then the building would be below this 37-foot limit in every location.*
 - 2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?
 - *We have described the disruption in the other variance requests. Allowing the building location and cut/fill variances will allow us to create some areas for additional flora and fauna.*
 - 3) What other alternatives have you considered? Why won't those other options alleviate the difficulty or hardship that you think exists?
 - *We previously proposed a different location that requested a height variance that was too much for the Council and the Community to support. We have also explored other locations on the site but they compromise either proximity to schools, proximity to COA residents, and too much height above what is allowed.*
 - 4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?
 - *All of the other locations explored and proposed cause for less tolerable conditions as mentioned above.*
 - 5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?
 - *This is a B-1 Zoned property which encourages commercial building. We have not asked for a larger footprint than Code requires and would add a 3rd building to our site. This building would be a Class-A medical office and would be designed in accordance with WLH code and comprehensive plan.*
 - 6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?
 - *The orientation and scale of the proposed building responds to concerns from tenants on this property and community members and council members. We are moving the construction and future traffic to the west side of the property, we are directing the short side of the building to the south so that we may control site lines with design elements. We have tried to keep the building central to the site. We have the support of two property owners to the north and will try to meet with neighbors to discuss their concerns with this new plan and explain how we have tried to address their previous concerns.*

UPDATE 7/13/21:

- *See Attached Exhibit called "210709_3423 Bee Cave_topo Ex" reflecting a side by side comparison of a flat lot versus the lot we are proposing. This is intended to show our hardship of topography as well as show how we are adjusting the building massing to accommodate the slope. To get completely under the 30' height from natural grade we would have to lower the building or push it back into the slope (which would also lower the building). We are backed up to easements/setbacks on the west side so we cannot push the footprint further west. If we were to lower the building any more, we would be battling flooding issues on the ground floor.*



REMAINDER OF LOT 1
DELLAH BLACK ADDITION
VOL. 75, PG. 201,
P.R.T.C.T.

S22°52'29\"/>

LOT 2
DELLAH
BLACK ADDITION
VOL. 75, PG. 201,
P.R.T.C.T.

DETAIL SHEET

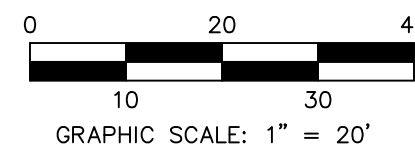


PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TPELS FIRM #10174300

Date:	12/16/2020
Project:	01127
Scale:	1" = 20'
Reviewer:	SD
Tech:	AK
Field Crew:	JO
Survey Date:	NOV. 2020
Sheet:	2 OF 4

SURVEY CONTROL POINT
GRID N: 10,073,468.54
GRID E: 3,094,892.92
ELEV.= 728.24'

RANCH TO MARKET ROAD 2244
(A.K.A. BEE CAVE ROAD)
(R.O.W. WIDTH VARIES)



REMAINDER
OF LOT 1
BEN ATWELL
ADDITION
VOL. 82, PG. 38
P.R.T.C.T.
OWNER: OFLP I LTD.
DOC. NO. 2005182002
O.P.R.T.C.T.

REMAINDER OF LOT 3
BRODIE KEENE
SUBDIVISION,
PHASE THREE
VOL. 80, PG. 265-266
P.R.T.C.T.
OWNER: TON HEIN HUYNH
VOL. 10681, PG. 46,
R.P.R.T.C.T.

REMAINDER OF LOT 1
BRODIE KEENE
SUBDIVISION
VOL. 65, PG. 60,
P.R.T.C.T.
OWNER: BEE CAVE
CENTER, LLC
DOC. NO. 2011095274,
O.P.R.T.C.T.

REMAINDER OF LOT 1
DELILAH BLACK ADDITION
VOL. 75, PG. 201, P.R.T.C.T.
OWNER: 3355 BEE CAVE ROAD, LTD.
VOL. 11446, PG. 1341, R.P.R.T.C.T.

DETAIL SHEET

4WARD
Land Surveying
A Limited Liability Company
PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TPELS FIRM #10174300

Date: 12/16/2020
Project: 01127
Scale: 1" = 20'
Reviewer: SD
Tech: AK
Field Crew: JO
Survey Date: NOV. 2020
Sheet: 3 OF 4
P:\01127\04\01127.dwg

167

ARDLS.COM (512)
TBPELS FIRM #1017

65



3423 Bee Caves Road

Height Adjustment Update

Contact

Client

Location

Date

Image

Michael Hsu
Office Of Architecture

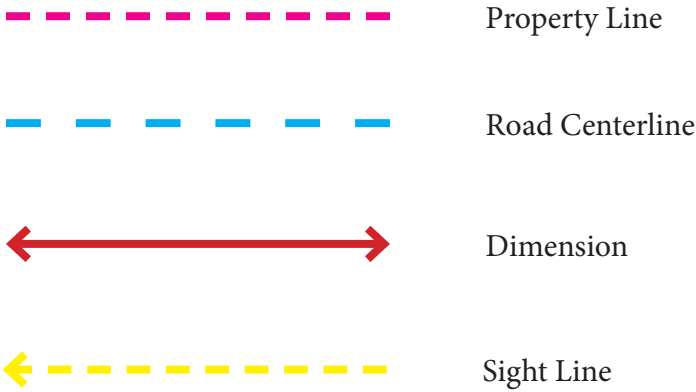
4910 Burnet Road
Austin, Texas 78756
(512) 706.4303

3423 Bee Caves Road

Austin, Texas

9 June 2021

Cover Page



Contact

Client

Location

Date

Image

Michael Hsu
Office Of Architecture

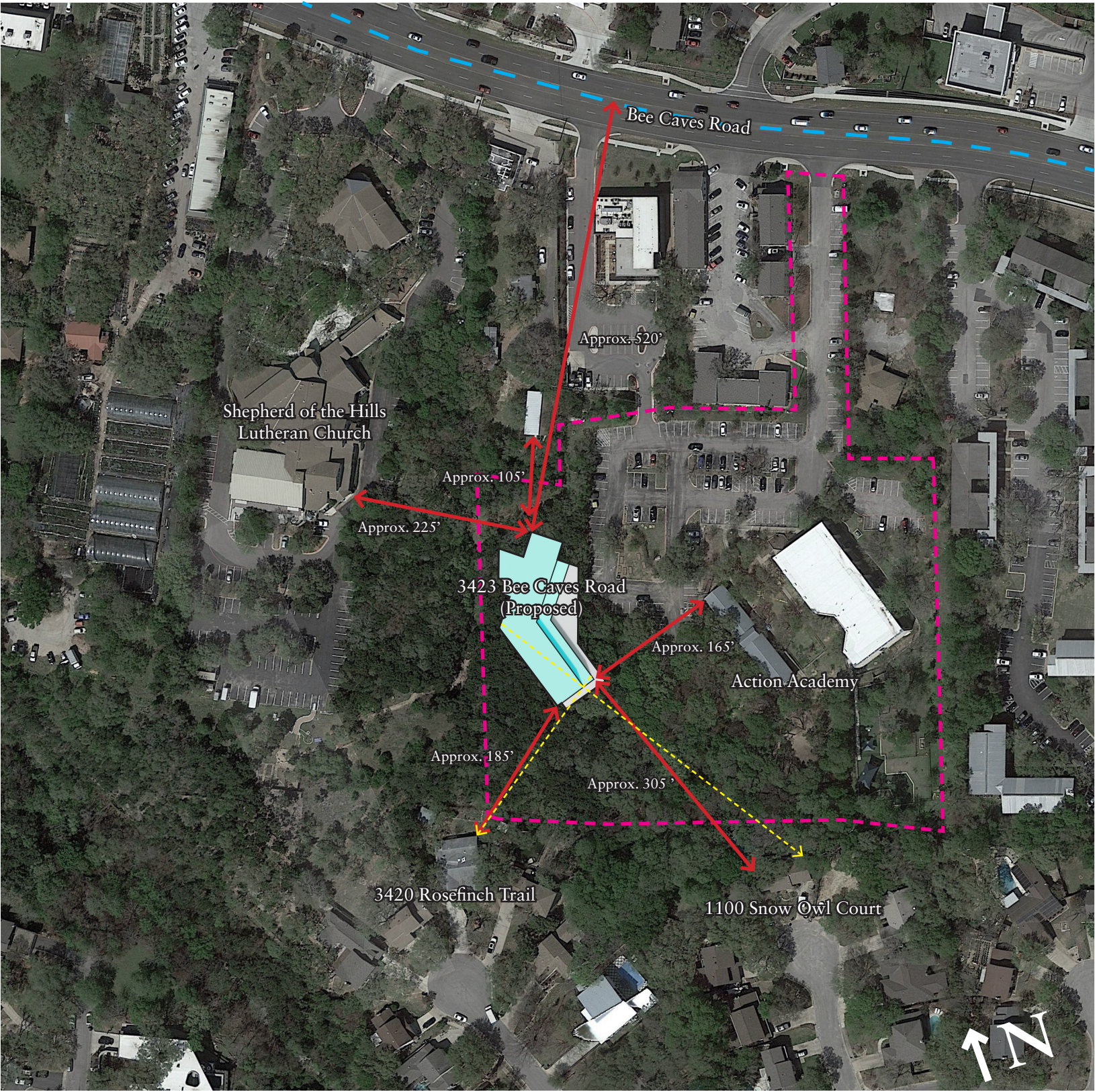
4910 Burnet Road
Austin, Texas 78756
(512) 706.4303

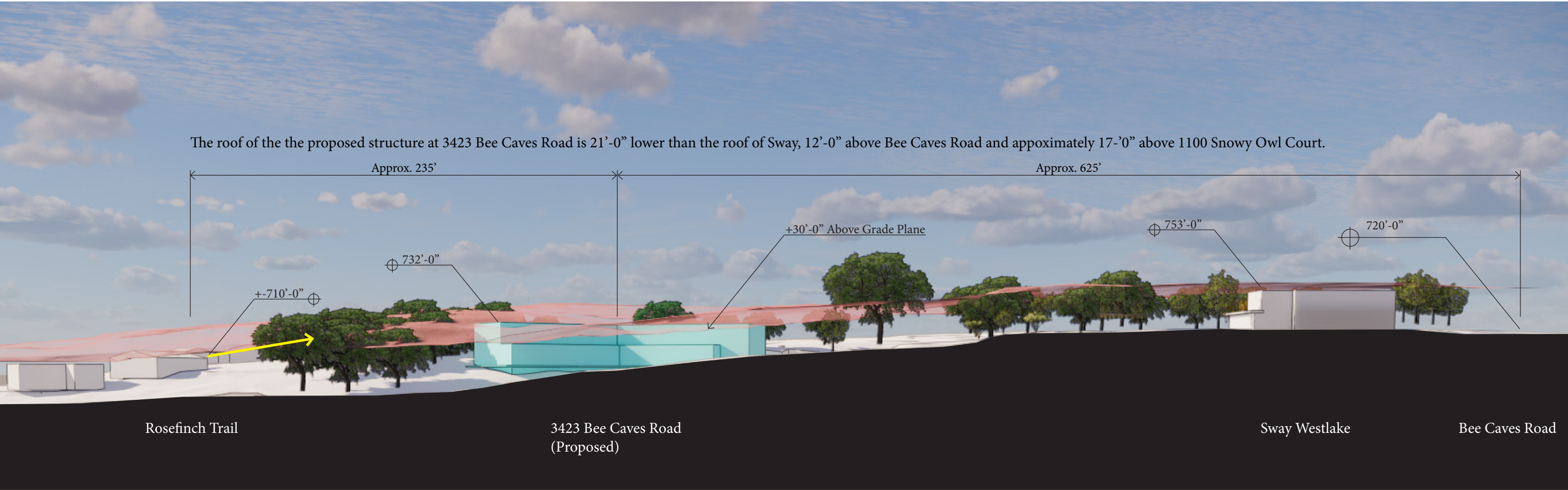
3423 Bee Caves Road

Austin, Texas

9 June 2021

Vicinity Map





Contact

Client

Location

Date

Image

Michael Hsu
Office Of Architecture

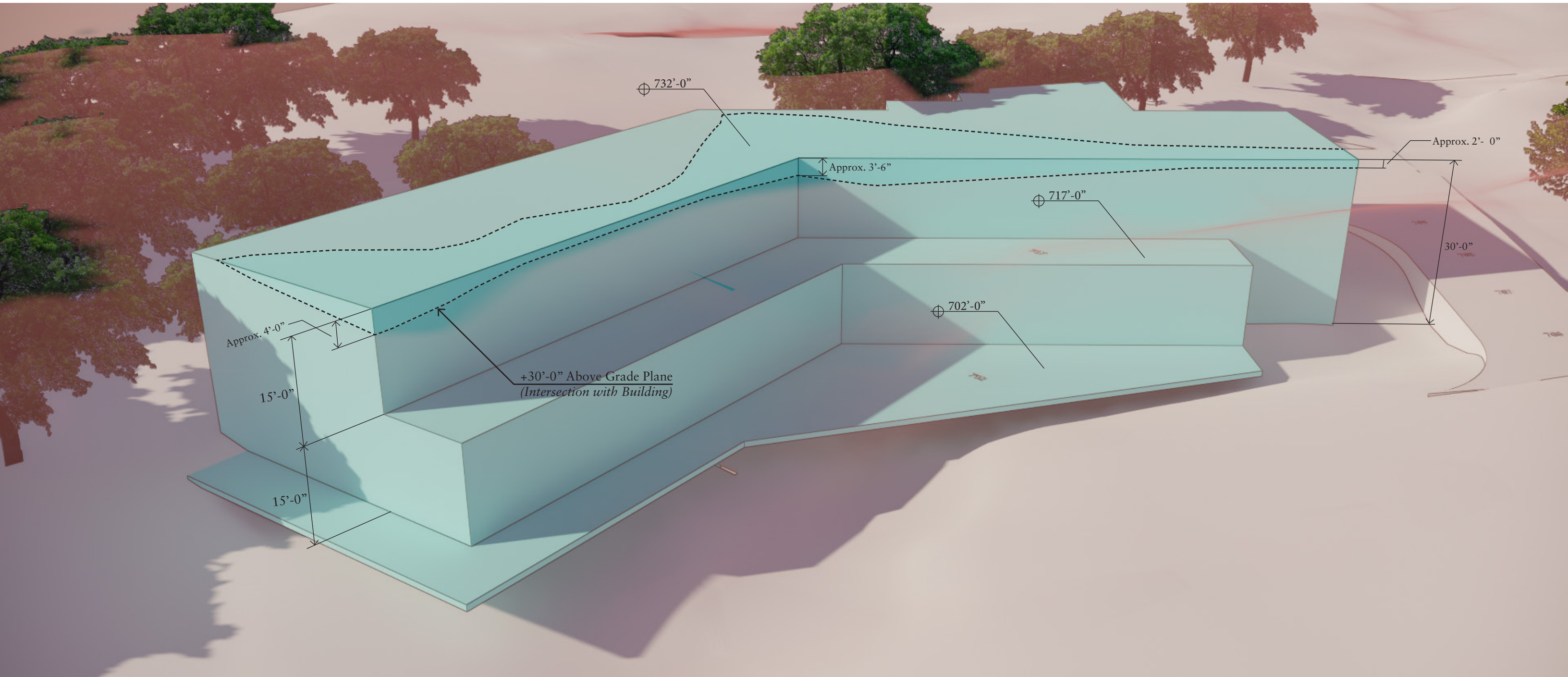
4910 Burnet Road
Austin, Texas 78756
(512) 706.4303

3423 Bee Caves Road

Austin, Texas

9 June 2021

Site Section



Contact

Client

Location

Date

Image

Michael Hsu
Office Of Architecture

4910 Burnet Road
Austin, Texas 78756
(512) 706.4303

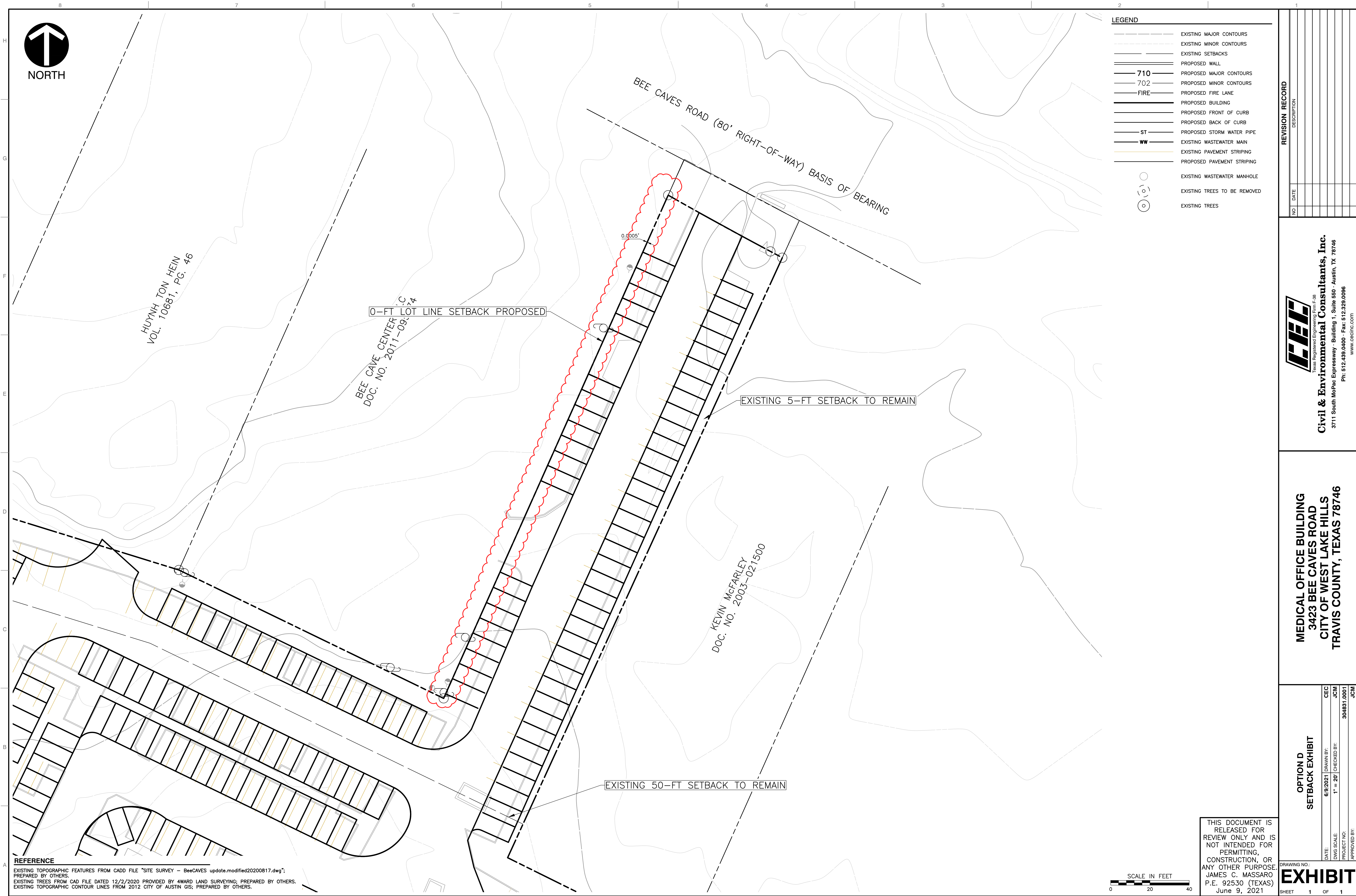
3423 Bee Caves Road

Austin, Texas

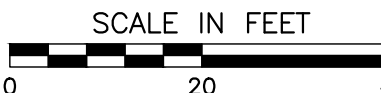
9 June 2021

Aerial View

A:\300-2001\304-831\CAD\DWG\CV02-PrelimEngineering\304831-CV02-PrelimEngineering.dwg - SETBACK.dwg(5/24/2021 15:09:20) - LP: 6/9/2021 4:50 PM



REFERENCE
EXISTING TOPOGRAPHIC FEATURES FROM CADD FILE "SITE SURVEY - BeeCAVES update.modified20200817.dwg";
PREPARED BY OTHERS.
EXISTING TREES FROM CAD FILE DATED 12/2/2020 PROVIDED BY 4WARD LAND SURVEYING; PREPARED BY OTHERS.
EXISTING TOPOGRAPHIC CONTOUR LINES FROM 2012 CITY OF AUSTIN GIS; PREPARED BY OTHERS.



THIS DOCUMENT IS
RELEASED FOR
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PERMITTING,
CONSTRUCTION, OR
ANY OTHER PURPOSE.
JAMES C. MASSARO
P.E. 92530 (TEXAS)
June 9, 2021

DRAWING NO.:		CEC
DATE:		6/9/2021
DRAWN BY:		JCM
PROJECT NO.:		304831.0001
APPROVED BY:		JCM

MEDICAL OFFICE BUILDING
3423 BEE CAVES ROAD
CITY OF WEST LAKE HILLS
TRAVIS COUNTY, TEXAS 78746

Civil & Environmental Consultants, Inc.
3711 South MoPac Expressway - Building 1, Suite 550 - Austin, TX 78746
Ph: 512.439.0400 - Fax: 512.329.0096
www.cecinc.com

REVISION RECORD	
NO.	DATE

LEGEND	
	EXISTING MAJOR CONTOURS
	EXISTING MINOR CONTOURS
	EXISTING SETBACKS
	PROPOSED WALL
	PROPOSED MAJOR CONTOURS
	PROPOSED MINOR CONTOURS
	PROPOSED FIRE LANE
	PROPOSED BUILDING
	PROPOSED FRONT OF CURB
	PROPOSED BACK OF CURB
	PROPOSED STORM WATER PIPE
	EXISTING WASTEWATER MAIN
	EXISTING PAVEMENT STRIPING
	PROPOSED PAVEMENT STRIPING
	EXISTING WASTEWATER MANHOLE
	EXISTING TREES TO BE REMOVED
	EXISTING TREES

Peter Narvarte

From: Brian Rodgers [REDACTED]
Sent: Wednesday, April 7, 2021 6:50 AM
To: mayor@westlakehills.org; mayor@westlakehills.gov; wlhcc1@westlakehills.org; wlhcc1@westlakehills.gov; wlhcc2@westlakehills.org; wlhcc2@westlakehills.gov; wlhcc3@westlakehills.org; wlhcc3@westlakehills.gov; wlhcc4@westlakehills.org; wlhcc4@westlakehills.gov; wlhcc5@westlakehills.org; wlhcc5@westlakehills.gov
Cc: Anjali Naini; 'Mark pzsec'; smills@westlakehills.org; smills@westlakehills.gov
Subject: New Dental Office Project at 3421 Bee Caves Road

[External Email]

Use caution before opening links or attachments.

- Helpdesk

Dear Mayor and City Council,

Thirty years ago I purchased the Bee Cave Center at 3425 Bee Caves Road with my business partner, Kevin Reichle. The Bee Cave Center would be the most affected from the proposed dental practice building, and we fully support the project on the six acres behind us.

We believe in supporting local businesses and local owners. Over the years we have had three exemplary and considerate neighbors, from The Westlake Bible Church to Matt Mathias to the Keller group. We hope that this will continue with the addition of the dental and oral surgery building, whose responsible doctors have helped thousands of our friends and neighbors over the years, including Kevin's own two sons, now grown men.

New project opposition usually turns to complaints about traffic. I can tell you that we are very happy and relieved that a substantial amount of additional parking will be included. Our concerns have been that a developer would build an office building and use every existing space to meet parking criteria which would fully congest the drive lanes with both cars and pedestrians. With the proposed project, the layout offers a continuation of the relaxed campus feel, only achieved by allowing the height variance. If this project is voted down, we could fully expect a jammed and crammed operator given the increasing price of land, and the potential loss of the educational facilities from market rent pressure. With the proposed project, the tenant status is maintained and the acres of greenbelt protected.

We met with the principals of the project and know that any traffic safety concerns will be met with an assortment of traffic calming measures. It is not an issue for us. Our tenants will benefit from the additional customer base.

This project has our full support. We hope you vote in its favor and welcome them and their project.

Thank you,

Brian Rodgers
Logan Reichle
Landon Reichle

Owners, Bee Cave Center

Peter Narvarte

From: Patrick Jeffers [REDACTED]
Sent: Friday, March 12, 2021 12:03 PM
To: zapco@westlakehills.org; zapco@westlakehills.gov; anaini@westlakehills.org; Mark Littrell; pzsec@westlakehills.gov
Subject: 3423 Bee Caves Road

[External Email]

Use caution before opening links or attachments.

- Helpdesk

West Lake Hills City Council and Mayor,

As the Owner of Sway, the restaurant operating just to the north of this property, I am writing in support of the proposed development at 3423 Bee Caves Road. I feel that this building will be additive to the West Lake Hills community and harmonious with surrounding businesses, schools and residences.

Drs. Randy Kunik, Vincent Cavaretta, Juan Vesga and David Yu have practiced oral medicine in West Lake Hills for over 75 collective years. They have served our community as doctors, Eanes ISD parents and have supported West Lake Hills organizations and schools through volunteering and charitable giving. They currently practice right down the street and seek to build and invest in a permanent home for their businesses. This project is being designed specifically for them and they will occupy the majority of the new building.

Their use does not require visibility from Bee Caves Rd., and thus they have designed the building to be intentionally tucked away below the street to capture the treeline view from the site. There have been some references made to a three-story building, but in speaking with them, one of these "stories" is for their covered parking, which allows them to minimize surface parking and preserve green space. The new building's roofline will sit below that of our restaurant and will hardly be visible from Bee Cave Rd. The building is set back almost 250 feet (versus a allowable minimum of 40 feet) from the property line and is buffered by dense existing trees.

As a group of dentists with many young clients (including Randy's orthodontic practice), they see the proximity to our restaurant, the schools and youth-oriented businesses as beneficial to all. Acton, Primrose and Sandbox will continue to have access to enviable green space and circulation and parking on the site will be improved. Their practices are all appointment-based, which reduces traffic significantly in comparison with other potential occupants.

3423 Bee Caves is a rare 6+ acre site in desirable Westlake Hills. The proposed project, to be owned and occupied by this group of doctors, will preserve several acres of green space for decades to come. They are not looking to maximize rentable square footage with this plan and have proposed a new building that I believe is appropriately scaled to coexist nicely with the current landscape of tenants and businesses. As such, it is a plan that has my full support.

Thank you for your consideration.

Sincerely,

Patrick Jeffers

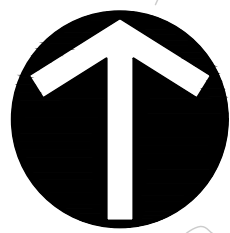
--

PATRICK JEFFERS
PARTNER

520 E OLTORF ST, AUSTIN, TX 78704
p (512)582-0844 | m (512)296-6324

[REDACTED]

NEWWATERLOO.COM



LEGEND

- EXISTING MAJOR CONTOURS
- EXISTING MINOR CONTOURS
- EXISTING SETBACKS
- EXISTING EASEMENT BOUNDARY
- PROPOSED WALL
- 710 PROPOSED MAJOR CONTOURS
- 702 PROPOSED MINOR CONTOURS
- FIRE PROPOSED FIRE LANE
- PROPOSED BUILDING
- PROPOSED FRONT OF CURB
- PROPOSED BACK OF CURB
- ST PROPOSED STORM WATER PIPE
- WW EXISTING WASTEWATER MAIN
- EXISTING PAVEMENT STRIPING
- PROPOSED PAVEMENT STRIPING
- DRAINAGE AREA BOUNDARY
- TIME OF CONCENTRATION (Tc) DRAINAGE AREA (DA)
- TIME OF CONCENTRATION (Tc) OFF SITE (OS) AREA

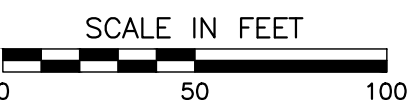
Time of Concentration (TR-55 method)						
Subbasin	Existing DA-01	Existing DA-02	Existing DA-03	Existing DA-04	Existing OS-01	Existing OS-02
Area sqft	59437.31	46630.28	37237.31	377129.43	117747.5	100628.32
Area ac.	1.36	1.07	0.85	8.66	2.70	2.31
Area sqmi	0.00213	0.00167	0.00134	0.01353	0.00422	0.00361
Impervious sqft	6383.24	7541.59	0.00	64062.66	65524.00	30189.00
Impervious %	11%	16%	0%	17%	56%	30%
Pervious Cn	75	75	75	75	75	75
Composite Cn	77	79	75	79	88	82
Sheet Flow						
Slope in/in	0.0100	0.0667	0.0350	0.0100	0.0200	0.0200
Length ft.	100	45	100	100	100	100
Roughness n	0.011	0.011	0.011	0.011	0.011	0.011
Time hr.	0.02	0.01	0.01	0.02	0.02	0.02
Shallow Concentrated						
Slope in/in	0.0306	0.0725	0.0703	0.0258	0.0240	0.0129
Length ft.	424.71	137.97	220.58	387.44	415.90	774.00
Paved? p/u	u	u	u	u	u	u
Time hr.	0.04	0.01	0.01	0.03	0.04	0.09
Channel Flow						
Slope in/in	0	0	0	0	0.01	0
Length ft.	0	0	0	0	101	0
Velocity fps	0	0	0	0	5	0
Time hr.	0.00	0.00	0.00	0.00	0.01	0.00
Summary						
Travel Time hr.	0.07	0.02	0.03	0.06	0.06	0.11
Tc min.	3.92	1.18	1.72	3.39	3.61	6.65
Lag Time min.	3.00	3.00	3.00	3.00	3.00	3.99

Time of Concentration (TR-55 method)				
Subbasin	Proposed DA-01	Proposed DA-02	Proposed DA-03	Proposed DA-04
Area sqft	59437.31	46630.28	37237.31	377129.43
Area ac.	1.36	1.07	0.85	8.66
Area sqmi	0.00213	0.00167	0.00134	0.01353
Impervious sqft	10939.41	26557.02	0.00	88233.63
Impervious %	18%	57%	0%	23%
Pervious Cn	75	75	75	75
Composite Cn	79	88	75	80
Sheet Flow				
Slope in/in	0.0100	0.0667	0.0350	0.0100
Length ft.	100	45	100	100
Roughness n	0.011	0.011	0.011	0.011
Time hr.	0.02	0.01	0.01	0.02
Shallow Concentrated				
Slope in/in	0.0379	0.0725	0.0703	0.0258
Length ft.	342.76	137.97	220.58	387.44
Paved? p/u	u	u	u	u
Time hr.	0.03	0.01	0.01	0.04
Channel Flow				
Slope in/in	0	0	0	0
Length ft.	0	0	0	0
Velocity fps	0	0	0	0
Time hr.	0.00	0.00	0.00	0.00
Summary				
Travel Time hr.	0.06	0.02	0.03	0.07
Tc min.	3.53	1.18	1.72	3.90
Lag Time min.	3.00	3.00	3.00	3.00

Notes:

1) Lag Times less than 3 min, are assumed to be 3 min, to correspond to a 5 minute minimum Time of Concentration.

2) Calculations are based upon aerial photography, topography, and field observation of the existing conditions.



REFERENCE

EXISTING TOPOGRAPHIC FEATURES FROM CADD FILE "SITE SURVEY - BeeCAVES update.modified20200817.dwg"; PREPARED BY OTHERS.

EXISTING TREES FROM CAD FILE DATED 12/2/2020 PROVIDED BY 4WARD LAND SURVEYING; PREPARED BY OTHERS.

EXISTING TOPOGRAPHIC CONTOUR LINES FROM 2012 CITY OF AUSTIN GIS; PREPARED BY OTHERS.

Civil & Environmental Consultants, Inc.

3711 South MoPac Expressway - Building 1, Suite 550 - Austin, TX 78746

Ph: 512.439.0400 - Fax: 512.329.0096

www.cecinc.com

MEDICAL OFFICE BUILDING

3423 BEE CAVES ROAD

CITY OF WEST LAKE HILLS

TRAVIS COUNTY, TEXAS 78746

OPTION D

DRAINAGE EXHIBIT

DATE: 6/9/2021 DRAWN BY: JCM

DWG SCALE: 1" = 50' CHECKED BY: JCM

PROJECT NO: 304831.001

APPROVED BY: JCM

DRAWING NO: **EXHIBIT**

SHEET 1 OF 1





HUYNH TON HEIN
VOL. 10681, PG. 46

0-FT LOT

0-FT LOT LINE SETBACK PROPOSED

BEE CAVES ROAD (80' RIGHT-OF-WAY) BASIS OF BEARING

EXISTING 5-FT SETBACK TO REMAIN

DOC. NO. 2003-021500
KEVIN MCFARLEY

EXISTING 50-FT SETBACK TO REMAIN

LEGEND

- | | |
|---|------------------------------|
|  | EXISTING MAJOR CONTOURS |
|  | EXISTING MINOR CONTOURS |
|  | EXISTING SETBACKS |
|  | PROPOSED WALL |
|  710 | PROPOSED MAJOR CONTOURS |
|  702 | PROPOSED MINOR CONTOURS |
|  FIRE | PROPOSED FIRE LANE |
|  | PROPOSED BUILDING |
|  | PROPOSED FRONT OF CURB |
|  | PROPOSED BACK OF CURB |
|  ST | PROPOSED STORM WATER PIPE |
|  WW | EXISTING WASTEWATER MAIN |
|  | EXISTING PAVEMENT STRIPING |
|  | PROPOSED PAVEMENT STRIPING |
|  | EXISTING WASTEWATER MANHOLE |
|  | EXISTING TREES TO BE REMOVED |
|  | EXISTING TREES |

[illegible]

CEC
Texas Registered Engineering Firm F-38

Civil & Environmental Consultants, Inc.

3711 South MoPac Expressway • Building 1, Suite 550 • Austin, TX 78746

PH: 512.439.0040 • FAX: 512.329.0096

www.cecinc.com

**MEDICAL OFFICE BUILDING
3423 BEE CAVES ROAD
CITY OF WEST LAKE HILLS
TRAVIS COUNTY, TEXAS 78746**

**OPTION D
SETBACK EXHIBIT**

DATE:	6/9/2021	DRAWN BY:	CEC
DWG SCALE:	1" = 20'	CHECKED BY:	JCM
PROJECT NO:	304831.0001		
APPROVED BY:	JCM		

DRAWING NO.

EXHIBIT

SHEET 1 OF 1

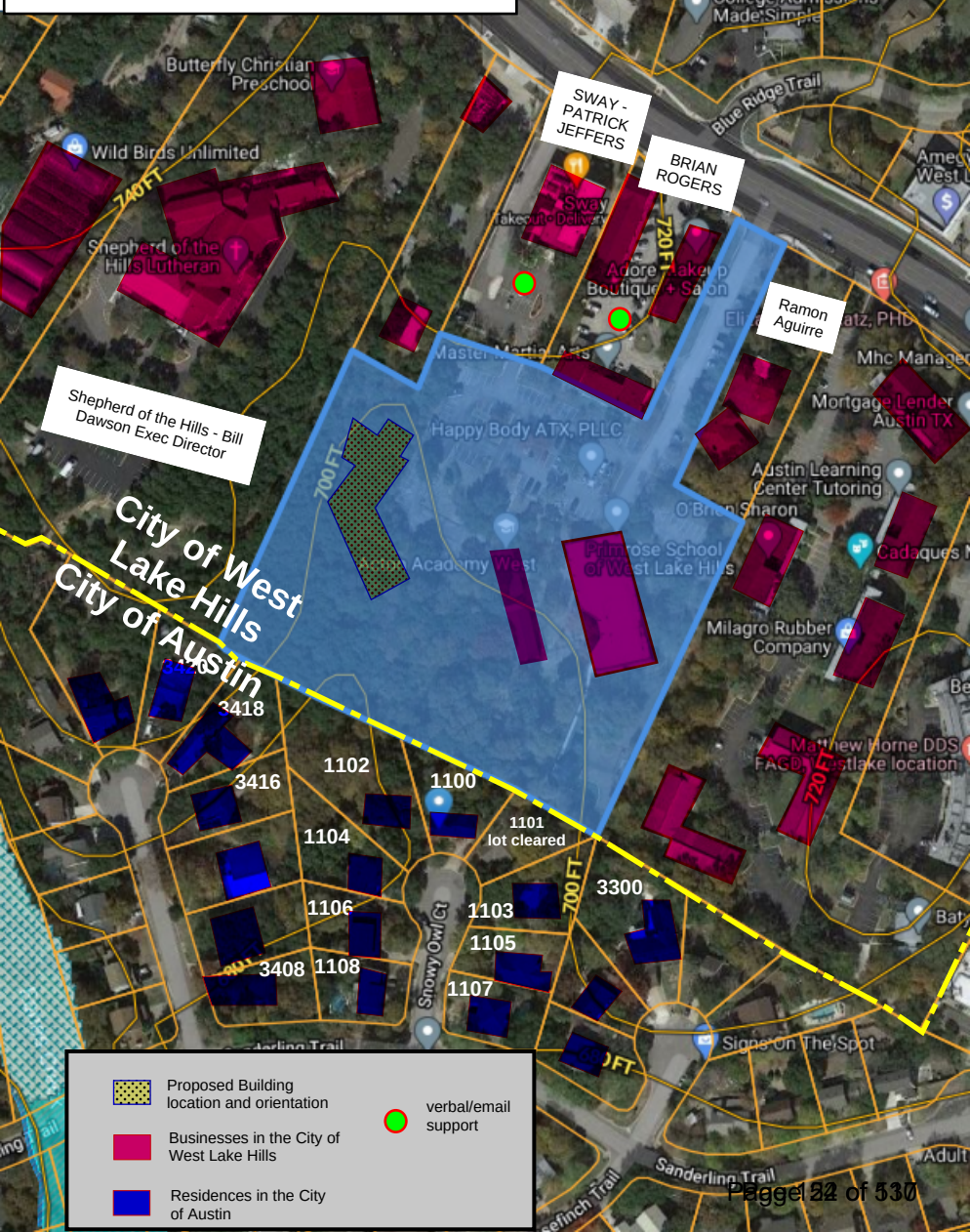
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JAMES C. MASSARO
P.E. 92530 (TEXAS)
June 9, 2021

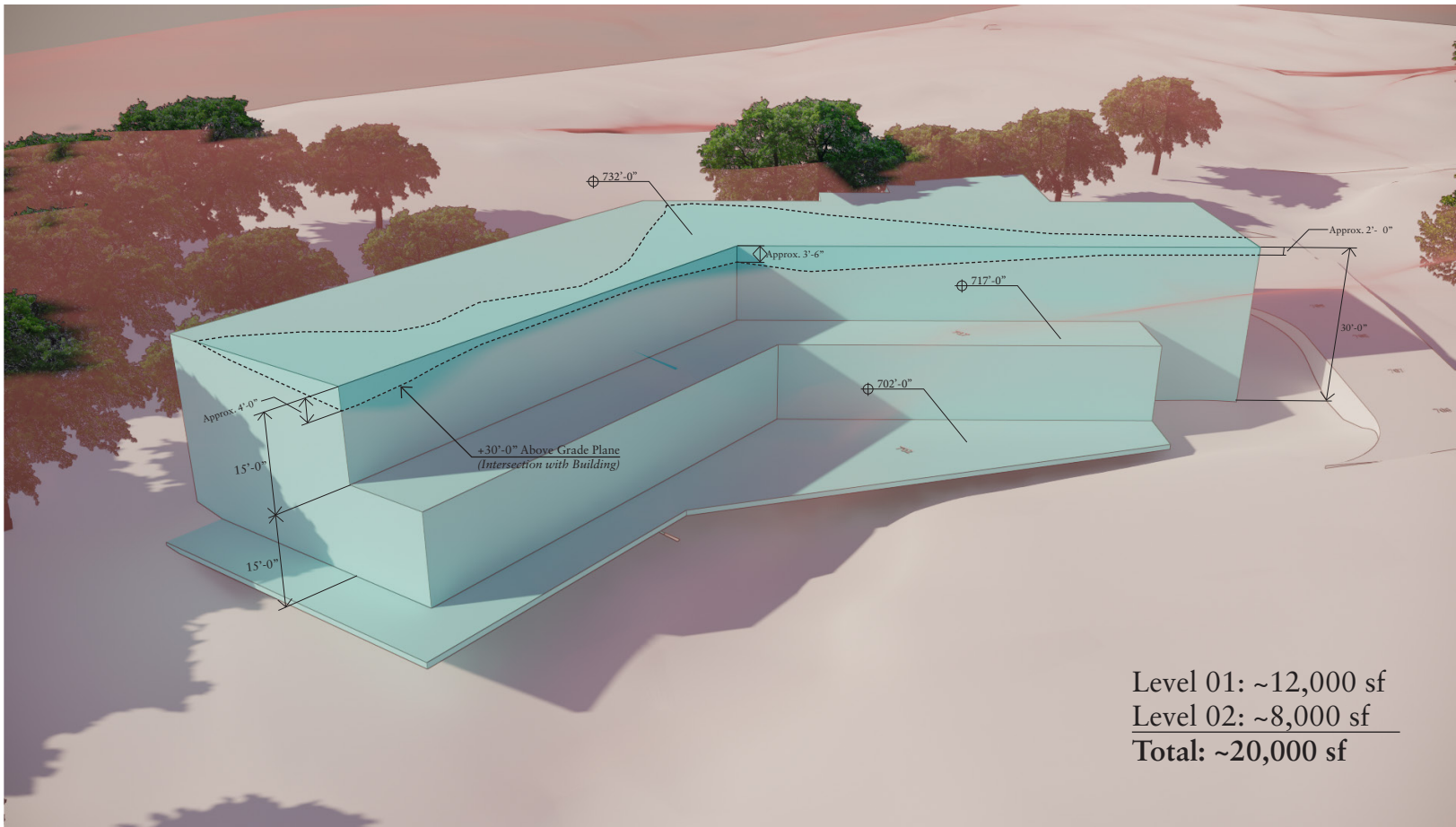
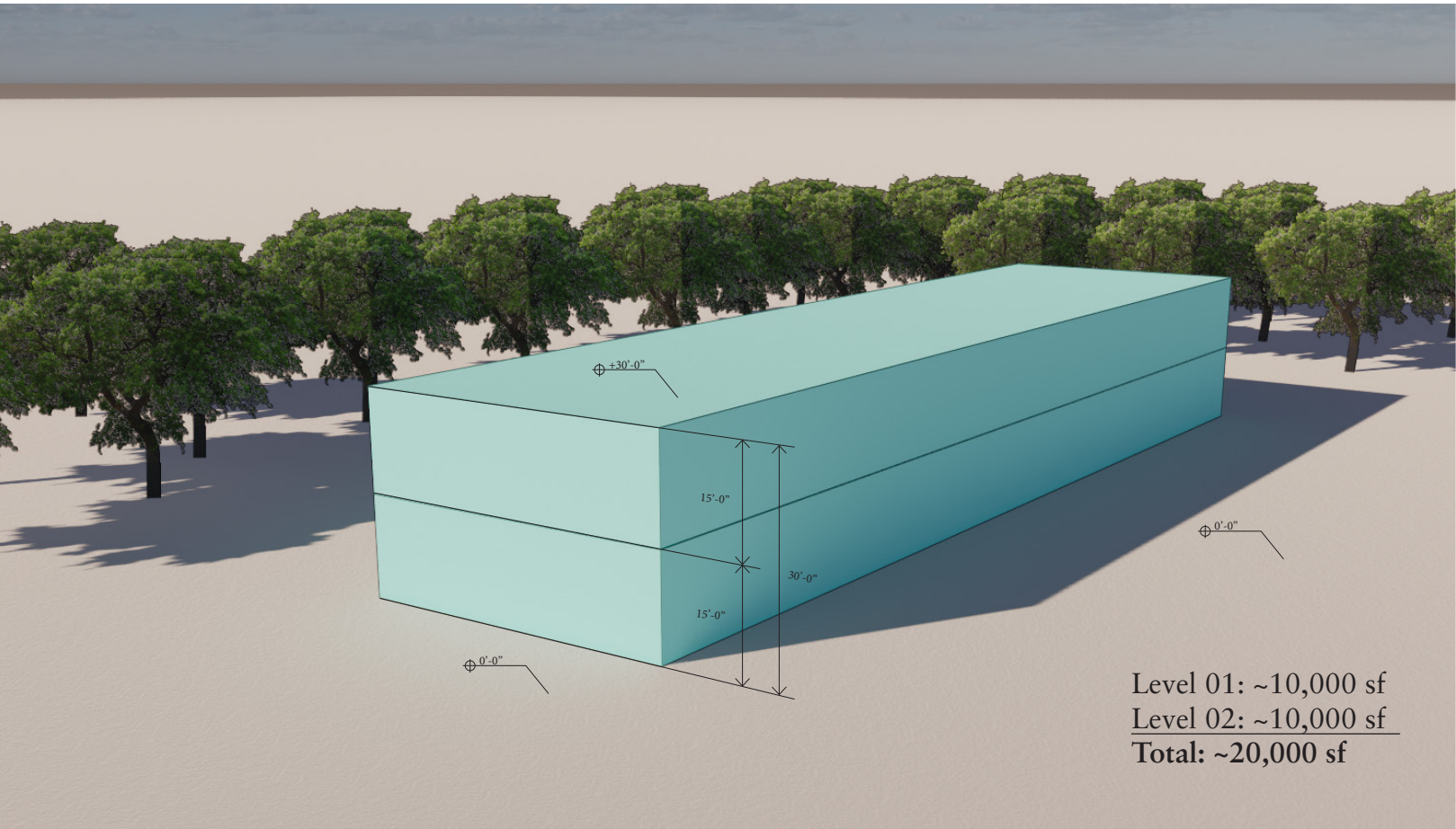
REFERENCE

EXISTING TOPOGRAPHIC FEATURES FROM CADD FILE "SITE SURVEY - BeeCAVES update.modified20200817.dwg";
PREPARED BY OTHERS.
EXISTING TREES FROM CAD FILE DATED 12/2/2020 PROVIDED BY 4WARD LAND SURVEYING; PREPARED BY OTHERS
EXISTING TOPOGRAPHIC CONTOUR LINES FROM 2012 CITY OF AUSTIN GIS; PREPARED BY OTHERS.

SCALE IN FEET

3423 Bee Cave Rd - Structure Map





Contact

Client

Location

Date

Image

Michael Hsu
Office Of Architecture

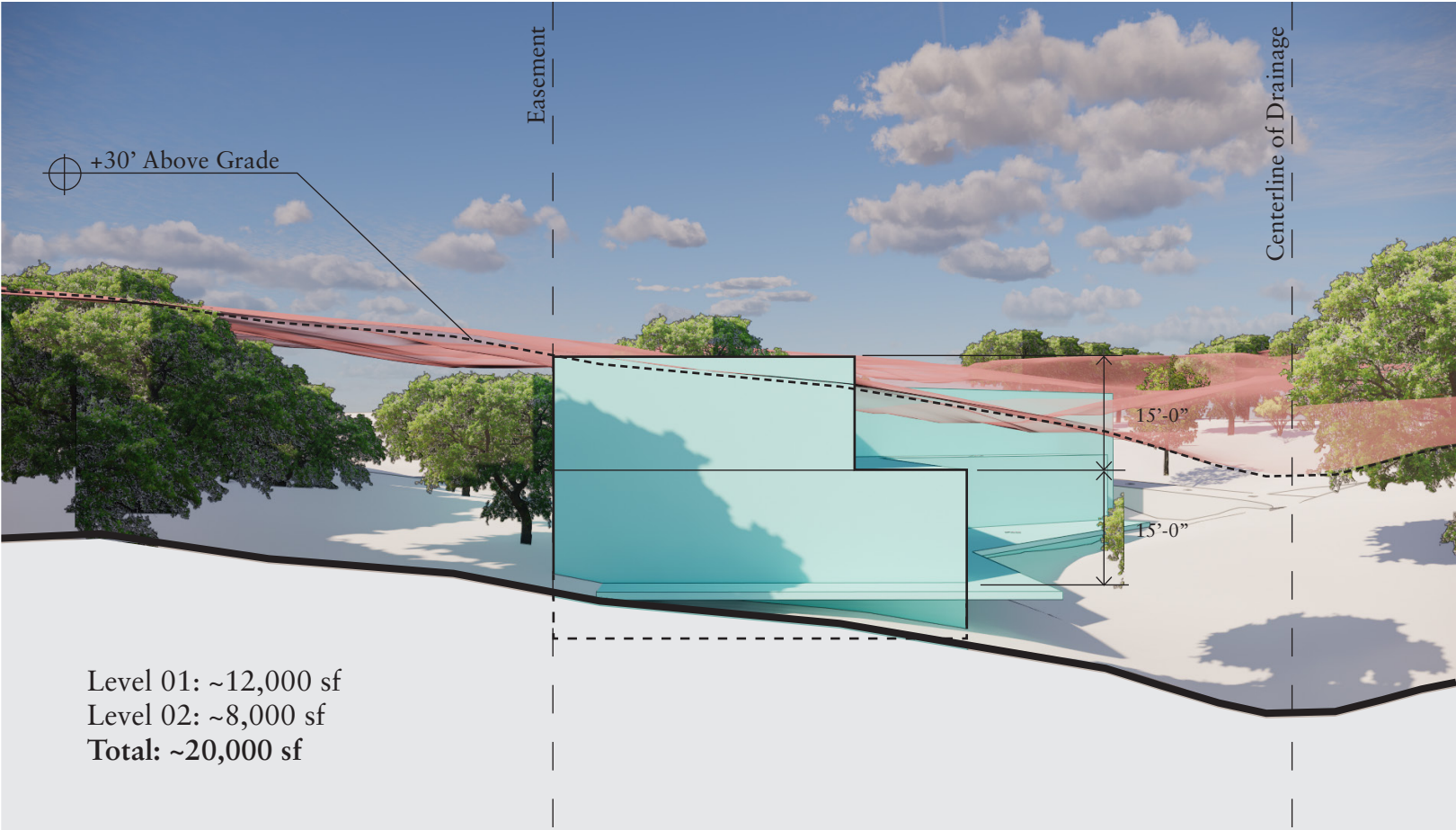
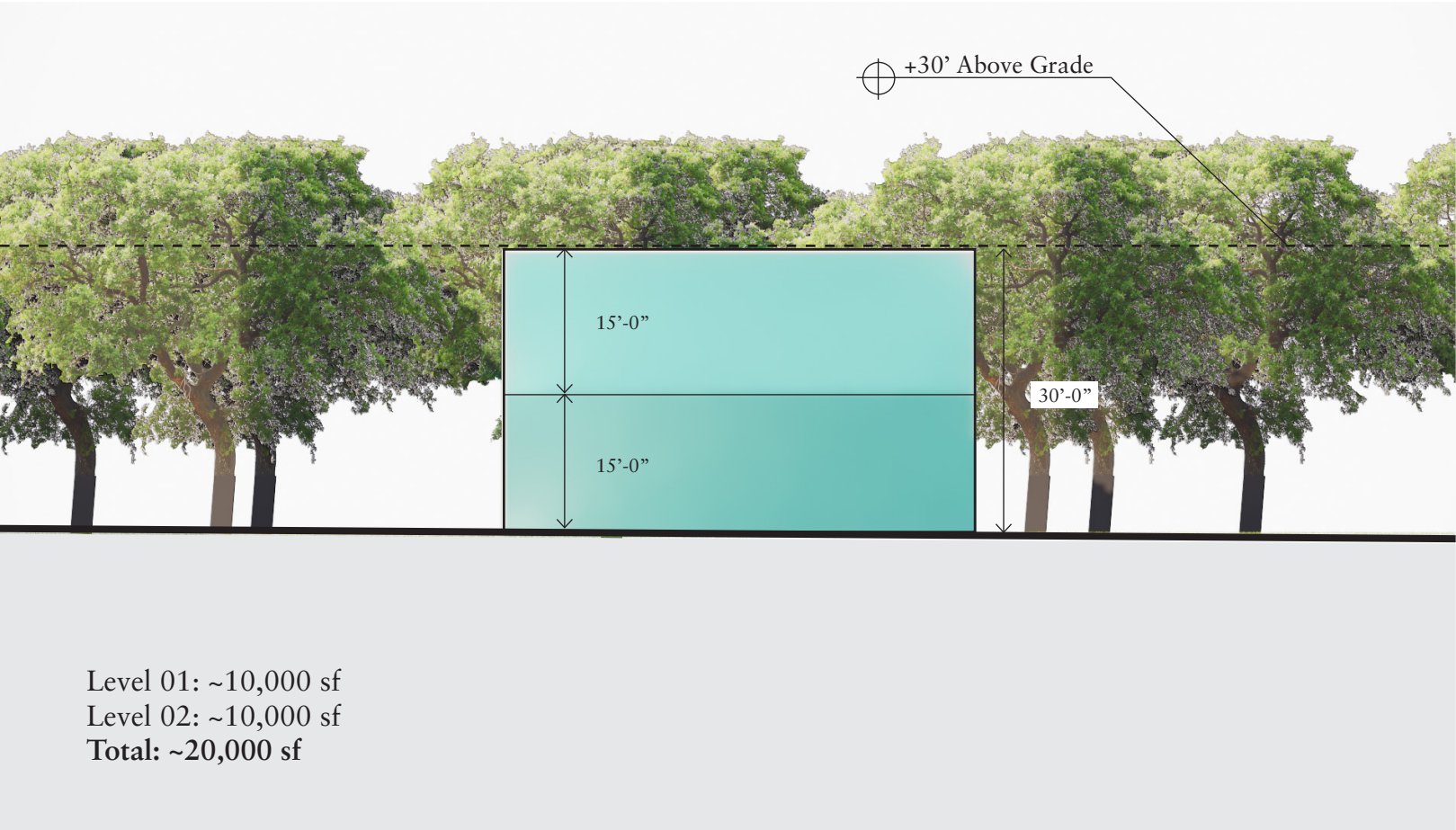
4910 Burnet Road
Austin, Texas 78756
(512) 706.4303

3423 Bee Caves Road

Austin, Texas

9 July 2021

Aerial View



Contact

Client

Location

Date

Image

Michael Hsu
Office Of Architecture

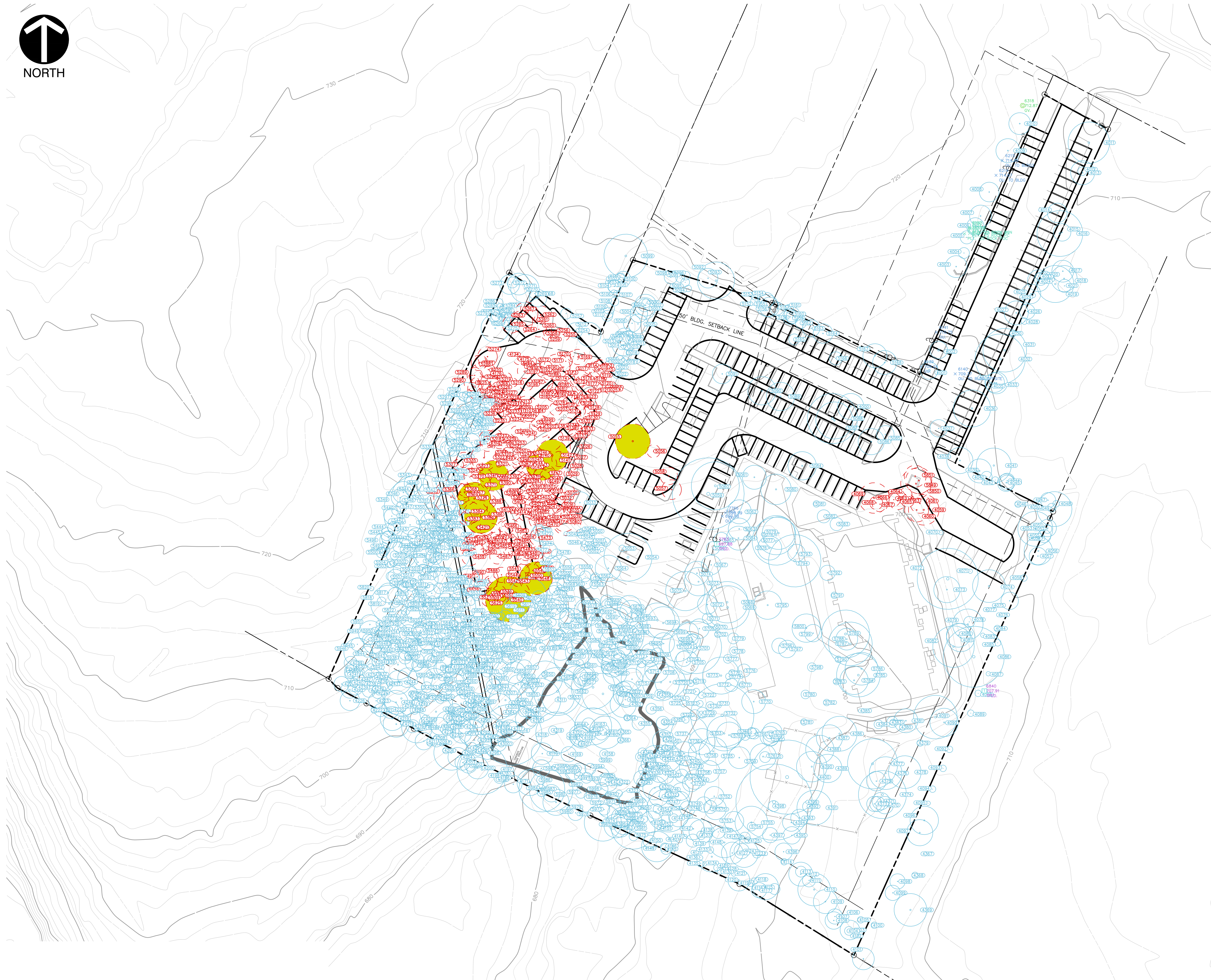
4910 Burnet Road
Austin, Texas 78756
(512) 706.4303

3423 Bee Caves Road

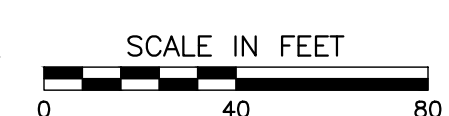
Austin, Texas

9 July 2021

Sections



LEGEND	
	EXISTING MAJOR CONTOURS
	EXISTING MINOR CONTOURS
	EXISTING SETBACKS
	PROPOSED WALL
	PROPOSED MAJOR CONTOURS
	PROPOSED MINOR CONTOURS
	PROPOSED FIRE LANE
	PROPOSED BUILDING
	PROPOSED FRONT OF CURB
	PROPOSED BACK OF CURB
	PROPOSED STORM WATER PIPE
	EXISTING WASTEWATER MAIN
	EXISTING WASTEWATER MANHOLE
	EXISTING TREES TO BE REMOVED
	EXISTING TREES



From: [CHARLES PENLAND](#)
To: [zapco](#); [Anjali Naini](#); [Noah Cullis](#)
Cc: cstellfox@gmail.com
Subject: 3423 Bee Cave Road Variances
Date: Friday, July 16, 2021 9:46:46 PM

07/21/2021

Charles Penland
Christine Stellfox
1101 Snowy Owl Court
Austin, TX 78746
(512)636-9138
(512)636-6684

Re: 3423 Bee Cave Road,
Tree, Height, Impervious cover, Cut/Fill Variances

Dear City of West Lake Hills,

We are writing to express our objection to the variance requests on the 3423 Bee Cave Road property project. As owners of adjoining property we have many concerns to allowing the property to be developed in a manner that requires variances in multiple areas. We know as city government you do careful diligence before passing ordinances and regulations for the protection of our community and the environment. We also understand the importance of allowing development. You are tasked with the great responsibility of ensuring development is respectful to the community. This project is not respectful to the community. We believe by requesting variances of this amount and level these developers are being disrespectful to you and all your diligence, and we believe these developers are being disrespectful to the neighbors and the community. We ask you if allowing these multiple variances is in keeping with the spirit of the ordinances you have worked meticulously to pass.

We are in opposition to allowing the variances for impervious cover. Allowing the variance for a lesser area of impervious cover will forever negatively affect the rainfall runoff onto the surrounding properties that will cause flooding and harmful erosion. It will forever change the creeks and drainage patterns in the neighborhood. Without a planned detention pond it will allow for harmful chemicals to run off and seep into our ground contaminating our water supplies.

We are in opposition to allowing the variances for the cut and fill. Allowing the variance for this cut and fill request will forever change the natural drainage of the rain water runoff on to the surrounding properties. This variance will forever change the topography of the area and will cause flooding and harmful erosion to neighboring properties.

We are in opposition to allowing the variances for the height variance. This will negatively affect the neighborhood by not allowing natural light to reach the many heritage trees that we treasure so dearly, causing the trees to become sick and weak. We believe that it is disingenuous to ask for a

hardship for a height variance for plans that they themselves have had drawn. There is no natural reason for a hardship to allow the additional height.

We are in opposition to allowing a variance to cut any trees that are considered heritage hardwood trees and/or trees that add character to the community. These trees are a great value to the community. These trees contribute to the health and wellbeing of the community and that value can never be replaced. The impact to the neighborhood and community can never fully be recaptured if these heritage trees are allowed to be removed.

We are concerned that lighting that property every night will decrease the quality of life for the neighbors. We know that this property will need to be lit at night for security reasons therefore there is no way to come to a passable agreement. We are concerned that changing the drainage and erosion from this development will negatively impact the adjoining properties forever putting at risk the neighbors while removing all risks from this development's property owners. The developers say they can redirect the runoff with pipes under the building but we are not fooled, we all know that concrete and asphalt do not absorb water like the natural terrain does. We also know by redirecting that runoff the risk of flooding to the properties down slope is increased exponentially. We are concerned about the privacy of the neighboring houses, it's nice to represent the foliage as lush and full in spring and summer in a year where we have had ample amounts rain. Please remember this is not typical and when the foliage is dormant and shed the sight lines will be all open and this building will overlook bedroom windows and back yards. We are concerned for the tranquility of the memorial gardens. We are concerned that this is a planned multi-phase development and the developers are not being upfront about the total scope of the project. We are concerned that once this property is under the control of these overreaching owners and this development team the tenants currently under lease agreements will be removed and the existing buildings will be raised and replaced with additional development that is not in keeping with or respectful to the neighborhood, thus multiplying our concerns. We are concerned that this developer is taking advantage of your earning points system, to use you, to make this over high building look like it fits. They are disrespecting you to ask for points on items that they had included originally.

We genuinely appreciate the attempt of the developers to propose a new vision, but like the last design, this new design is not the right fit for this property. This development will put at risk the safety of the students of the schools that are currently tenants, during and after construction. This development will put at risk the safety of the neighbors with safety and flooding risks. This development will negatively impact property values to the neighboring residential properties thus placing a hardship on those property owners.

Thank you for your service to the community and for considering our objections to these multiple variances. Please consider not allowing these variances to be approved based on the negative impact and wellbeing to the community. Please consider the conscientiousness and thoroughness that you used when putting these regulations into effect and do not allow these variances as this will set a precedent for all future development in the city.

Sincerely;

Charles Penland
Christine Stellfox

From: [REDACTED]
To: [Ashby Grundman](#); [Mark Littrell \(PZSec\)](#); [mayor@mayor](#)
Subject: Opposition to proposed development at 3423 Bee Caves Rd.
Date: Thursday, August 12, 2021 11:56:07 AM

Hello West Lake Hills City Council, ZAPCO and Mayor,

I am once again writing to voice my opposition to the proposed development at 3423 Bee Caves Rd.

My understanding is that a 2-story medical office building is proposed for this location. This would be DEVASTATING to the safe, quiet environment that currently exists for many vital **kid-centric** businesses in this immediate area, including but not limited to:

- Primrose PreSchool
- Acton Academy (age 3-12)
- a school/therapy center for children with autism
- a center that provides mental health counseling
- Master Martial Arts studio
- Synergy Dance Studio

The amount of disruption that first, the construction of the project, and then the subsequent permanent increase in car traffic, pedestrian traffic, and deliveries that come with the operation of a medical office building will be incredibly damaging to the peaceful learning environment that currently exists here to support children. In addition, my understanding is that this proposed development will also require the removal of a number of trees/wildlife beyond what is allowed in the planning code, which should not be permitted to happen and will further destroy the current nurturing environment there.

As a resident of an adjacent neighborhood, and as a family with elementary aged children who have and will benefit from these businesses, I do NOT support this project and I urge you to oppose it as well. We do NOT need another medical office building in this area and especially not at this specific location that will directly and negatively impact so many wonderful existing businesses providing critical services to our kids and community.

Respectfully,
Katie Hastings

Katie Hastings AIA

[REDACTED]
512.653.2214 cell

From: [REDACTED]
To: mayor@mayor
Cc: [Anjali Naini](#); [Gordon Bowman](#); wlhcc1@wlhcc1; wlhcc2@wlhcc2; [Beth South](#); [WLHCC4](#); [Mark Littrell \(PZSec\)](#)
Subject: Re: ZAPCO meeting July 21, 2021
Date: Monday, August 9, 2021 2:23:04 PM
Attachments: [GoogleAppsLogo.png](#)

To the Planning and Zoning Commission Members,

I am the Owner of Sandbox ABA, one of the number of businesses in the complex of businesses located at 3423 Bee Cave Rd., backing up to Snowy Owl Ct. and Rosefinch Tr.

Our Center provides therapeutic treatment to young children with autism. We strive to help our children maximize their potential to live enriched and joy filled lives. We teach language, play, social and adaptive skills, with the aim of helping these children be able to learn in typical school settings. Individuals with autism have a wide variety of symptomology; among them is hyper-sensitivity to sensory events, such as loud noises, crowded spaces, social anxiety. We strive to provide a treatment setting that helps them feel safe and secure.

When looking for a site for a treatment center, we specifically looked for a location that was away from noise, congestion, traffic, as a way to provide a peaceful setting for treatment, safe enough away from the dangers of traffic, and quiet enough to provide a modicum of peace and privacy even while they are able to play outside on a playground.

We are thrilled to be able to share this space with other providers of services for children! These other services include a pre-school (Primrose), Acton Academy (K-12), mental health counseling, and martial arts and dance studios. Being near these other providers brings a sense of normalcy to our children's perspective – that they are among other children, all learning in their own ways. Indeed, when we first were scouting this location, the landlord billed the area as a learning enclave for children.

There is a developer proposing to destroy the critical quiet and safe enclave of these nested businesses in order to impose a three story medical office building and parking garage in the middle of these smaller structures. The amount of disruption created by the 1-2 year construction on top of the change in the 'protected' landscape, would be incredibly damaging to the quiet and peaceful environment cultivated by our businesses required to support children in their learning and therapy.

In addition, the nature of a medical office building necessitates a constant flow of patients, deliveries, employees whose ongoing activity will not only destroy the children's learning environment, but will also require the removal of a number of trees/wildlife beyond what is allowed in the planning code.

Finally, construction of the building would eat up the parking available to our, and other tenants, clients. Per our rental contract, parking is *"provided on a basis of four (4) spaces per one thousand (1000) rentable square feet."* This new building / construction is likely to violate the terms of the rental contracts of the tenants.

Please consider the harmful impact this construction and building would do to our special learning enclave! The children of Westlake deserve to have such an amazing space for such enriching learning opportunities.

Thank you for your consideration.

Rebecca Ryan
Founder/Owner
Sandbox ABA



Melissa D. Munoz
Administrative Director
Sandbox ABA
3423 Bee Cave Rd Suite 200
Austin, Texas 78746
ph: (512) 524-1374
fx: (512) 524-1355

www.sandboxaba.com

Like Us on Facebook: <https://www.facebook.com/sandboxABA>

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On Jul 19, 2021, at 4:50 PM, mayor@ mayor <mayor@westlakehills.gov> wrote:

Hi Melissa,
Apologies for the error on our part for not notifying you or Primrose. We will pull the item from our upcoming Zapco agenda, renotify and it will be heard at the Aug. 18 meeting. Our records indicate that we have received only 1 other email besides yours concerning the project - it was sent after 9:30 pm Friday, which was too late to be included in the Zapco packet.

I think, since this is a new application with different degrees of variance requests, that people should submit their comments on the current application instead of relying on their past objections to the project. I understand that there will likely be a lot of overlap between the 2. We do still have all of the emails nearby residents sent from the prior Zapco and council meetings for this project, and can include them in packets.

Again, apologies for our oversight and thanks for letting us know. Linda

Sent from my iPad

On Jul 19, 2021, at 2:47 PM, Melissa Munoz
[REDACTED] wrote:

Good afternoon!

I am writing you with some questions in regards to the ZAPCO meeting this Wednesday and the property at 3423 Bee Cave Rd. For some reason I thought we were supposed to get a 30 day notice of scheduled meetings of which we were not. The sign at the entrance of our building went up last week.

Also, I noticed that all of the letters regarding concerns from the tenants at this location as well as multiple neighbors that will be negatively impacted by the purposed building are not in the packet for Wednesday. Do we need to resubmit all of our concerns?

Please add Rebecca Ryan, owner of Sandbox ABA as a speaker for Wednesday. Her phone number is 512.590.0505 and the project number is: 16719

Thanks for your help,
Melissa

Good afternoon,

It was recently called to my attention that there are plans to build a 3 story office building complex with a parking garage where 3 schools for young children are located at 3423 Bee Cave Rd.

We all chose this space because it is safe and tucked away from traffic. Sandbox provides therapy services for young children with autism and we spend a lot of time outdoors.

If you are to allow this building, all traffic to and from will have to pass our schools, playgrounds and go directly through our parking lot. Not to mention all of the noise of the construction when our kids are sensitive to noise, Actons kids are in school trying to learn and Primrose kids have naps that are surely to be interrupted.

I was also under the impression that we were to receive a 30 day notice of scheduled ZAPCO meetings. The notification was posted last week.

We are all trying to stay in business and survive in the midst of a pandemic and we all provide services to children. I'm sure there is a more fitting location for this office building.

Thanks for your consideration and for helping us find a

solution that is best for all of the children we serve as this office building will affect the lives of hundreds of children and their families.

I appreciate your time,
Melissa

<GoogleAppsLogo.png>

Melissa D. Munoz
Administrative Director
Sandbox ABA
3423 Bee Cave Rd Suite 200
Austin, Texas 78746
ph: (512) 524-1374
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www.sandboxaba.com

Like Us on Facebook: <https://www.facebook.com/sandboxABA>

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From: [Nancy Gerard](#)
To: [Ashby Grundman](#); [Mark Littrell \(PZSec\)](#); [mayor@mayor](#)
Cc: [Nancy Gerard](#)
Subject: Request for variances for a proposed property at 3423 Bee Cave Road - Zoning and Planning meeting August 18, 2021 and BOA/City Council meeting September 8, 2021
Date: Tuesday, August 10, 2021 9:26:01 PM

> Please deny the variance requests to develop a new building for medical offices at the above address. I have lived at 1104 Snowy Owl Court for 28 years. My home is behind the proposed new building.

> Allowing the new building to be built, especially at its proposed height of 54 feet and allowing vegetation and tree removal, would negatively impact my property values and reduce the current sound and visual barrier to the buildings already on Bee Cave Road near my property. In addition, it would create more traffic which could endanger children using nearby Acton Academy West Austin and add more traffic to businesses adjacent to the proposed new building. And there would also be drainage issues with clearing brush and small trees near the proposed new building. A small Arroyo or wet weather creek is at the back of my property and I could experience more and heavier flows of stormwater through this creek.

>

> Thank you.

>

> Nancy Gerard
> 1104 Snowy Owl Court
> 512-413-6128
>



City of West Lake Hills City Council

AGENDA REPORT

Meeting Date:	<u>March 22, 2023</u>	Item Number:	<u></u>
Department:	<u>Administration</u>		
Prepared By:	<u>Trey Fletcher</u>	Cost / Budget:	<u>n/a</u>
Exhibits:	<u>City-related bills filed</u>	Source of Funds:	<u>n/a</u>

Subject

Discussion and update on city-related bills filed during the 88th Legislative Session.

Recommendation

No action is being taken.

Discussion

Last Friday marked the last day legislators were able to file bills for the 88th Legislative Session. Per the Texas Municipal League, 8,153 bills and joint resolutions were filed, breaking the record for most bills filed in a session. In the last three days of bill filing, over 2,000 bills were filed. A comprehensive list of city-related bills is attached.

City Attorney will provide a short discussion of bills that may be considered impactful to the city of West Lake Hills.

City-Related Bills Filed 2023 Session

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Property Tax

H.B. 2 (Meyer) – **Property Tax**: would: (1) reduce the compression percentage governing the maximum property tax rate a school district may impose; and (2) establish a five percent appraisal cap on all real property. (See **H.J.R. 1**, below.)

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.B. 1994 (Raney) – Property Tax Exemption: would: (1) exempt from taxation 20 percent of the appraised value of a person’s tangible personal property held for retail sale for the 2024 tax year and 50 percent of the appraised value of a person’s tangible personal property held for retail sale for the 2025 tax year; and (2) exempt from taxation 75 percent of the appraised value of a person’s tangible personal property held for retail sale for a tax year beginning on or after January 1, 2026. (See **H.J.R. 104**, below.)

H.B. 2121 (Paul) – Personal Property Rendition Statement: would provide that a person filling out a rendition or report form of personal property is not required to swear before an officer authorized by law to administer an oath that the report is true and accurate if the property owner estimates in good faith that the property is worth not more than \$500,000.

H.B. 2130 (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. 2136 (Thimesch) – Appraisal District Board of Directors: would prohibit a member of a local governing body, including a city council, from serving on the appraisal district board of directors.

H.B. 2220 (Harrison) – Tax Rate Calculation: would, among other things: (1) remove the revenue multiplier from the voter-approval tax rate calculation to require an election for any revenue increase; and (2) eliminate the concepts of special taxing units, the de minimis property tax rate, the unused increment rate, and the special tax rate calculation in tax years following a disaster declaration.

H.B. 2221 (Harrison) – Voter Approval of Tax Rates: would require a 60 percent majority of voters to approve a tax rate for which an automatic election is required under the Tax Code.

H.B. 2312 (Romero) – Appraisal Methods: would prohibit the chief appraiser from considering a sale to be a comparable sale if the purchaser is a governmental unit and the chief appraiser determines that the governmental unit paid a sales price that exceeded the market value of the property.

H.B. 2397 (Guillen) – Exemptions and Special Appraisals: would provide that ownership of property is not considered to have changed if ownership of the property is transferred from the former owner to the surviving spouse or child of the former owner for the purpose of: (1) certain property tax exemptions; and (2) if the land is used in materially the same way as the former owner, certain special appraisal provisions.

H.B. 2398 (Hefner) – Agricultural Land Appraisal: would waive the penalty fee for an application for appraisal as agricultural land that is submitted after the deadline for filing the application if: (1) the land that is subject to the application was appraised as agricultural land in the preceding tax year; (2) the former owner of the land died during the preceding tax year; and (3) the application is filed not later than the delinquency date for the taxes on the land for the year for which the application is filed by: (a) the surviving spouse or a surviving child of the former owner; (b) the executor or administrator of the estate of the former owner; or (c) the trustee of a trust created by the former owner or the surviving spouse or a surviving child of the trustor of such a trust who is acting as a beneficiary under the trust.

H.B. 2488 (Geren) – Appraised Value Appeals: would provide that in an appeal of the determination of appraised value, the burden of proof is on the chief appraiser or the appraisal district to support an increase in the appraised value of property if the value of that property was lowered under a tax protest in the previous year.

H.B. 2500 (Bell) – Chief Appraiser: 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. 2597 (Davis) – Appraisal Cap: would amend the appraisal cap to exclude the value of new improvements from the appraised value of a residence homestead.

H.B. 2607 (Gates) – Public Facility Corporations Tax Exemption: would, as of January 1, 2024, repeal the provision that automatically allows a leasehold or other possessory interest in real property of a public facility corporation to receive a total property tax exemption. (Companion bill is **S.B. 805** by **Bettencourt**.)

H.B. 2655 (Shaheen) – Appraised Value After Tax Protest: would extend the period of time during which the chief appraiser is prohibited from increasing the value of property when the value was lowered in a tax protest from one year to two years, unless an increase is agreed to by the property owner or, following a physical inspection, the chief appraiser determines the value of the property increased as a result of a substantial improvement or there is an error in the appraisal records that increases the value of the property.

H.B. 2667 (Rosenthal) – Municipal Utility District Tax Rate: would prohibit a municipal utility district from imposing a property tax rate of more than \$1 per \$100 of taxable value.

H.B. 2714 (E. Thompson) – Tax Rate Calculation: would allow a city to recalculate its no-new-revenue and voter-approval tax rates after receiving the certified appraisal roll.

H.B. 2747 (Darby) – Review of Homestead Exemptions: would require the chief appraiser to develop a program for the periodic review of residence homestead exemptions to confirm that the recipient still qualifies.

H.B. 2766 (Slaton) – Appraisal Districts: would, among other things: (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 each 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. 2796 (Bucy) – Payment of Property Taxes: would provide that payment of property taxes is timely if on the last day for payment the office of the collector for the taxing unit is closed and the taxes are paid on the next regular business day.

H.B. 2889 (Slaton) – Property Tax Credit: would: (1) entitle a married couple of which neither spouse has ever been divorced to a credit against the amount of taxes imposed by a taxing unit on their residence homestead of 40 percent if the couple has four children, 50 percent if the couple has five children, 60 percent if the couple has six children, 70 percent if the couple has seven children, 80 percent if the couple has eight children, 90 percent if the couple has nine children, and 100 percent if the couple has 10 or more children; and (2) require the comptroller to reimburse a taxing unit the full amount of the revenue loss incurred as a result of the credit provided in (1), above. (See **H.J.R. 128**, below.)

H.B. 2908 (Murr) – Appraisal District: would authorize an appraisal district to finance the purchase or lease of real property as necessary to establish and operate the appraisal office.

H.B. 2964 (Noble) – Public Facility Corporations: would allow for certain property tax exemptions for multifamily residential developments that are owned by public facility corporations and provide affordable housing only if the development meets certain conditions, including holding a public hearing and obtaining approval from the governing body of each city and county authorized to impose taxes on the property.

H.B. 2966 (Noble) – Public Facility Corporations: would modify the requirements for beneficial tax treatment related to a leasehold or other possessory interest in a public facility used to provide affordable housing by: (1) increasing the minimum percentage of units in a multifamily residential development owned by a public facility corporation that must be reserved for individuals and families earning less than 80 percent of the area median family income from 50 percent to 75 percent; (2) requiring the corporation to submit an audit report for a compliance audit conducted by an independent auditor or compliance expert to the chief appraiser of the appraisal district in which the development is located; and (3) disallowing the tax exemption for a tax year in which the development fails to submit the required audit report from (2), above, or submits an audit report that does not establish compliance with the requirements.

H.B. 2987 (Metcalf) – Property Tax Exemption: would exempt from the property tax all tangible personal property. (See **H.J.R. 129**, below.)

H.B. 2989 (Metcalf) – Appraisal Cap: would establish a 10 percent appraisal cap on commercial real property that, in the first tax year in which the property qualifies for the cap, has a value of \$10 million dollars or less. (See **H.J.R. 131**, below.)

H.B. 3006 (Hefner) – Hydroponic Farming: would provide that: (1) the property tax exemption for implements of husbandry applies to farm or ranch products produced by hydroponic farming; and (2) hydroponic farming is agricultural use for the purposes of the special appraisal for agricultural and open-space land.

H.B. 3083 (Harrison) – Property Tax Exemption: would: (1) provide a \$2,500 exemption from taxation of the aggregate value of a person's income-producing tangible personal property regardless of the total value of the income-producing tangible personal property the person owns; and (2) require an individual to render the tangible person property the person owns only if in the person's opinion, the aggregate market value of the property in at least one taxing unit is greater than \$2,500. (See **H.J.R. 136**, below.)

H.B. 3241 (Guillen) – Property Tax Exemption: would exempt from the property tax: (1) resources utilized for the purpose of production; and (2) farm production inputs in the hands of the producer. (See **H.J.R. 141**, below.)

H.B. 3242 (Hefner) – Application for Property Tax Exemption: would provide that the surviving spouse of an elderly person who qualified for a local option residence homestead exemption may continue to receive the exemption without applying if the appraisal district learns of the death of the individual and the surviving spouse is otherwise eligible for the exemption as shown by information in the appraisal district records or information provided to the appraisal district by the Department of State Health Services. (Companion bill is **S.B. 1381** by **Eckhardt**.)

H.B. 3273 (Thierry) – Property Tax Notices: would require: (1) the chief appraiser to include in the notice of appraised value a notice informing each owner that the estimated amount of taxes to be imposed on the owner’s property may be found in the appraisal district’s property tax database; (2) an appraisal district that maintains a website and the assessor for each taxing unit to post the notice in (1), above, on the entity’s website; (3) the chief appraiser to publish the notice in (1), above, in a newspaper of general circulation, if available, or at the appraisal office for the district; and (4) each appraisal district that maintains a website to deliver email notifications regarding updates to the property tax database if the owner registers on the website to receive such notifications.

H.B. 3336 (Tepper) – Appraisal Cap: would establish an eight percent appraisal cap on commercial real property and single-family rental property.

H.B. 3355 (Landgraf) – Pollution Control Property Tax Exemption: would, among other things: (1) apply the pollution control property tax exemption to certain facilities: (a) demonstrated to prevent, monitor, control, or reduce air, water, or land pollution; or (b) used, constructed, acquired, or installed wholly or partly for the purpose of capturing, storing, sequestering, using, reusing, gathering or transporting carbon dioxide emissions to prevent carbon dioxide from entering the atmosphere or removing carbon dioxide from the atmosphere; and (2) require the chief appraiser to accept a final determination by the executive director of the Texas Commission on Environmental Quality as conclusive evidence that the facility, device, or method is used wholly or partly as pollution control property, and issue an appraisal that is no less than 25 percent of the cost of capital of the pollution control property.

H.B. 3409 (Bailes) – Property Tax Exemption: would add exotic animals to the definition of “farm products” for the purpose of the property tax exemption of farm products.

H.B. 3455 (Harrison) – Abolition of Property Tax: would: (1) repeal the Property Tax Code; (2) prohibit a political subdivision from imposing a property tax beginning in the year 2029; and (3) convene a committee to determine how property tax revenue could be replaced by local sales and use tax revenue. (See **H.J.R. 145**, below.)

H.B. 3564 (VanDeaver) – Appraisal Cap: would provide that the appraised value of a residence homestead is equal to the appraised value of the property in the first year the property qualified as a residence homestead plus the value of new improvements. (See **H.J.R. 147**, below.)

H.B. 3568 (Gates) – Total Tax Exemption for Multifamily Development: would, among other things, provide: (1) that a public facility corporation (“PFC”) may finance, own or operate a multifamily residential development under certain circumstances, including a requirement that the development be located in the jurisdiction of the PFC’s sponsoring entity; (2) for a public hearing before a project can be approved; (3) specific minimum requirements for the affordable units in a qualifying multifamily development; (4) certain audit and reporting requirements; and (5) for an exemption from all property taxation for a qualifying multifamily residential development.

H.B. 3594 (Spiller) – Voter-Approval Rate Adjustment for Transportation Financing: would: (1) authorize a low-debt city to increase its voter approval rate by a rate that, when applied to total

value, would produce an amount equal to the greater of one percent of the preceding year's maintenance and operations levy or \$50,000; (2) require a city that follows the procedure described in (1), above, to place the amount generated in a separate account in the municipal treasury; and (3) provide that money in the account under (2) above, may be used only for transportation infrastructure costs.

H.B. 3608 (Hefner) – Reappraisal of Property: would: (1) require the chief appraiser to, at the request of the owner, reappraise a residence homestead that is completely destroyed by a casualty; and (2) require taxing units to recalculate the amount of taxes due to account for the changed value and, if the tax on the property has been paid, refund the amount by which the payment exceeded the tax due as recalculated. (Companion bill is **S.B. 1454** by **Paxton**.)

H.B. 3621 (Talarico) – Property Tax Exemption: would: (1) 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; (2) provide that if the property is leased to a person to operate a child-care facility and the owner claims an exemption under (1), above, the owner must provide a disclosure statement to the child-care facility stating the amount by which the taxes on the property are reduced as a result of the exemption and the method the owner will implement to ensure that the rent charged fully reflects the reduction; and (3) require that rent charged for the lease of property used as a child care facility reflects the reduction in taxes resulting from the exemption. (See **H.J.R. 149**, below.) (Companion bill is **S.B. 1145** by **West**.)

H.B. 3640 (Noble) – Property Tax Exemption: would exempt from the property tax an amount equal to the amount of the residence homestead exemption for school district tax from the value of a property that: (1) is the primary residence of an adult individual with an intellectual or developmental disability who is related to the owner of the property within the third degree by consanguinity; and (2) is not used for the production of income. (See **H.J.R. 150**, below.) (Companion bill is **S.B. 2163** by **King**.)

H.B. 3653 (Guillen) – Property Tax Exemption: would provide an exemption from taxation of the value of: (1) real property owned by a person that arises from the installation or construction on the property of border security infrastructure; (2) border security infrastructure installed or constructed on real property owned by a person; and (3) land that a person owns that has been dedicated by recorded easement for the installation or construction of border security infrastructure. (See **H.J.R. 157**, below.)

H.B. 3691 (Hefner) – Property Tax Exemption: would: (1) extend the exemption for property owned by a charitable organization to include property used to provide support or relief the children with disabilities in need of residential care; (2) require that an organization receiving the tax exemption for a charitable organization providing housing and services to the elderly: (a) provide charitable housing and services in an unreimbursed amount that is not less than four percent of the charitable organization's net resident revenue; (b) be located in a county with a population of less than 58,000 in which the county has been designated a health professionals shortage area; or (c) operate a housing development restricted to very low-income persons who

are 62 years of age or older; (3) provide that an organization described in (2)(a), above, is entitled to the exemption if it falls under the four percent threshold if a reduction in the amount of charitable housing and services is necessary to maintain financial reserves at a level required by a debt obligation, to prevent the organization from endangering its ability to operate, in response to a disaster, or if the organization failed in the preceding tax year to provide charitable housing and services in the required amount through unintended miscalculation; (4) provide that an organization that maintains its eligibility for the tax exemption after failing to meet the four percent threshold must, in the current tax year, provide charitable housing and services in an amount equal to four percent of the organization's net resident revenue plus the amount by which the organization failed to meet that requirement in the preceding tax year; and (5) provide that an organization that fails to satisfy the requirement described in (4), above, is liable for the amount of the tax, plus penalties and interest, that would have otherwise been imposed for both the preceding and current tax years.

H.B. 3713 (Jones) – Appraisal Cap: would reduce the property tax appraisal cap on residence homesteads from ten to two percent. (See **H.J.R. 152**, below.)

H.B. 3745 (Goldman) – Open-Space Land Appraisal: would provide that the chief appraiser may not require a landowner to file a report on the implementation of a written management plan to maintain eligibility for appraisal as open-space land due to use of the land for wildlife management more than once during each five-year period.

H.B. 3757 (Wilson) – 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. 153**, below.) (Companion bill is **S.B. 830** by **Flores**.)

H.B. 3769 (Murr) – Heavy Equipment Inventory: would: (1) prohibit the owner of heavy equipment leased to the United States from collecting the unit property tax from the lessee; (2) provide that a heavy equipment dealer must submit property tax on heavy equipment to the collector to place in escrow once every calendar quarter instead of once every month; (3) require the collector to provide written notice to each owner for whom the collector maintains an escrow account of the unit property tax factor for the following tax year; and (4) provide that a person who acquires the business of a heavy equipment owner may use the same unit property tax factor that the owner who owes the current year tax would use when paying the current year tax.

H.B. 3879 (Wilson) – Public Facility Corporations Tax Exemption: would, as of January 1, 2024, repeal the provision that automatically allows a leasehold or other possessory interest in real property of a public facility corporation to receive a total property tax exemption. (Companion bill is **S.B. 805** by **Bettencourt**.) (See also **H.B. 2607** by **Gates** and **H.B. 4833** by **Swanson**.)

H.B. 3906 (Rogers) – Appraisal of Property: would prohibit the chief appraiser from considering a sale a comparable sale if the sale occurred later than January 1 of the tax year for which the market value of the subject property is to be determined.

H.B. 3968 (Cook) – Appraisal of Property: would provide that the appraisal office’s plan for periodic reappraisal of property may provide for the reappraisal of a different group of property in the district in each year of a three-year period subject to the requirement that appraisal activities for real and personal property occur at least once in every three years.

H.B. 3969 (Cook) – Personal Property Tax Exemption: would provide that a person is entitled to a property tax exemption for income-producing tangible personal property 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. 158**, below.)

H.B. 3970 (Cook) – Mineral Interest Tax Exemption: would provide that a person is entitled to an exemption from taxation of each mineral interest the person owns that has a taxable value of less than \$5,000. (Note: current law provides a property tax exemption if the property has a taxable value of less than \$500.) (See **H.J.R. 159**, below.)

H.B. 3972 (Cook) – Appraisal Cap: would reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **H.J.R.160**, below.) (Companion bill is **S.B. 881** by **Creighton**.)

H.B. 3973 (Cook) – Property Tax Exemption: would: (1) provide an exemption of \$150,000 of the value of the residence homestead of an individual who is 75 years of age or older who has received a residence homestead exemption at the property for the preceding 10 years; and (2) provide that the surviving spouse of an individual described in (1), above, may continue to receive the exemption 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.

H.B. 3974 (Cook) – Property Tax Exemption: would provide, in a city located wholly or partly in a county with a population of at least 200,000, a property tax exemption from the value of a residence homestead of \$25,000 or a greater amount determined by the governing body of the city. (See **H.J.R. 161**, above.)

H.B. 4042 (Hayes) – Personal Property Appraisal: would provide that, if in a property owner’s opinion, the owner’s income-producing personal property has an aggregate value of less than \$20,000, the appraised value of income-producing tangible personal property is the property owner’s good faith estimate of the aggregate market value of the property as contained in the rendition statement for the property unless the chief appraiser determines there is clear and convincing evidence that the owner’s good faith estimate is incorrect.

H.B. 4077 (Noble) – Property Tax Exemption: would provide that a person is entitled to receive and the chief appraiser shall allow a person to receive the tax exemption for a person 65 years of age or older in the year the person turns 65 years of age without requiring the person to apply for the exemption if the person’s age is shown by information in an application for a residence homestead exemption or information provided to the appraisal district by the Texas Department of Public Safety.

H.B. 4113 (Martinez-Fischer) – Property Tax Installment Payments: would authorize an individual to pay a taxing unit's property taxes imposed on the individual's residence homestead in four equal installments.

H.B. 4130 (Hefner) – Appraisal of Property: would provide that if an electric cooperative that owns taxable property in more than one appraisal district makes a written request to the chief appraiser, the chief appraiser must appraise the property at its presumptive appraised value, which is defined in the bill as 20 percent of the net book value of the taxable property on January 1 of a tax year. (Companion bill is **S.B. 1771** by **King**.)

H.B. 4181 (Munoz) – Property Tax Exemption: would extend the property tax exemption of the residence homestead of the surviving spouse of a military service member who is killed or fatally injured in the line of duty to include the surviving spouse of a military technician. (See **H.J.R. 165**, below.) (Companion bill is **S.B. 1604** by **Paxton**.)

H.B. 4228 (Bryant) – Property Tax Protests and Appeals: would: (1) provide that in a property tax protest or appeal over the appraised value of property: (a) a determination that a property is comparable to another property must be based on similarities with regard to location, square footage of the lot and improvements, property age, property condition, property access, amenities, views, income, operating expenses, occupancy, and the existence of easements, deed restrictions, or other legal burdens affecting marketability; (b) calculation of the market value of the property that is the subject of the protest or a comparable property must be based on the appraisal records; (c) if a reasonable number of comparable properties does not exist in the appraisal district, the value of property may be calculated using properties in adjacent counties or other parts of the state; (d) the chief appraiser may disclose confidential information to meet the district's burden of proof; (e) a property owner or the chief appraiser may offer as proof a third-party appraisal; and (f) require a property owner to provide the chief appraiser with any available third-party appraisal completed within 12 months; (2) require the comptroller to establish standards for the development and calibration of adjustments made by the appraisal review board to the appraised value of certain unique properties in a protest hearing; (3) provide that in a property tax appeal, limit the award of attorney's fees to cases in which the appraised value of the property as determined by the court is less than 90 percent of the appraised value according to the appraisal roll; and (4) provide that an appraisal district may be awarded attorney's fees in an amount not to exceed \$100,000 if the appraised value of the property as determined by the court is at least 10 percent greater than the appraised value according to the appraisal roll.

H.B. 4261 (Cook) – Appraisal Cap: would establish an appraisal cap applicable to the residence homestead of a veteran, a person who is disabled, a person who is 65 years of age or older, or the surviving spouse of an individual described above that would limit the appraised value of the property to the lowest of: (1) the market value of the property for the most recent tax year that the market value was determined by the appraisal office; (2) the appraised value of the property for the tax year in which the owner first qualified the property for the cap plus the value of new improvements; or (3) the appraised value of the property for preceding year plus the value of new improvements.

H.J.R. 1 (Meyer) – Appraisal Cap: would amend the Texas Constitution to: (1) authorize the legislature to establish a five percent appraisal cap on all real property; and (2) except money

appropriated by the legislature for property tax relief from the constitutional limit on the rate of growth of appropriations. (See **H.B. 2**, above.)

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 (Metcalf) – 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 (Metcalf) – 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 25th tax year may not exceed the amount of taxes imposed by the political subdivision on the property in the 25th 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.)

H.J.R. 104 (Raney) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to: (1) exempt from taxation 20 percent of the appraised value of a person's tangible personal property held for retail sale for the 2024 tax year and 50 percent of the appraised value of a person's tangible personal property held for retail sale for the 2025 tax year; and (2) exempt from taxation 75 percent of the appraised value of a person's tangible personal

property held for retail sale for a tax year beginning on or after January 1, 2026. (See **H.B. 1994**, above.)

H.J.R. 128 (Slaton) – **Property Tax Credit**: would amend the Texas Constitution to: (1) authorize the legislature to provide that a married couple of which neither spouse has ever been divorced is entitled to a credit against the property taxes imposed by a taxing unit based on the number of children the couple has; and (2) authorize the legislature to provide for the reimbursement of a taxing unit for the revenue loss incurred as a result of the credit. (See **H.B. 2889**, above.)

H.J.R. 129 (Metcalf) – **Property Tax Exemption**: would exempt all tangible personal property from the property tax and authorize tax authorities to continue to levy and collect tax against tangible personal property to the extent the tax is pledged for the payment of a debt if cessation of the levy and collection would impair the obligation by which the debt was created. (See **H.B. 2987**, above.)

H.J.R. 131 (Metcalf) – **Appraisal Cap**: would amend the Texas Constitution to authorize the legislature to establish a 10 percent appraisal cap on real property with a market value that is not greater than a certain amount. (See **H.B. 2989**, above.)

H.J.R. 136 (Harrison) – **Property Tax Exemption**: would amend the Texas Constitution to exempt from property tax \$2,500 of the aggregate value of a person's income-producing tangible personal property. (See **H.B. 3083**, above.)

H.J.R. 137 (Kuempel) – **Property Tax Delinquency**: would provide that real property not held for profit that is used exclusively for human burial is not subject to seizure or sale for the payment of delinquent taxes or penalties.

H.J.R. 141 (Guillen) – **Property Tax Exemption**: would amend the Texas Constitution to provide a property tax exemption for all farm production inputs. (See **H.B. 3241**, above.)

H.J.R. 145 (Harrison) – **Abolition of Property Tax**: would amend the Texas Constitution to: (1) prohibit a political subdivision from imposing a property tax; and (2) provide that the state takes full responsibility for the guarantee of all bonds: (a) issued by a school district before November 7, 2023; and (b) secured by the revenue from the ad valorem taxes imposed by those entities before January 1, 2029. (See **H.B. 3455**, above.)

H.J.R. 147 (VanDeaver) – **Appraisal Cap**: would amend the Texas Constitution to authorize the legislature provide that the appraised value of a residence homestead is equal to the appraised value of the property in the first year the property qualified as a residence homestead plus the value of new improvements. (See **H.B. 3564**, above.)

H.J.R. 149 (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. 3621**, above.)

H.J.R. 150 (Noble) – **Property Tax Exemption**: would amend the Texas Constitution to authorize the legislature to exempt from the property tax an amount equal to the amount of the

residence homestead exemption for school district tax from the value of a property that: (1) is the primary residence of an adult individual with an intellectual or developmental disability who is related to the owner of the property within the third degree by consanguinity; and (2) is not used for the production of income. (See **H.B. 3640**, above.) (Companion bill is **S.J.R. 83** by **King**.)

H.J.R. 152 (Jones) – **Appraisal Cap**: would amend the Texas Constitution to authorize the legislature to reduce the property tax appraisal cap on residence homestead from ten to two percent. (See **H.B. 3713**, above.)

H.J.R. 153 (Wilson) – **Property Tax Freeze**: would amend the Texas Constitution to authorize the legislature to 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.B. 3757**, above.) (Companion bill is **S.J.R. 42** by **Flores**.)

H.J.R. 157 (Guillen) – **Property Tax Exemption**: would amend the Texas Constitution to authorize the legislature to exempt from property tax the portion of the value of a person's property that is attributable to the installation or construction in or on the property of border security infrastructure. (See **H.B. 3653**, above.)

H.J.R. 158 (Cook) – **Personal Property Tax Exemption**: would amend the Texas Constitution to authorize the legislature to exempt from ad valorem taxation income-producing tangible personal property having a value less than any amount specified by the legislature. (See **H.B. 3969**, above.)

H.J.R. 159 (Cook) – **Mineral Interest Tax Exemption**: would amend the Texas Constitution to authorize the legislature to exempt from ad valorem taxation a mineral interest having a value less than any amount specified by the legislature. (See **H.B. 3970**, above.)

H.J.R. 160 (Cook) – **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. 3972**, above.) (Companion bill is **S.J.R. 47** by **Creighton**.)

H.J.R. 161 (Cook) – **Property Tax Exemption**: would amend the Texas Constitution to: (1) authorize the legislature to provide a residence homestead property tax exemption in a political subdivision located wholly or partly in a county with a population of 200,000 or more of \$25,000 or a greater amount specified by the governing body of the political subdivision; and (2) provide that where ad valorem tax has previously been pledged for the payment of debt, the taxing officers of a political subdivision may continue to levy and collect the tax against the value of the residence homesteads exempted under this subsection until the debt is discharged if the cessation of the levy would impair the obligation of the contract by which the debt was created. (See **H.B. 3974**, above.)

H.J.R. 165 (Munoz) – **Property Tax Exemption**: would amend the Texas Constitution to authorize the legislature to define "military service member" for purposes of the property tax exemption of the residence homestead of the surviving spouse of a military service member. (See **H.B. 4181**, above.) (Companion bill is **S.J.R. 73** by **Paxton**.)

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.B. 748 (Flores) – 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. (Companion bill is **H.B. 1613** by **Shine**.)

S.B. 750 (Flores) – Appraisal District Board of Directors: would provide that to be eligible to serve on an appraisal district board of directors, an individual must be an elected member of the governing body of a taxing unit entitled to vote on the appointment of the district's board members.

S.B. 805 (Bettencourt) – Public Facility Corporations Tax Exemption: would, as of January 1, 2024, repeal the provision that automatically allows a leasehold or other possessory interest in real property of a public facility corporation to receive a total property tax exemption.

S.B. 830 (Flores) – 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. (Companion bill is **H.B. 1083** by **Bucy**.) (See **S.J.R. 42**, below.)

S.B. 834 (King) – Property Tax Exemption: would exempt a royalty interest owned by a charitable organization from property taxation.

S.B. 871 (Springer) – Property Tax Exemption: would exempt inventory from property taxation. (See **S.J.R. 46**, below.)

S.B. 879 (Creighton) – Appraisal Cap: would establish a five percent appraisal cap on commercial real property. (See **S.J.R. 48**, below.)

S.B. 880 (Creighton) – Appraisal of Commercial Real Property: would provide that the chief appraiser may not use the income method of appraisal when appraising commercial real property.

S.B. 881 (Creighton) – Appraisal Cap: would reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **S.J.R. 47**, below.)

S.B. 1065 (Middleton) – Appraisal Cap: would, among other things: (1) provide that the appraised value of residence homestead for a tax year is equal to the market value of the property for the first tax year that the owner qualified the property for a homestead exemption; and (2) require an owner of property to apply for the appraisal cap under (1), 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 **S.J.R. 55**, below.)

S.B. 1145 (West) – Property Tax Exemption: would: (1) 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; (2) provide that if the property is leased to a person to operate a child-care facility and the owner claims an exemption under (1), above, the owner must provide a disclosure statement to the child-care facility stating the amount by which the taxes on the property are reduced as a result of the exemption and the method the owner will implement to ensure that the rent charged fully reflects the reduction; and (3) require that rent charged for the lease of property used as a child care facility reflects the reduction in taxes resulting from the exemption. (See **S.J.R. 64**, above.)

S.B. 1168 (Birdwell) – Appraisal District Board of Directors: would, among other things: (1) require that the taxing units other than the county participating in an appraisal district nominate individuals to serve on the appraisal district board of directors; (2) provide that the taxing units may nominate any number of individuals up to a certain number determined by a formula provided in the bill; (3) require the commissioners court to select five nominees who meet the appropriate residency requirements to serve as members of the board of the appraisal district; (4) provide that if only one taxing unit nominated a member for appointment to the board and that taxing unit votes in favor of recalling the board member, the board member is recalled; and (5) provide that if more than one taxing unit nominated a member and a majority of those taxing units votes in favor of recalling the board member, the board member is recalled.

S.B. 1191 (Zaffirini) – Open-Space Land: would: (1) provide that the chief appraiser must accept an application for appraisal as open-space land after the deadline if the land was appraised as open-space land in the preceding year, the ownership of the land changed due to the death of an owner, the application is filed not later than the delinquency date for the taxes, and the application is filed by a surviving spouse, a child, the executor or administrator of the estate, or a fiduciary acting on behalf of a surviving spouse or child; and (2) provide that the penalty for a late application does not apply to a late application described in (1), above.

S.B. 1278 (Bettencourt) – Public Facility Corporations: would, among other things, provide that: (1) a public facility corporation (PFC) or a sponsor may only finance, own, or operate a multifamily residential development located in the area of operation or jurisdictional boundaries of the sponsor; (2) a PFC must hold a public hearing before approving certain multifamily developments; (3) in order to receive beneficial tax treatment, a multifamily development must

meet certain minimum affordable housing thresholds; (4) certain protections are extended tenants living in multifamily developments owned by PFCs; (5) all materials used to improve the real property of a PFC are exempt from sales and use taxes; and (6) PFCs must make annual reports to the comptroller and the chief appraiser and make certain information publicly available on their websites. (Companion bill is **H.B. 2071** by **Jetton**.)

S.B. 1324 (Middleton) – Property Tax Rate Elections: would, among other things, provide that in an election held on a city’s proposed tax rate that exceeds the voter-approval tax rate or de minimis tax rate, as applicable, if a majority of the voters reject the proposed tax rate, the tax rate of the city is reduced to the lesser of the no-new-revenue tax rate or the voter-approval tax rate.

S.B. 1349 (Zaffirini) – Appraisal District: would authorize an appraisal district to finance the purchase or lease of real property as necessary to establish and operate the appraisal office. (Companion bill is **H.B. 2908** by **Murr**.)

S.B. 1377 (Parker) – Chief Appraiser: 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.

S.B. 1381 (Eckhardt) – Application for Property Tax Exemption: would provide that the surviving spouse of an elderly person who qualified for a local option residence homestead exemption may continue to receive the exemption without applying if the appraisal district learns of the death of the individual and the surviving spouse is otherwise eligible for the exemption as shown by information in the appraisal district records or information provided to the appraisal district by the Department of State Health Services. (Companion bill is **H.B. 3242** by **Hefner**.)

S.B. 1409 (Miles) – Appraisal Cap: would provide that the 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.

S.B. 1439 (Springer) – Business Personal Property Tax Exemption: would provide that if a person owns income-producing tangible personal property and is a related business entity, the person’s property is aggregated with the property that is owned by each other related business enterprise that composes the same unified business enterprise to determine the taxable value of the property.

S.B. 1454 (Paxton) – Reappraisal of Property: would: (1) require the chief appraiser to reappraise a residence homestead that is completely destroyed at the request of the owner; and (2) require taxing units to recalculate the amount of taxes due to account for the changed value and, if the tax on the property has been paid, refund the amount by which the payment exceeded the tax due as recalculated. (Companion bill is **H.B. 2608** by **Hefner**.)

S.B. 1486 (Bettencourt) – Electronic Tax Payments: would require a property tax collector to: (1) accept a payment of taxes credit card, debit card, electronic check, electronic funds transfer, wire transfer, or automated clearinghouse withdrawal from a property owner who elects to make electronic payments; (2) require a property tax collector to establish a procedure by which a property owner may 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. (Companion bill is **H.B. 1608** by Shine.)

S.B. 1487 (Bettencourt) – Electronic Communications: would: (1) require a tax official, including a city, to establish a procedure that allows a property owner to elect to exchange electronic 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.

S.B. 1604 (Paxton) – Property Tax Exemption: would extend the property tax exemption of the residence homestead of the surviving spouse of a military service member who is killed or fatally injured in the line of duty to include the surviving spouse of a military technician. (See **S.J.R. 73**, below.) (Companion bill is **H.B. 4181** by Munoz.)

S.B. 1771 (King) – Appraisal of Property: would provide that if an electric cooperative that owns taxable property in more than one appraisal district makes a written request to the chief appraiser, the chief appraiser must appraise the property at its presumptive appraised value, which is defined in the bill as 20 percent of the net book value of the taxable property on January 1 of a tax year. (Companion bill is **H.B. 4130** by Hefner.)

S.B. 1774 (Eckhardt) – Property Tax Exemption: would extend the charitable property tax exemption to all real property owned by an organization that is primarily engaged in: (1) preserving or conserving wildlife; or (2) acquiring, holding, and transferring unimproved real property under an urban land bank demonstration program as or on behalf of a land bank.

S.B. 1789 (Middleton) – Property Tax Exemption: would exempt from the property tax all tangible personal property. (See **S.J.R. 78**, below.) (Companion bill is **H.B. 2987** by Metcalf.)

S.B. 1801 (Springer) – Review of Homestead Exemptions: would require the chief appraiser to develop a program for the periodic review of residence homestead exemptions to confirm that the recipient still qualifies. (Companion bill is **H.B. 2747** by Darby.)

S.B. 1892 (Springer) – Open-Space Appraisal: would provide that: (1) for land to qualify for open-space appraisal on the basis of its use to raise or keep bees, the land must contain at least 6 colonies located on the land for at least nine months out of the year and, if the land consists of more than 5 acres, contain at least one additional colony for each additional 2.5 acres; and (2) land

that qualified for open-space appraisal on the basis of its use to raise or keep bees may not subsequently qualify on the basis of wildlife management.

S.B. 1923 (Springer) – Property Tax Appeals: would prohibit a chief appraiser, an appraisal district, or an appraisal review board from bringing a counterclaim in an appeal from a property tax protest.

S.B. 1956 (Parker) – Property Tax Exemption: would provide a property tax exemption for the value of the residence homestead of a Congressional Medal of Honor recipient and the recipient's surviving spouse if the spouse has not remarried since the death of the recipient. (See **S.J.R. 79**, below.)

S.B. 1997 (Bettencourt) – Property Tax Rate Calculation: would remove the unused increment rate from a taxing unit's voter-approval tax rate calculation.

S.B. 1998 (Bettencourt) – Property Tax Rate Calculation: would require a taxing unit to calculate adjustments made to the value of taxable property due to tax revenue the taxing unit pays into a tax increment reinvestment zone fund separately for each reinvestment zone in which the taxing unit participates.

S.B. 1999 (Bettencourt) – Property Tax Rate Calculation: would: (1) define "foregone revenue amount" as the voter-approval tax rate minus the actual tax rate multiplied by the preceding year's total value; and (2) redefine the "unused increment rate" as the sum of the preceding three years' foregone revenue amount divided by current total value.

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.)

S.J.R. 42 (Flores) – 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 **S.B. 830**, above.)

S.J.R. 46 (Springer) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt inventory from property taxation.

S.J.R. 47 (Creighton) – 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 **S.B. 881**, above.)

S.J.R. 48 (Creighton) – Appraisal Cap: would amend the Texas Constitution to authorize the legislature to establish a five percent appraisal cap on commercial real property. (See **S.B. 879**, above.)

S.J.R. 55 (Middleton) – Appraisal Cap: would amend the Texas Constitution to provide that the appraised value of residence homestead for a tax year is equal to the market value of the property for the first tax year that the owner qualified the property for a homestead exemption. (See **S.B. 1065**, above.)

S.J.R. 64 (West) – 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 **S.B. 1145**, above.)

S.J.R. 73 (Paxton) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to define “military service member” for purposes of the property tax exemption of the residence homestead of the surviving spouse of a military service member. (See **S.B. 1604**, above.) (Companion bill is **H.J.R. 165** by **Munoz**.)

S.J.R. 78 (Middleton) – Property Tax Exemption: would amend the Texas Constitution to exempt all tangible personal property from the property tax and authorize tax authorities to continue to levy and collect tax against tangible personal property to the extent the tax is pledged for the payment of a debt if cessation of the levy and collection would impair the obligation by which the debt was created. (See **S.B. 1789**, above.) (Companion bill is **H.J.R. 129** by **Metcalf**.)

S.J.R. 79 (Parker) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to provide a property tax exemption for the value of the residence homestead of a Congressional Medal of Honor recipient and the recipient’s surviving spouse if the spouse has not remarried since the death of the recipient. (See **S.B. 1956**, above.)

Public Safety

H.B. 3 (Burrows) – School Safety and Security: would provide, among other things, that: (1) in each county under 350,000 population, the sheriff shall twice annually coordinate a meeting of school officials and all law enforcement in the county that could respond to a school violence incident; (2) the following entities are required to participate in the biannual meetings in (1), above: (a) the elected sheriff or designee; (b) the police chief or designee for any police department in the county; (c) each elected constable or designee in the county; (d) each school police department chief or security coordinator; (e) DPS personnel assigned to the county; (f) other state agency law enforcement officers assigned to the county; (g) federal law enforcement officials assigned to the county; (h) county and municipal EMS and fire command staff; (i) the superintendent or designee for each district in the county; and (j) other entities deemed appropriate by the sheriff; (3) attendees at the biannual meetings will discuss agency capabilities, resources, emergency radio interoperability, chain of command planning, and other topics submitted by the attendees; (4) the sheriff shall submit to the center a report identifying the attendee list and the agenda items discussed, and the Texas School Safety Center (TSSC) shall maintain the reports and make them available on its public website; (5) at least once every five years, TSSC shall review the building standards for instructional facilities and make recommendations regarding any changes necessary to ensure that the building standards reflect best practices for student safety; and (6) the Texas Education Agency commissioner shall work with local jurisdictions to make the adopted building standards part of local building codes to ensure compliance.

H.B. 13 (K. King) – Active Shooter Preparedness Plan: would, among other things: (1) require each school district and open-enrollment charter school to annually adopt and implement an active shooter preparedness plan for use in the district’s or school’s facilities and submit the plan to the Texas Education Agency (TEA); and (2) provide that the requirements for an active shooter preparedness plan must include requiring the district or school to: (a) provide to TEA and each law enforcement agency with jurisdiction in the district or geographic area served by the school an accurate map of each district or school campus that is oriented to true north; and (b) provide each law enforcement agency with jurisdiction in the district or geographic area served by the school the opportunity to conduct a walk-through of each district or school facility.

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 Perez) – 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 30th 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 30th 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 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; (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. 1530 (Goldman) – Texas Commission on Law Enforcement: this is the Texas Commission on Law Enforcement (TCOLE) sunset bill. The bill, among other things, would provide that:

1. TCOLE continue until 2035;
2. TCOLE, with the input from an advisory committee, shall by rule establish minimum standards with respect to the creation or operation of a law enforcement agency, including: (a) the determination regarding the need for creating the agency in the community; (b) the sustainable funding sources for the agency; (c) the physical resources available to officers, which may differ based on the size of the law enforcement agency, including: (i) duty firearms, including patrol rifles and shotguns; (ii) less lethal force weapons, including a requirement of at least one per officer on duty; (iii) effective communications equipment; (iv) protective equipment, including a requirement of at least one protective vest per officer on duty; (v) officer uniforms; and (vi) patrol vehicles and associated equipment; (d) the physical facilities of the agency, including any evidence room, dispatch area, or public area; (e) the policies of the agency, including policies on active shooters and barricaded subjects; and (f) any other standard TCOLE considers necessary;
3. TCOLE shall designate one or more national law enforcement databases that a law enforcement agency must access to complete the preemployment background check in which the database must: (a) contain records related to a person's previous law enforcement

employment or experience, including any: (i) commendations or awards; (ii) misconduct or disciplinary records; and (iii) certifications or licenses held; (b) be maintained by the federal government or nationally recognized law enforcement accreditation association; and (c) provide a process for a person to contest or amend any information maintained in the database relating to the person;

4. TCOLE shall adopt rules specifying the circumstances under which TCOLE may issue, without a hearing, an emergency order suspending a person's license for a period not to exceed 90 days after determining that the person constitutes an imminent threat to the public health, safety, or welfare;
5. an order suspending a license under Number 4, above, must state the length of the suspension in the order, and if an emergency order is issued without a hearing, TCOLE shall set the time and place for a hearing to be conducted not later than the 10th day after the date the order was issued; and
6. TCOLE by rule may establish advisory committees to make recommendations on programs, rules, and policies administered by TCOLE;
7. TCOLE shall create a public database containing profiles of each licensed officer in which the profile must: (a) contain the following information with respect to each officer: (i) the date the officer completed the basic training course; (ii) whether the officer is in compliance with continuing education requirements and the continuing education courses completed; (iii) the total hours of training the officer has completed; and (iv) the date the officer's license was issued; (b) be compiled in a format that makes the information contained in the profile readily available to the public; and (c) TCOLE shall adopt rules to exclude from the database profiles for certain officers if including the profile would create a safety risk for the officer based on the officer's position or duties, including the profiles of undercover officers and officers involved in active narcotics operations;
8. before a law enforcement agency or governmental entity hires a person for whom a license is sought, the law enforcement agency must: (a) review any information relating to the person available in a database designated by TCOLE in Number 3, above; and (b) file an application with TCOLE as provided by TCOLE rule;
9. before a law enforcement agency may hire a licensed person, the agency must, on a form and in the manner prescribed by TCOLE, among other things, submit to TCOLE confirmation that under the agency, to the best of the agency's ability before hiring the person obtained and reviewed as related to the person, as applicable, information on the person's law enforcement background as available through a database designated by TCOLE under Number 3, above;
10. TCOLE by rule shall establish deadlines for an officer to complete any minimum curriculum requirements that are not completed as part of the officer's basic training course;

11. TCOLE may compel by subpoena the production for inspection or copying of a record by an agency hiring a person to be an officer that is relevant to the investigation of an alleged violation of this bill or a TCOLE rule, and TCOLE acting through the attorney general, may bring an action to enforce a subpoena against a person who fails to comply with the subpoena;
12. venue for an action brought under Number 11, above, is in a district court in Travis County or any county in which TCOLE may conduct a hearing, and the court shall order compliance with the subpoena if the court finds that good cause exists to issue the subpoena;
13. TCOLE call adopt rules specifying the circumstances under which it may request that a license holder submit to an examination by a psychologist, psychiatrist, or physician selected by TCOLE to determine whether the license holder continues to meet the required standards; and
14. in certain circumstances, TCOLE may suspend the license of a person who refuses to submit to the examination, and if the results of the examination under Number 13, above, show that the person does not meet required standards, TCOLE shall suspend the person's license.

(Companion bill is **S.B. 1445** by **Paxton**.)

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.B. 1995 (Goodwin) – Firearm Sales: would, among other things: (1) require a licensed firearms dealer to report to the Department of Public Safety (DPS) the sale or transfer of two or more semiautomatic rifles made to the same transferee, other than a licensed firearms dealer, on a single occasion or on more than one occasion during a period of five consecutive business days; (2) provide that not later than 24 hours after receiving a report from a licensed firearms dealer under (1), above, DPS shall transmit the report to: (a) the sheriff of each county in which the applicable sales or transfers occurred; (b) the sheriff of the county in which the transferee resides; (c) if any of the applicable sales or transfers occurred in a city, the police department of each city in which the applicable sales or transfers occurred; and (d) if the transferee resides in a city, the police department of the city in which the transferee resides; (3) provide that information in a report submitted to a county sheriff or a police department under (2), above, is confidential and not subject to disclosure under the Public Information Act; and (4) create a class B criminal offense for a licensed firearms dealer who, with criminal negligence, violates (1), above.

H.B. 2003 (Slawson) – Direct Shipment of Alcohol: would, among other things: (1) permit a holder of a distiller's and rectifier's permit to deliver distilled spirits directly to the ultimate consumer, including a consumer located in a dry area; (2) permit a holder of an out-of-state distillery direct shipper's permit to deliver to Texas; (3) permit the holder of a brewer's license to ship malt beverages directly to the ultimate consumer, including a consumer located in a dry area; (4) permit the holder of an out-of-state brewery direct shipper's license to ship to Texas; and (5) permit the holder of a brewpub license to ship malt beverages to the ultimate consumer, including a consumer in a dry area. Distilled spirits and malt beverages shipped under this provision would be required to be shipped only to a person over 21 years of age. (Companion bill is **S.B. 752** by **Flores**.)

H.B. 2009 (Allison) – Mobile Panic Alert System: would, among other things: (1) require each school district and open-enrollment charter school, in consultation with local law enforcement agencies, to implement a mobile panic alert system to send emergency alerts to district or school emergency services and emergency services agencies, law enforcement agencies, health departments, and fire departments; and (2) provide that the mobile panic alert system must: (a) allow for immediate contact with district or school emergency services, emergency services agencies, law enforcement agencies, health departments, and fire departments; (b) ensure real-time coordination between first responder agencies; (c) integrate directly with local public safety answering point infrastructure to transmit 9-1-1 telephone calls; and (d) be capable of activation by mobile telephone.

H.B. 2010 (Hefner) – Abandoned Children: would add fire departments and law enforcement agencies to the list of emergency infant care providers who must take possession of certain abandoned children. (Companion bill is **S.B. 780** by **Hughes**.)

H.B. 2032 (Allison) – Emergency Response Mapping Data: would, among other things, require school districts and open-enrollment charter schools to provide local law enforcement agencies and emergency first responders with emergency response mapping data including: (1) accurate

floor plans overlaid on current aerial imagery of a school building; (2) site-specific labeling that matches the structure of the school building; (3) site-specific labeling that matches the school grounds; and (4) a standardized gridded overlay with X and Y coordinates for all school campuses and buildings. (Companion bill is **S.B. 866** by **Hughes**.)

H.B. 2038 (Allison) – **Asset Forfeiture Funds**: would require county attorneys and district attorneys that have executed a local agreement with a law enforcement agency for disbursement of asset forfeiture funds and that are located in a county that borders the United Mexican States to: (1) establish and administer a program to reimburse persons who have suffered damage to agricultural property as a result of an offense that: (a) is subject to the jurisdiction of the office; and (b) was committed in the course of or for the purpose of unlawfully entering the United States; (2) establish: (a) eligibility criteria for reimbursements under (1), above; (b) reimbursement application procedures; and (c) procedures for evaluating reimbursement applications; and (3) use asset forfeiture proceeds received by the office for the purposes of providing reimbursements under (1), above.

H.B. 2051 (Zwiener) – **Sexual Assault Statistics**: would require the Department of Public Safety to: (1) compile and maintain statistics on the number of victims of sexual assault in each calendar year who have reported the sexual assault to a law enforcement agency after receiving a forensic medical examination, regardless of the year in which that examination was performed; (2) report the statistics in (1), above, to the standing committees of the House of Representatives and Senate with primary jurisdiction over criminal justice issues; and (3) post the statistics in (1), above, on the department's website.

H.B. 2064 (Burns) – **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 by the state or a political subdivision of the state. (Companion bill is **S.B. 357** by **Hall**.)

H.B. 2077 (Goodwin) – **Possession of Firearms and Ammunition**: would: (1) direct the Office of Court Administration of the Texas Judicial System (OCA) to develop and recommend a model policy regarding the implementation of state laws related to preventing the possession of a firearm or ammunition by persons prohibited from possessing such items by law, and the transfer of firearms by such persons; and (2) require that the OCA's model policy: (a) be capable of being adopted by cities, counties, courts, and local law enforcement; (b) equally apply to all persons described in (1), above, under state and federal law; (c) provide clear guidance regarding the transfer and return of firearms and ammunition owned by persons described in (1), above; (c) require proof of compliance; and (d) provide due process protections.

H.B. 2084 (Landgraf) – **Highway Racing**: would increase the criminal penalty of racing on a highway from a Class B misdemeanor to a felony of the first degree if shown at trial that two or more individuals suffered serious bodily injury or death as a result of the offense.

H.B. 2097 (Manuel) – **Family Violence Investigations**: would provide that a peace officer who investigates a family violence allegation or responds to a disturbance call that may involve family

violence shall physically separate the individuals at the scene and conduct an interview of the potential victim in a manner that prevents the suspect from intimidating the victim while the victim is providing statements and other evidence to the investigating peace officer.

H.B. 2229 (Goodwin) – Notice to Victims of Family Violence: this bill, known as the “Natalia Cox Act,” would, among other things: (1) require the Health and Human Services Commission to adopt a written notice in English and Spanish to be provided to victims of family violence to assist those victims in obtaining services; (2) require a peace officer who investigates a family violence allegation to provide the notice in (1), above, to any possible adult victim; and (3) provide in addition to the required notice under (1), above, a peace officer may provide additional written information regarding local resources for victims of family violence.

H.B. 2233 (Spiller) – First Responder Mental Health Training: would, among other things: (1) require the Health and Human Services Commission (HHSC) to develop a curriculum for first responder mental health awareness training; (2) require a person who provides training to first responders or first responder trainees to: (a) use the curriculum developed or adopted in (1) above; and (b) require first responders and first responder trainees to successfully complete the training; and (3) provide that as part of the minimum curriculum requirements, the Texas Commission on Law Enforcement shall require an officer to complete the mental health awareness training curriculum developed or adopted by HHSC under (1), above.

H.B. 2278 (Anchia) – Handguns: would: (1) prohibit a state agency or political subdivision from taking any action that states or implies that a license holder who is carrying a handgun is prohibited from entering or remaining on a premises or other place owned and occupied by the governmental entity or leased to and occupied by the governmental entity, unless the license holder is prohibited from carrying a handgun on the premises under certain laws; and (2) require a resident that gives an agency or political subdivision written notice of a violation of the prohibition in (1), above, to include in the written notice a copy of any document or the specific location of a sign found to be in violation of the prohibition.

H.B. 2281 (Anchia) – Handguns: would: (1) provide that the governing body of a city with a population of more than 500,000 shall order an election to be held on the question of whether to prohibit a person from carrying a wholly or partially visible handgun within the corporate boundaries of the city if a petition requesting the election is submitted to the governing body and is signed by a number of registered voters of the city equal to at least 10 percent of the number of voters participating in the last general election held in the city; (2) provide that if a majority of those voting at the election vote in favor of the proposition, the governing body of the city shall adopt an ordinance prohibiting a person from carrying a wholly or partially visible handgun within the corporate boundaries of the city; (3) exempt an ordinance prohibiting openly carrying a handgun within the corporate boundaries of the city and any signs or notices referring to that prohibition adopted by a city as a result of the election from the wrongful exclusion of a handgun license holder provisions and associated civil penalties; and (4) provide that the prohibition of a city from adopting regulations relating to the transfer, possession, wearing, carrying, ownership, storage, transportation, or licensing or registration of firearms, does not affect the authority of a city to regulate the open carrying of a handgun.

H.B. 2283 (Martinez) – 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. (Companion bill is **S.B. 661** by **LaMantia**.)

H.B. 2311 (Dutton) – Peace Officer Liability: would provide that: (1) a person injured or the estate of a person killed in an event in which five or more individuals are killed may bring an action against a state or local peace officer who: (a) responded to the event during the course of the officer's duties; and (b) failed to comply with standard operating procedures established by the officer's law enforcement agency to quickly end the event; (2) a claimant may recover in an action brought under this bill: (a) damages incurred in the event that is the basis for the action; and (b) reasonable attorney's fees and costs incurred in bringing the action; (3) limitations on public servant liability and election of remedies requirements do not apply to an action brought under this bill; and (4) a peace officer may not assert official immunity or other forms of immunity as a defense to an action brought under this bill.

H.B. 2319 (Wu) – Peace Officer Cooperation: would provide that: (1) TCOLE shall suspend or revoke the license of a peace officer who fails to cooperate, including by submitting to an interview, with a law enforcement agency during an investigation by the agency; (2) a peace officer's license may not be suspended or revoked under (1), above, solely on the grounds that the peace officer invoked the officer's right against self-incrimination under the United States Constitution or the Texas Constitution; and (3) TCOLE shall adopt rules to implement this bill.

H.B. 2356 (Johnson) – Mobile Stroke Unit Grant Program: would, among other things, require the Health and Human Services Commission to establish and administer a grant program to provide financial assistance to stroke facilities and increase the availability of mobile stroke units in Texas.

H.B. 2382 (S. Thompson) – Crafted Precious Metal Transactions: would provide that: (1) a crafted precious metal dealer shall report each transaction to an online database that is used by law enforcement agencies to investigate offenses related to crafted precious metal and other property; (2) the Department of Public Safety by rule shall designate the database to which a dealer is required to report under (1), above; and (3) a dealer who fails to permit a peace officer to inspect crafted precious metal purchased by the dealer during regular business hours while in the dealer's possession commits a Class B misdemeanor offense. (Companion bill is **S.B. 984** by **Paxton**.)

H.B. 2395 (Manuel) – Notice to Victims of Family Violence: would provide that: (1) a peace officer who investigates an incident involving sexual assault or who responds to a disturbance call that may involve sexual assault shall provide the victim a written notice containing information about crime victims rights; (2) at the initial contact or at the earliest possible time, the peace officer shall: (a) provide to the victim a written referral to the nearest sexual assault program and information about the statewide electronic tracking system for evidence collected in relation to a sexual assault or other sex offense; (b) offer to request a forensic medical examination on behalf

of the victim; (c) coordinate with the local response team to provide continuing care to the victim or to further investigate the offense; and (d) provide to the victim written notice containing certain information required under this bill; (3) each law enforcement agency shall consult with a local sexual assault program or response team to develop the written notice required by (2), above, and shall update the notice at least each biennium; (4) the notice in (2), above, must be in English and Spanish and include the current contact information for a victim assistance coordinator and a crime victim liaison; and (5) the notice in (2), above, is considered to be sufficient if it includes certain statements outlined in this bill.

H.B. 2417 (Cain) – Criminal Warnings: would provide that: (1) a peace officer who takes a person into custody without a warrant shall immediately inform the person orally in simple, nontechnical terms that: (a) the person has the right to remain silent and not make any statement at all and that any statement the person makes may be used against the person at trial; (b) any statement the person makes may be used as evidence against the person in court; (c) the person has the right to have a lawyer present to provide advice prior to and during any questioning; (d) if the person is unable to employ a lawyer, the person has the right to have a lawyer appointed to provide advice prior to and during any questioning; and (e) the person has the right to terminate the interview at any time; (2) a staff member of the facility will inform the person of the person's rights at the time the person is admitted to a facility and before questioning, assessing, or examining the person; and (3) a person apprehended, detained, or transported for emergency detention shall be informed of certain rights orally in simple, nontechnical terms, at the time the person is admitted to a facility and before the person is questioned, assessed, or examined, and in writing in the person's primary language if possible.

H.B. 2434 (Plesa) – 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) the report must 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. (Companion bill is **S.B. 405** by **Eckhardt**.)

H.B. 2441 (Plesa) – Peace Officer Training: would provide that TCOLE shall require cities, among others, as part of continuing education requirements for peace officers, to provide training on identifying and interacting with trauma-impacted veterans and diverting those veterans to available community resources.

H.B. 2456 (VanDeaver) – 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 if the peace officer is compensated at least at the minimum wage rate by the state or a political subdivision of the state. (Companion bill **S.B. 357** by **Hall**.)

H.B. 2496 (Swanson) – Water Outage and Fire Protection: would, among other things: (1) require the regulatory authority for a public water system responsible for a hydrant to adopt a rule or ordinance that requires the public water system to provide to each fire department that provides fire suppression services in the area in which the hydrant is located notice of an unplanned water service interruption that results in the hydrant being temporarily unavailable for use in a fire emergency as soon as possible, but no later than: (a) one hour from the first notification that a hydrant is unavailable for use when the outage impacts multiple hydrants; or (b) three hours from the first notification that a hydrant is unavailable for use when the outage impacts a singular hydrant; and (2) require the regulatory authority for a public water system responsible for a hydrant to adopt a rule or ordinance that requires the public water system to provide to each fire department that provides fire suppression services in the area in which the hydrant is located notice of a planned water service interruption that results in the hydrant being temporarily unavailable for use in a fire emergency prior to a disruption of service.

H.B. 2506 (Jetton) – Emergency Detention and Transportation: would, among other things, provide that: (1) a peace officer who takes a person into custody for an emergency detention shall immediately transport the apprehended person to the nearest appropriate inpatient mental health facility that can provide 24-hour residential and psychiatric services located within 100 miles from where the person was apprehended, unless the person needs stabilization of a physical emergency medical condition; (2) the Office of Court Administration shall develop and provide to each court in the state with jurisdiction to hear emergency mental health matters best practices and procedures for ensuring that a judge or magistrate is available 24 hours a day, seven days a week to respond to applications for emergency detention; (3) a local mental health authority that determines a person that has been detained should be transported to an appropriate mental health facility before the expiration of the period for emergency detention may submit a request for a peace officer to provide transportation; and (4) on receipt of notice of the request from the officer's supervisor, the peace officer immediately shall transport the detained person to the appropriate mental health facility along with a copy of the notification of emergency detention for the detained person to be provided to the receiving facility.

H.B. 2507 (Jetton) – Emergency Detention: would, among other things, provide that: (1) a peace officer may detain in custody for emergency detention purposes a person who has been admitted to an inpatient mental health facility, regardless of whether that person was admitted for voluntary mental health services; and (2) if a judge or magistrate transmits a warrant for the detention of a person who has been admitted to a facility at the time the application for emergency detention is presented, the facility may detain the person to perform a preliminary examination.

H.B. 2519 (S. Thompson) – Peace Officers: would, among other things, provide that:

1. a public entity, including a city: (a) is legally responsible for a wrongful act or omission of the entity's peace officer if the act or omission occurs under the color of law; and (b) accepts responsibility under respondeat superior for the officer's conduct under the color of law, regardless of whether the officer acted in accordance with a policy or custom of the entity;

2. an individual may bring an action for any appropriate relief in a court in this state against a public entity on the basis that a peace officer employed by the entity, by an act or omission under the color of law, deprived the individual of a right, privilege or immunity under the law or constitution;
3. statutory immunity or limitation on liability, damages, or attorney's fees is waived for an action brought under Number 2, above;
4. a peace officer may not be found financially liable in an action brought under Number 2, above;
5. notwithstanding any other law, contract or agreement, a public entity may terminate a contract or agreement with or the employment of a peace officer if the court finds in an action brought under Number 2, above, the officer deprived the claimant of a right, privilege or immunity under the law or constitution;
6. all petitions, judgements, settlements, or consent decrees related to an action brought under Number 2, above, are public information subject to disclosure under the Texas Public Information Act;
7. a peace officer: (a) may, if authorized, arrest offenders without a warrant; (b) shall 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 (c) shall intervene to prevent an action by another peace officer if: (i) the action includes excessive use of force; (ii) the intervening officer knows or should know the other officer's actions violates department policy or local, state or federal law; or (iii) the action puts a person at risk of bodily injury;
8. a law enforcement agency: (a) shall adopt a written policy regarding the issuance of citations for misdemeanor offenses, including traffic offenses, that are punishable by fine only, and (b) the policy shall meet the requirements of a model policy published by the Texas Southern University;
9. a law enforcement agency shall adopt a written policy regarding the use of force by peace officer that: (a) emphasizes conflict de-escalation and use of proportionate force; (b) mandates that deadly force be only used by peace officers as a last resort; and (c) affirms the sanctity of human life and treating all persons with dignity and respect;
10. a peace officer may not intentionally use a choke hold, carotid artery hold, or similar neck restraint in searching or arresting a person unless: (a) the restraint is necessary to prevent serious bodily injury to or the death of the officer or another person; and (b) the officer discontinues the restraint as soon as the threat of serious bodily injury or death described Number 10(a), above, has passed;

11. 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 assaultive offenses or offenses related to public intoxication;
12. 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 offense related to public intoxication, shall cite and release that person;
13. a peace officer who is charging a person, including a child, with committing an offense that is a misdemeanor for certain assaultive offenses punishable by fine only may cite and release that person;
14. a defendant may not be convicted for offense related to controlled substances on the testimony of an informant unless the testimony is corroborated by other evidence tending to connect the defendant with the offense committed;
15. a civil service commission shall implement a progressive disciplinary matrix for infractions committed by police officers that consist of a range of progressive actions applied in a standardized way based on the nature of the infraction and officer's prior conduct record;
16. a public employer shall implement the progressive disciplinary matrix for police officers described in Number 15, above, if the city has not adopted civil service;
17. a meet and confer agreement: (a) must implement the progressive disciplinary matrix described in Number 15, above; and (b) may not conflict with and supersede a statute, ordinance, order, civil service provision, or rule concerning the disciplinary actions that may be imposed on a police officer under the matrix;
18. 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 disciplinary matrix described in Number 15, above;
19. the basic peace officer training course must include: (a) training on prohibition against the intentional use of choke holds, carotid artery holds or similar neck restraints during a search or arrest by a peace officer; and (b) the duty of a peace officer to request and render aid for an injured person; and
20. A peace officer is only justified in using deadly force in certain instances, and 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.

H.B. 2521 (Thompson) – Neck Restraints: would provide that: (1) a peace officer may not use a choke hold, carotid artery hold, or similar neck restraint in searching or arresting a person unless: (a) the restraint is necessary to prevent bodily injury or death of the officer or another person; and (b) the officer discontinues the restraint as soon as the threat of serious bodily injury or death in

(1), above, has passed; (2) basic peace officer training must include training on the prohibition against the intentional use of neck restraints unless in accordance with (1), above; and (3) the model training curriculum and policies developed by the Texas Commission on Law Enforcement must include curriculum and policies regarding the prohibition against the intentional use of neck restraints during the search or arrest by a peace officer unless in accordance with (1), above.

H.B. 2537 (Ramos) – Sexual Assault: would provide that a sexual assault is without the consent of the other person if, among other instances, the actor is a law enforcement officer, and the other person is arrested or detained or otherwise in the custody of law enforcement.

H.B. 2564 (Anchía) – Motor Vehicle Accident Investigations: would provide that: (1) in addition to peace officers, an employee of a law enforcement agency who has successfully completed a training program on investigating motor vehicle accidents approved by the Texas Commission on Law Enforcement (TCOLE) may investigate a motor vehicle accident if: (a) no offense was committed during the accident; (b) no injury or death of a person occurred as a result of the accident; and (c) any property damage that resulted from the accident was to an apparent extent of less than \$5,000; and (2) an employee of a law enforcement agency who investigates a motor vehicle accident in accordance with (1), above, shall make a written report summarizing the findings of the investigation.

H.B. 2601 (Garcia) – Marijuana: would, among other things: (1) reduce the criminal penalties for marijuana offenses on the amount possessed and location of possession; (2) eliminate the requirement that defendant must be taken before a magistrate for certain marijuana-related offenses; (3) eliminate the defense to prosecution for specific possession-related drug offense for a person who requests emergency assistance for a possible overdose of another person if the requestor is committing a marijuana offense involving possession of more than 2 ounces of marijuana at the time of request; and (4) eliminate automatic community supervision for a marijuana offense involving possession of more than one pound of marijuana.

H.B. 2650 (Howard) – Sexual Assault Survivors’ Task Force: would provide that: (1) the Texas Commission on Law Enforcement (TCOLE) shall, in consultation with the Sexual Assault Survivors’ Task Force, establish a basic education and training program consisting of at least eight hours of instruction on child sexual abuse and adult sexual assault, including the best practices and trauma-informed response techniques to effectively recognize, investigate, and document those cases; (2) as part of the minimum curriculum requirements, TCOLE shall require an officer to complete the basic education and training program developed in (1), above; (3) an officer shall complete the 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; and (4) repeal the expiration of the Sexual Assault Survivors’ Task Force.

H.B. 2653 (Howard) – Stolen Firearms: would, among other things: (1) require a peace officer who receives a report from the owner of a firearm or the owner’s agent that the firearm was lost or stolen to report the loss or theft to the Department of Public Safety; and (2) provide that a person commits a Class C misdemeanor offense if the person: (a) owns a firearm that is subsequently lost by or stolen from the person; and (b) fails to report the loss or theft, or cause a report of the loss or theft to be made, to a peace officer or law enforcement agency not later than 24 hours after the time the person became aware the firearm was lost or stolen.

H.B. 2660 (Oliverson) – Missing Persons: would provide that a law enforcement agency, on receiving a report of a missing child or person, shall: (1) electronically submit to each municipal or county law enforcement agency within 200 miles the report and any information that may help determine the present location of the child or person within 48 hours; and (2) inform the person who filed the report that the information in (1), above, will be submitted to each municipal or county law enforcement agency within 200 miles.

H.B. 2681 (Frazier) – Removal of Personal Property from Roadways: would provide that: (1) a fire department may remove personal property from a roadway or right-of-way if the fire department determines that the property blocks the roadway or endangers public safety; (2) the owner shall reimburse the fire department for any reasonable costs of removal and disposition of the property; and (3) a fire department is not liable for: (a) any damage to personal property removed from a roadway or right-of-way under (1), above, unless the removal is carried out recklessly or in a grossly negligent manner; or (b) any damage resulting from the failure to exercise the authority granted by (1), above.

H.B. 2786 (Schofield) – Jailer Liability: would limit city and county liability for suits alleging acts or omissions by a jail keeper, operator, or employee in a city or county-owned jail facility for claims involving a condition of confinement, or a failure to protect, provide medical care, or train employees, to \$500,000 without regard to the number of claims or claimants.

H.B. 2861 (Garcia) – Family Violence Investigations: would provide that: (1) a peace officer who is investigating a family violence allegation or responding to a disturbance call that may involve family violence and who is charging a person present at the scene with committing a separate offense punishable as a misdemeanor may, in lieu of arresting the person, issue a citation to the person, regardless of whether the issuance of a citation for that offense is specifically authorized; (2) a peace officer may decline to arrest a person present at the scene described above who is subject to an outstanding arrest warrant for a separate offense punishable as a misdemeanor and issue a citation for that offense, regardless of whether the issuance of a citation for that offense is specifically authorized; (3) offenses punishable as a Class A or B misdemeanors relating to kidnapping, unlawful restraint, sexual abuse or assault, assault, arson, disorderly conduct, riots, prostitution, weapons, intoxication, and organized crime do not qualify under (1) and (2), above; (4) a peace officer, in lieu of executing a capias pro fine for a person present at the scene above may: (a) provide to the person: (i) written notice that a capias pro fine has been issued for the person; and (ii) written instructions regarding the methods by which the person may discharge the outstanding fines or costs or provide to the issuing court any evidence of the person's indigency; and (b) require the person to sign an acknowledgement that the officer has provided the notice and instructions in (4)(a), above; (5) a peace officer may not be held liable to fine as for contempt of court for issuing a citation in lieu of arresting a person under an outstanding warrant in (2) or (4), above; and (6) the Office of Court Administration shall develop and make available an acknowledgement form and written instructions for use of that form under (4), above.

H.B. 2917 (Reynolds) – Police Reform: this bill – known as the “Thurgood Marshall Criminal Justice Reform Act” – would provide, among other things, that:

1. 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, provided that the person must bring such action not later than two years after the day the cause of action accrues;
2. a statutory immunity or limitation on liability, damages, or attorney's fees does not apply to an action brought under Number 1, above and – regardless of any other law – qualified immunity or a defendant's good faith but erroneous belief in the lawfulness of the defendant's conduct is not a defense to an action;
3. in an action brought under Number 1, above, a court shall award reasonable attorney's fees and costs to a prevailing plaintiff, but 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;
4. 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 in an action brought under Number 1, above, except a public 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 brought under Number 1, above;
5. the foreperson of grand jury shall prevent a person present during a session of the grand jury from displaying, through any visible means, support for another person who would likely be involved in the prosecution of an offense subject to indictment by the grand jury;
6. grand jury proceedings conducted in the course of the grand jury's official duties are secret, and a witness who reveals, before the end of the grand jury's term, any matter about which the witness is examined or that the witness observes during a grand jury proceeding, other than when the witness is required to give evidence on that matter in due course, may be punished by a fine not to exceed \$500, and for contempt of court, and by a term of confinement not to exceed six months;
7. a police department shall, before hiring an applicant for a position with the department as a peace officer, require the applicant to take and pass an examination on implicit bias;
8. a police department shall collaborate with an accredited institution of higher education or other nonprofit research institution in: (a) creating or selecting the examination described in Number 7, above; (b) setting the minimum passing score; and (c) setting a score that exceeds the minimum passing score but below which an applicant is required to receive individualized counseling on implicit bias before being hired for a peace officer position;
9. a police department may not hire, as a peace officer, an applicant who does not meet or exceed the passing score set under Number 8(b), above, and may only hire such person after the applicant receives individualized counseling on implicit bias;

10. to be eligible for a position with a police department as a peace officer, an applicant hired on or after September 1, 2021, must: (a) for a home-rule municipality located wholly or partly in a county with a population of 500,000 or more, hold at least a baccalaureate degree or equivalent from an accredited institution of higher education; or (b) for a home-rule municipality not described by (a), above, hold at least an associate's degree or equivalent from an accredited institution of higher education;
11. a police department may not hire, as a peace officer, a former peace officer who was terminated or resigned in lieu of termination for the unjustified use of deadly force;
12. a city and a police officer association recognized as a bargaining agent may not adopt a collective bargaining, meet and confer, or other similar agreement unless the parties have solicited participation by local community members, including allowing an organization of local community members to review and comment on any proposed agreement;
13. 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 person, if: (a) the actor reasonably believes the arrest or search is lawful or, if the arrest or search is made under a warrant, the actor reasonably believes the warrant is valid; (b) before using force, the actor: (i) 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; (ii) attempts to de-escalate the situation; and (iii) issues a warning that force will be used; (c) the force used is proportionate to the threat posed and to the seriousness of the alleged offense; (d) the actor immediately terminates the use of force the moment the person against whom force is used becomes compliant or is subdued; and (e) 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;
14. 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 13, above, and: (a) the person for whom arrest is authorized poses an imminent threat of death or serious bodily injury to the actor or another; (b) the deadly force is used only against the person for whom arrest is authorized; (c) the actor immediately terminates the use of deadly force the moment the imminent threat of death or serious bodily injury is eliminated; and (d) no lesser degree of force could have eliminated the imminent threat of death or serious bodily injury; and
15. the provision that provides that there is no duty to retreat before using justified force is repealed.

H.B. 2960 (Cain) – Firearms: would repeal the provisions: (1) allowing a person to post a sign stating that a person may not carry a firearm or other weapon on a property; and (2) making unavailable a defense to prosecution if: (a) a sign described by (1), above, was posted prominently at each entrance to the premises or other property, as applicable; or (b) at the time of the offense,

the actor knew that carrying a firearm or other weapon on the premises or other property was prohibited.

H.B. 2992 (Harrison) – 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 1, 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 extent 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.

(Companion is **S.B. 665** by **Johnson**).

H.B. 3020 (Hernandez) – Massage Establishments: would provide that a massage establishment or massage school may not deny entry to the Texas Department of Licensing and Regulation (TDLR), a TDLR authorized representative, or a peace officer seeking to enter the premises for purposes of conducting an inspection incidental to the issuance of a license or to ensure compliance with other rules established by law.

H.B. 3057 (A. Johnson) – 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; (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 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 is **S.B. 529** by **West**.)

H.B. 3125 (Gamez) – Emergency Vehicle Equipment: would allow an authorized emergency vehicle to be equipped with alternating or flashing white light signal lamps.

H.B. 3134 (Shaheen) – Social Media Platforms: would provide that a social media platform: (1) shall develop operate, and maintain systems and procedures to identify or receive reports and notifications relating to a credible threat of violence that a user would be able to post, upload, transmit, share, or otherwise publish on the social media platform; (2) that identifies in good faith or is notified about a credible threat of violence under (1), above, shall: (a) notify the appropriate law enforcement authority; (b) archive, record, or otherwise preserve the relevant content; (c) remove the offending content from being publicly accessible; and (d) take any appropriate action against the user account in accordance with the social media platform’s published acceptable use policy; and (3) commits a criminal offense if the social media platform operator violates (2), above.

H.B. 3154 (Thierry) – Citizens’ Civil Liberties Act: would provide that a person who is a licensed commissioned or noncommissioned security officer and is engaged in the performance of the person’s duties as a security officer may, without a warrant, arrest an offender when the offense is committed in the person’s presence or within the person’s view, if the offense is one classed as a felony or as an offense against the public peace.

H.B. 3247 (Cain) – Prosecutorial Misconduct: would create a criminal offense for: (1) a state prosecutor or person working on behalf of a state prosecutor intentionally destroying, withholding, or otherwise failing to disclose information that must be disclosed to a defendant under the Code of Criminal Procedure, in a case in which the defendant is actually innocent of the charged offense and the above action substantially contributed to the defendant’s wrongful conviction; or (2) a state prosecutor intentionally obstructing the exoneration of a defendant for an offense for which the prosecutor knows that the defendant was actually innocent and wrongfully convicted.

H.B. 3262 (Hunter) – Mass Gatherings: would: (1) require that a person or entity promoting a mass gathering of more than 2,500 people (or over 500 people if alcohol will be available and a majority of the expected attendees will be under 21 years old) that will be held wholly within a city’s territorial limits, to obtain a permit from the city; (2) authorize the city health authority, police chief, and fire marshal or their designees: (a) to inspect the mass gathering preparations to ensure compliance with minimum public fire, safety, and order standards, and direct the person or entity to correct any observed violations; (b) to impose an administrative fee for (2)(a), above; and (c) direct a person or entity to correct any observed violations under (2)(a), above; (3) direct the city to hold a public hearing to grant or deny the mass gathering permit application at least ten days before the mass gathering, including presenting the reports made under (2)(a), above; (4) provide reasons for which a city may deny a mass gathering permit; and (5) if the mass gathering is held at a venue located within an emergency services district (ESD), require the ESD to contract with the appropriate city or ESD fire and emergency medical services departments for all fire suppression and emergency medical care-related goods and services.

H.B. 3271 (Reynolds) – Emergency Detention: would provide that a peace officer who takes a person into custody for an emergency detention shall immediately seize any firearm found in possession of the person being detained.

H.B. 3300 (Guerra) – Balloons: would: (1) create a criminal offense for knowingly releasing a balloon into the air outside of a roofed structure or organizing, sponsoring, or promoting an event

knowing that releasing a balloon is an authorized part of the event; and (2) provide for certain defenses to prosecution for local governmental entities.

H.B. 3342 (Jones) – Peace Officer Recordings: would provide that: (1) a person commits a third-degree felony offense for tampering with evidence if the person is a peace officer or other employee of a law enforcement agency who alters, destroys, or conceals another person's audio, visual, or photographic recording of a peace officer's performance of official duties: (a) without obtaining that other person's written consent; and (b) with intent to impair the recording's verity, intelligibility, or availability as evidence in any subsequent investigation of or official proceeding related to the peace officer's performance of official duties; (2) with regard to the offense of interference with public duties, it is a defense to prosecution if the conduct engaged in by the defendant consisted only of filming, recording, photographing, documenting, or observing a peace officer, if before or while engaging in the conduct, the defendant obeyed any reasonable and lawful order by a peace officer to change the defendant's proximity or position; (3) the requirement to obey police officers, school crossing guards, and escort flaggers under state law does not apply to an order or direction to cease filing, recording, photographing, documenting, or observing a peace officer while the officer is engaged in the performance of official duties; and (4) with regard to (3), above, this bill does not prohibit a peace officer from giving the person a reasonable and lawful order or direction to change the person's proximity or position relative to a peace officer who is engaged in the performance of official duties.

H.B. 3354 (Jones) – Evidence Testing for Controlled Substances: would provide that: (1) evidence that may contain a controlled substance or dangerous drug that is seized by a law enforcement agency in connection with a criminal action must be submitted to a laboratory to be tested using validated laboratory procedures and sampling protocols to determine whether the substance is a controlled substance or dangerous drug; and (2) a court shall dismiss a charge involving the manufacture, delivery, or possession of a controlled substance or dangerous drug if the testing required under this bill is not completed before the 30th day after the date the seizure occurred.

H.B. 3362 (Metcalf) – Peace Officer Training: would provide that: (1) as part of the minimum curriculum requirements, the Texas Commission on Law Enforcement (TCOLE) shall require an officer to complete a training program of not less than 16 hours on responding to an active shooter as provided by the Advanced Law Enforcement Rapid Response Training Center at Texas State University, or a similar organization approved by TCOLE; and (2) an officer shall complete the program not later than the last day of the first full continuing education training period that begins on or after the date the officer is licensed unless the officer completes the program as part of the officer's basic training course. (Companion is **S.B. 1477** by **Kolkhorst**.)

H.B. 3376 (Garcia) – Peace Officer Examinations: would provide that as part of the peace officer licensing requirements, a person may be examined by a mental health professional, which includes a licensed psychologist, licensed psychiatrist, or a licensed person who holds a doctoral degree from an accredited institution of higher education in the field in which the person is licensed.

H.B. 3421 (Slaton) – Law Enforcement Services: would, among other things, provide that: (1) for a city with a population of 950,000 or more and a ratio of less than two sworn police officers

per 1,000 residents, if the governor determines that the safety of a municipality's residents is threatened because the municipality is providing insufficient municipal resources for public safety, the governor may issue a determination to that effect; (2) the Department of Public Safety (DPS) shall provide law enforcement services in a municipality described by (1), above, and the municipality shall reimburse DPS for the cost of providing the law enforcement services; (3) not later than the first day of a municipality's fiscal year following a determination by the governor under (1), above, the municipality shall enter into a contract with DPS governing the provision of law enforcement services in the municipality on terms determined solely by the director of DPS; (4) the contract in (3), above, must: (a) provide for the transfer from the municipality to DPS all personnel, property, and liabilities that relate to the municipality's provision of law enforcement services, including all employees, equipment, facilities, contracts, and other assets; and (b) require that the personnel and property be organized as a unique division within DPS and benefit the residents of the municipality through DPS's provision of law enforcement services to the residents of the municipality; and (5) a municipality may not provide law enforcement services after contracting for law enforcement services with DPS under (3), above.

H.B. 3424 (Frazier) – Security Officer Training: would provide that, as part of the basic training course for commissioned security officers and personal protection officers, the course must include in-person instruction on handgun proficiency and self-defense tactics with an on-site instructor approved by the Department of Public Safety.

H.B. 3499 (Guillen) – Foreign Terrorist Organizations: would provide, among other things, that: (1) a foreign terrorist organization that continuously or regularly associates in gang activities is a public nuisance; (2) if a court finds that a foreign terrorist organization constitutes a public nuisance, the court may enter an order enjoining a defendant or imposing other reasonable requirements to prevent the foreign terrorist organization from engaging in future gang activities; (3) a foreign terrorist organization is liable to the state or a governmental entity injured by the violation of a temporary or permanent injunctive order in (2), above; (4) a law enforcement agency in a municipality with a population of 50,000 or more or in a county with a population of 100,000 or more shall compile and maintain in a local or regional intelligence database certain criminal information relating to a foreign terrorist organization; (5) the agency must compile and maintain the information in (4), above, in accordance with criminal intelligence systems operating policies; and (6) the office of the attorney general shall establish an electronic gang resource system to provide criminal justice agencies and juvenile justice agencies with information about criminal street gangs and foreign terrorist organizations.

H.B. 3528 (Campos) – Suicide Prevention Study: would: (1) require the Texas Commission on Fire Protection (TCFP) to establish an advisory committee to study the need to implement suicide prevention and peer support programs in fire departments in this state; and (2) provide that not later than September 1, 2024, the advisory committee shall prepare and submit a report to the governor and the legislature which must: (a) provide an overview of suicide prevention and peer support groups in fire departments; (b) address possible licensing requirements and any confidentiality concerns; and (c) provide recommendations on: (i) the need for legislation to implement suicide and peer support groups in fire departments; (ii) whether to encourage local governments to develop local suicide prevention and peer support groups in fire departments; and (iii) specific programs to be implemented in this state.

H.B. 3529 (Manuel) – Personal Assistive Mobility Devices: would: (1) provide that the Health and Human Services Commission (HHSC) shall adopt rules to ensure the safety and security of and the protection of property rights in a patient’s personal assistive mobility device while the patient is receiving emergency medical services; and (2) require each person or entity that provides the emergency medical services to adopt procedures, in accordance with HHSC rules, for the: (a) safe and secure storage of the patient’s personal assistive mobility device for the duration of the service provision; (b) return to the patient of the patient’s personal assistive mobility device at the time the service provision concludes; and (c) safe and secure transfer of the patient’s personal assistive mobility device from one person providing medical services to another person providing those services, including the transfer of a personal assistive mobility device for a patient who is transported by air. (Companion bill is **S.B. 525** by **West**.)

H.B. 3532 (Sherman) – Missing Children: would provide that, as soon as practicable after a law enforcement agency arrests or detains a missing child with an intellectual disability or mental illness, the agency shall notify the missing child’s parent, managing conservator, or guardian regarding the agency’s detention or arrest.

H.B. 3539 (Troxclair) – Ammunition Manufacturing Facility: would establish the Texas Ammunition Manufacturing Facility to manufacture quality ammunition for sale to law enforcement agencies, ammunition wholesalers, and ammunition retailers at a reasonable price.

H.B. 3540 (Lujan) – Overdose Mapping: would, among other things, provide that: (1) a local health authority or a law enforcement agency located in a county with a population of more than two million may enter into a participation agreement with an entity that maintains a computerized system for mapping overdoses for public safety purposes; (2) a local health authority or law enforcement agency that has entered into a participation agreement under (1), above, shall: (a) solicit and accept information regarding overdoses occurring in the county; and (b) provide information to the entity with which the authority or agency has a participation agreement under (1), above, for purposes of entering the information into the computerized system; (3) a person who provides information about an overdose incident to a local health authority or law enforcement agency in good faith under the bill is not subject to civil or criminal liability for providing the information; (4) provide that a law enforcement agency may use information provided or received under the bill only for mapping overdose locations for public safety purposes; and (5) information provided for purposes of overdose mapping under the bill is confidential and not subject to disclosure under the Public Information Act.

H.B. 3547 (Anchia) – Pokuaa-Flowers Act: this bill, known as the “Pokuaa-Flowers Act,” would, among other things, provide that: (1) a parole panel that requires certain releasees who are serving sentences for violent offenses to submit to electronic monitoring as a condition of release on parole or to mandatory supervision shall, as an additional condition of release prohibit the releasee from visiting a hospital for a purpose other than to receive emergency medical care unless the parole officer supervising the releasee approves the releasee’s request to visit the hospital prior to the visit; (2) the releasee’s request to visit a hospital must specify the date and time of the intended visit and the reason for the visit; and (3) a parole officer who approves a visit in (2), above, shall promptly notify the chief law enforcement officer for the hospital, or a local law enforcement

agency if the hospital does not employ any peace officers, of the date and time of the releasee's intended visit. (Companion bill is **S.B. 2127** by **Hinojosa**.)

H.B. 3556 (Stucky) – Missing Children: would provide that on the request of a local law enforcement agency that knows a child is missing but has not verified the criteria under law for activation, and if the chief law enforcement officer of the local law enforcement agency believes that activation of the alert system is warranted, the Department of Public Safety shall: (1) activate the alert AMBER alert system only in the following areas: (a) within a 100-mile radius of the location from which the child is believed to have gone missing or the location in which the child was last seen, as applicable; and (b) in all counties adjacent to the county from which the child is believed to have gone missing or the county in which the child was last seen, as applicable; and (2) notify appropriate participants in the alert system, as established by rule.

H.B. 3620 (Rosenthal) – Marijuana Penalties: would, among other things: (1) remove marijuana from certain controlled substance-related regulations involving: (a) alcohol beverage control licensing; (b) school discipline regulations, including superintendent notification, suspension, and expulsion; (c) court-ordered community supervision requirements; (d) juvenile delinquency and need for supervision conditions; (e) termination of parent-child relationships; (f) drug court and diversion programs; (g) maintenance of criminal history records; (h) state needy family financial assistance responsibility agreements; (i) group health benefit plan exceptions; and (j) pharmacy regulations; and (2) remove marijuana from criminal controlled substance offenses and exceptions to defenses to prosecution.

H.B. 3649 (Guillen) – Gambling: would, among other things, provide an exception to the criminal offense of gambling if: (1) the gambling place: (a) was located in a private place; (b) did not provide any economic benefit other than personal winnings to any person; and (c) except for the advantage of skill or luck, the risk of losing and the chances of winning at the gambling place were the same for all participants; or (2) the thing of value bet or offered: (a) was bet or offered in a private place; (b) did not provide any economic benefit other than personal winnings to any person; and (c) except for the advantage of skill or luck, the risk of losing and the chances of winning the thing of value bet or offered was the same for all participants.

H.B. 3652 (Moody) – 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) require a license to operate as a cannabis grower, cannabis establishment, cannabis secure transporter, or cannabis testing facility; (4) prohibit the sale of distribution of cannabis or cannabis products to a person under 21 years old; (5) prohibit a political subdivision of the state from adopting or enforcing an ordinance, order, resolution, rule, or other regulation that prohibits (1) or (2), above; (6) provide that a political subdivision 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; (7) assess a ten percent sales tax on each sale of cannabis or a cannabis product by a cannabis establishment; (8) establish

Cannabis Testing and Quality Control fund; (9) establish Public School Teachers fund; and (10) direct the allocation of cannabis tax revenue.

H.B. 3659 (Hefner) – Civil Asset Forfeiture Proceedings: would provide, among other things, that: (1) property that is contraband is not subject to seizure and forfeiture if the property: (a) is not otherwise unlawful to possess; and (b) has an aggregate value of less than \$5,000; (2) for purposes of determining the aggregate value of contraband in (1), above, the owner or interest holder is not required to have simultaneously owned or had an interest in all of the property constituting the contraband; (3) the attorney representing the state must prove by clear and convincing evidence property is subject to forfeiture; (4) a law enforcement agency engaged in the seizure, forfeiture, receipt, or expenditure of proceeds and property shall submit a monthly report to the attorney general’s office and must: (a) include all information required by state law for civil asset forfeiture proceeds audits; and (b) specify the number of seizures challenged or not challenged by an owner or interest holder of the property; and (5) each law enforcement agency shall file the report described in (4), above, covering the seizure, forfeiture, receipt, or expenditure of proceeds and property by the agency during the preceding month, or if an agency did not engage in a seizure or forfeiture during the reporting period, indicate that fact in the report.

H.B. 3660 (Vasut) – Releasing Animals: would establish a defense to prosecution for cruelty to nonlivestock animals for a person was: (1) releasing or returning a stray or feral animal pursuant to a Trap-Neuter-Return program; or (2) releasing or returning a previously trapped wild animal in accordance with Texas wildlife laws and regulations. (Companion bill is **S.B. 1682** by **Zaffirini**.)

H.B. 3688 (Jones) – Criminal Case Dismissals: would provide that: (1) an attorney representing the state, with permission of the court, may dismiss a criminal action at any time upon filing a written statement with the papers in the case which must set out the specific reasons for the dismissal, including lack of evidence or actual innocence; and (2) if the specific reason for a dismissal set out under (1), above, is the misconduct of a law enforcement officer, the attorney representing the state shall: (a) include in the papers in the case any information relating to the misconduct; (b) refer the matter to the law enforcement agency employing the officer for internal review; and (c) consider whether the filing of a criminal charge against the officer is appropriate or refer the matter to the appropriate attorney representing the state for that consideration.

H.B. 3704 (Garcia) – Deaths Caused by Peace Officers: would provide that: (1) as soon as practicable after a peace officer causes the death of another while in the discharge of the officer’s duties, the law enforcement agency that employs the officer shall notify the immediate family and household members of the deceased individual of the death and provide a chaplain, victim services professional, or peace officer employed by the agency to: (a) console the immediate family or household members; and (b) provide information regarding relevant resources available in the community; and (2) an action taken by a law enforcement agency or chaplain, victim services professional, or peace officer in accordance with this bill may not be construed as an admission of liability on behalf of the agency or the peace officer who caused the death.

H.B. 3746 (Goldman) – Code Enforcement Officers and Sanitarians: would, among other things: (1) repeal existing Occupations Code statutes regarding code enforcement officers and

sanitarians; (2) expire all code enforcement officer and sanitarian certificates of registration; and (3) terminate a pending Texas Department of Licensing and Regulation pending regulatory action, including a complaint investigation, disciplinary action, or administrative penalty relating to (2), above.

H.B. 3758 (S. Thompson) – Civil Asset Forfeiture Proceedings: would, with certain exceptions, repeal the law related to civil asset forfeiture and establish criminal asset forfeiture in this state, and among other things:

1. authorize a convicting court to order a person convicted of an offense subject to forfeiture to forfeit certain property, but only after the state establishes by clear and convincing evidence that the requirements for forfeiture are met or enters into a court-approved plea agreement for the forfeiture of the property;
2. provide that contraband is not subject to forfeiture, but is subject to seizure and must be disposed in accordance with state law;
3. establish procedures for the seizure of real and personal property and for the defendant to challenge the seizure;
4. provide that a forfeiture proceeding must be held following the trial of the related alleged offense;
5. authorize a defendant, at any time following a forfeiture determination, to petition the court to determine whether the forfeiture is unconstitutionally excessive;
6. prohibit the property of an innocent owner from being forfeited;
7. prohibit a law enforcement agency from: (a) retaining any forfeited or abandoned property for the agency's use; or (b) selling any forfeited or abandoned property directly or indirectly to an employee, a person related to an employee, or another law enforcement agency;
8. require law enforcement agencies to report certain forfeiture information to the Department of Public Safety;
9. require a law enforcement agency to return property under certain circumstances and make the agency responsible for any damage, storage fees, and related costs applicable to the property; and
10. prohibit the transfer of seized property to the federal government, with some exceptions.

H.B. 3825 (Bucy) – Mug Shots: would, among other things: (1) prohibit a law enforcement agency from publishing an individual's mug shot unless: (a) they have been convicted of an offense based on the conduct for which they were arrested or incarcerated at the time the mug shot was taken; or (b) the law enforcement agency has determined that: (i) the individual is a fugitive or an

imminent threat to another individual or public safety, and releasing the mug shot will assist in apprehending the individual or reducing or eliminating the threat; or (ii) a judge orders the mug shot released on good cause shown; and (2) provide that mug shots are not confidential under the Public Information Act.

H.B. 3841 (Frazier) – Accident Investigations: would: (1) increase the property damage amount from at least \$1,000 to at least \$5,000 at which a peace officer who is notified of a motor vehicle accident may investigate the accident and file justifiable charges relating to the accident; (2) increase the property damage amount from an apparent extent of \$1,000 to an apparent extent of \$5,000 or more, at which a law enforcement officer who is in the regular course of duty and investigates a motor vehicle accident shall make a written report of the accident; and (3) require that the Department of Public Safety suspend a driver's license and vehicle registration unless the owner deposits sufficient security as financial responsibility applicable if the accident resulted in injury or death or in damage to property of at least \$5,000.

H.B. 3858 (Frazier) – Mental Health Wellness Units: would, among other things, provide that: (1) each law enforcement agency shall establish and maintain a mental health wellness unit within the agency for the agency's peace officers; (2) a wellness unit in (1), above, shall: (a) identify peace officers that respond to a violent incident that may result in a loss of life, including a homicide, or fatal motor vehicle accident; (b) require a representative of the wellness unit to communicate with and monitor the mental health of an officer, when feasible; (c) maintain and provide a list of verified counselors, therapists, and support resources available to an officer who agrees to services through the wellness unit; and (d) include any additional requirements that the Texas Commission on Law Enforcement (TCOLE) determines are necessary to implement this bill; and (3) TCOLE shall establish and administer a grant program to assist local enforcement agencies in establishing and maintaining mental health wellness units within the agencies as required in (1), above.

H.B. 3958 (Smith) – DNA Sample Collection Grant Program: would provide that from money appropriated or otherwise available for the purpose, the Department of Public Safety shall establish and implement a grant program to assist law enforcement agencies in taking a DNA sample after arresting a defendant for certain felony offenses.

H.B. 3960 (Frazier) – Immigration Enforcement Agreements: would provide, among other things, that: (1) a governmental entity that employs or appoints a peace officer may request and, as offered, enter into a written agreement with the United States Immigration and Customs Enforcement to authorize officers and employees of the governmental entity to enforce federal immigration law; (2) an agreement in (1), above, must include the scope, duration, and limitations of the authority; (3) a governmental entity may not enter into a contract or other agreement with a common carrier or contract carrier if the carrier knowingly provides any service in furtherance of transporting a person who is unlawfully present in the United States, into this state, unless the carrier is transporting the person to facilitate the detention or removal of the person from this state or the United States; and (4) a contract or agreement between a governmental entity and a common carrier or contract carrier in (3), above, must contain: (a) a written verification from the carrier that the carrier does not knowingly provide and will not knowingly provide during the term of the contract or agreement any service in furtherance of transporting a person who is unlawfully present

in the United States, into this state, except to facilitate the detention or removal of the person from this state or the United States; and (b) a provision allowing the governmental entity to terminate the contract or agreement without penalty if the carrier is found to be in violation of the written verification.

H.B. 3967 (Morales) – Documentary Films: would provide that a reality television program does not include a documentary film for purposes of the prohibition of a law enforcement agency from authorizing a person to accompany and film a police officer acting in the line of duty when producing a reality television program.

H.B. 3981 (Paul) – Peace Officers: would provide that fire marshals and any related officers, investigators, or inspectors of an incorporated city, town, or village who hold a permanent peace officer license are peace officers.

H.B. 3986 (Lalani) – Emergency Detentions: would, among other things, provide that: (1) a peace officer may take a person who has been admitted to a facility into custody; (2) the governing body of a facility may adopt and implement a written policy that provides for the facility or a physician at the facility to detain a person who voluntarily requested treatment from the facility or who lacks the capacity to consent to treatment if: (a) the person expresses a desire to leave the facility or attempts to leave the facility before the examination or treatment is completed; and (b) a physician at the facility: (i) has reason to believe and does believe that the person has a mental illness and because of that mental illness is a substantial risk of serious harm to the person or to others unless the person is immediately restrained; and (ii) believes that there is not sufficient time to file an application for emergency detention or for an order of protective custody; and (3) a policy adopted and implemented by a facility may not allow the facility or a physician at the facility to detain a person who has been transported to the facility for emergency detention.

H.B. 3999 (Harrison) – Automatic License Plate Readers: would, among other things, provide that: (1) a law enforcement agency may use an automatic license plate reader only as authorized by a warrant or court order; (2) images and any related data produced from an automatic license plate reader used by a law enforcement agency may be used only for the purpose of investigating a criminal offense that is a violent offense; (3) images and any related data produced from an automatic license plate reader used by a law enforcement agency must be destroyed promptly after collection unless the image or data is from a motor vehicle that: (a) is involved in a criminal offense described in (2), above, or an ongoing criminal investigation of such an offense; or (b) is registered to a person who is involved in a criminal offense described in (2), above, or an ongoing criminal investigation of such an offense; (4) a law enforcement agency may not enter into an agreement with a person to provide images or any related data produced from an automatic license plate reader to the person except for a purpose otherwise authorized by this bill; (5) a law enforcement agency that uses an automatic license plate reader in accordance with this bill shall: (a) adopt a policy regarding the agency's use of automatic license plate readers; (b) annually compile a report regarding the agency's use of automatic license plate readers, including: (i) the number of license plates scanned by the agency; and (ii) the number of license plate scans that the agency used in an investigation that led to the arrest or prosecution of a person; and (c) annually publish the policy described in (5)(a), above, and the report described in (5)(b), above, on the agency's publicly accessible Internet website.

H.B. 4009 (Reynolds) – Emergency Detentions: would provide, among other things, that: (1) a peace officer who takes a person into custody under an emergency detention shall immediately transport the apprehended person to the nearest appropriate inpatient mental health facility located within 100 miles from where the person was apprehended or the nearest hospital emergency department, if the person is in need of emergency medical care; (2) the Office of Court Administration of the Texas Judicial System shall develop and provide to each court in the state with jurisdiction to hear emergency mental health matters best practices and procedures for ensuring that a judge or magistrate is available 24 hours a day, seven days a week to respond to applications for emergency detentions; (3) in a county with a population of 550,000 or more that is adjacent to a county with a population of 3.3 million or more, a peace officer may transport a person approved for transfer without a court order if the person is still subject to an unexpired notification of detention; and (4) a copy of the notification must accompany the person in (3), above, to the receiving facility.

H.B. 4056 (Murr) – Harmful Materials Regulation: would, among other things, provide that a person who displays certain harmful material to a minor may not assert as a defense to prosecution that the display of the material was for educational or governmental purposes. (Companion bill is **S.B. 1007** by Flores.)

H.B. 4074 (Bernal) – Driver’s License Renewals: would prohibit the Department of Public Safety from denying renewal of a driver’s license because it received information from a political subdivision that the applicant failed to appear in court or satisfy a judgment involving a traffic offense punishable by fine only. (Companion bill is **S.B. 1281** by Hughes.)

H.B. 4079 (Lozano) – Export by Customs Brokers: would prohibit a customs broker from certifying that delivery of tangible personal property was made to a point outside the territorial limits of the United States only if the customs broker or an authorized employee watches the property cross the border of the United States or watches the property being placed on a common carrier for delivery outside the United States.

H.B. 4102 (Guillen) – Unmanned Drones: would prohibit a governmental entity from acquiring or using an unmanned aircraft or any related services or equipment produced by a company or governmental entity that the governmental entity knows or has reason to believe is owned by, controlled by, or headquartered in China, Iran, North Korea, Russia, or Syria. (Companion bill is **S.B. 1986** by Hughes.)

H.B. 4171 (Campos) – Automated External Defibrillators: would, among other things: (1) authorize a city require the installation and maintenance of automated external defibrillators (AEDs) in structures subject to city licensure or other emergency preparedness-related regulation by ordinance, including specifying the structures subject to the ordinance, the minimum number and position of required AEDs, compliance and inspection procedures, and variance request process; (2) direct the city to consult with the fire marshal, fire chief, or other local official with authority over emergency matters regarding the requirements under (1), above; (3) prohibit a city from applying or enforcing an ordinance under (1), above, to a premises with a occupancy limit of 30 or fewer persons or a health facility licensed under state law; (4) specify that all AEDs installed or maintained under (1), above, must comply with all other applicable AED-related state

regulations; (5) specify that a county order does not apply to structures within a city or the city's extraterritorial jurisdiction if the city has adopted an ordinance under (1), above; and (6) exempt a city and its elected or appointed officials, employees, and agents from liability for regulating or failing to regulate AEDs. (Companion bill is **S.B. 1304** by **LaMantia**.)

H.B. 4173 (Klick) – **Overdose Prevention and Control**: would, among other things, provide that:

1. the Department of State Health Services (DSHS) shall develop an overdose mapping and response system in which a central repository containing information about overdose incidents is established and maintained using the information technology platform;
2. a law enforcement officer who responds to an overdose incident shall report information about the incident to the information technology platform as soon as possible but not later than 24 hours after the incident;
3. a person who administers emergency services and responds to an overdose incident or transports a person experiencing a confirmed or suspected overdose to a medical facility shall report information about the incident to the information technology platform as soon as possible but no later than 24 hours after the incident;
4. when a coroner, medical examiner, or other individual responsible for determining the cause of death determines that the death of a person was caused by an overdose, the coroner, medical examiner, or other individual shall report information about the overdose incident to the information technology platform, or give the information to a person authorized to report it, as soon as possible but not later than 24 hours after the determination of the cause of death;
5. a report under this bill must include: (a) the date and time of the overdose incident; (b) the approximate location of the overdose incident; (c) whether an opioid antagonist was administered, and if so, the number of doses and the type of delivery; (d) whether the overdose was fatal or nonfatal; (e) the sex and approximate age of the person suffering the overdose incident; and (f) the suspected substance involved;
6. a person who reports information about an overdose incident under this bill in good faith is not subject to civil or criminal liability for making the report unless the act constitutes willful or wanton negligence;
7. DSHS shall: (a) identify parameters for identifying an overdose spike throughout the state; and (b) create overdose spike response plans that coordinate the response of public health, public safety, and emergency management agencies and officials, first responders, community organizations, health care providers, and the media with the goal of preventing and reducing the harm caused by overdose spikes;
8. in developing overdose spike response plans, DSHS may: (a) establish public safety, public health, and behavioral health partnerships within the state; (b) assist local communities in identifying additional ways to use information about overdose incidents to deploy public

health, behavioral health, and public safety responses to address specific geographic areas or high-risk populations; (c) assist in the distribution of opioid antagonists throughout the state; and (d) assist in implementing strategies to reduce drug supply and demand, especially in high-risk areas and where there are high volume of high-risk populations;

9. not later than September 1 of each year, DSHS shall submit an annual report to the legislature regarding the overdose mapping and response system under this bill, and it must include: (a) the number of overdose incidents report and the approximate locations where the overdose incidents occurred, including any clusters of overdose incidents; (b) the entities or individuals reporting information about overdose incidents; (c) the percentage of overdose incidents involving fatal overdoses; and (d) the manner in which the reported information about overdose incidents was used for public health, behavioral health, and public safety responses, the outcomes of those responses, and the impact on affected communities;
10. information about overdose incidents reported to the overdose mapping and response system by a person other than a law enforcement officer may not be used for a criminal investigation or prosecution of any person, and information about overdose incidents reported to, and accessible through, the overdose mapping and response system is confidential and is not subject to disclosure under the Public Information Act;
11. DSHS shall develop, implement, and maintain an ongoing statewide prevention and education campaign to address the fentanyl education needs in this state, and must include: (a) information for the general public about fentanyl; (b) precautionary measures to avoid risks and prevent harm by fentanyl; (c) resources for addiction treatment and services; and (d) information on laws regarding the manufacture, delivery, possession, and use of fentanyl, including criminal penalties and immunities for reporting an overdose;
12. DSHS shall establish a Substance Abuse Prevention Collaborative, composed of the number and composition of members as determined by the executive commissioner to be appropriate, and shall: (a) gather feedback from stakeholders concerning evidence-based overdose prevention practices; (b) work with prevention specialists to provide and support training to strengthen the state's prevention workforce; (c) coordinate with and assist state agencies and communities to strengthen the state's prevention infrastructure; (d) implement a statewide strategic plan for prevention of substance abuse disorders; (e) advance the use of tested and effective prevention programs and practices through education, outreach, advocacy, and technical assistance; (f) direct efforts to raise public awareness of the costs savings of prevention measures; (g) provide direct training and technical assistance to communities regarding the selection, implementation, and sustainment of tested and effective prevention programs; (h) provide recommendations to state agencies and communities regarding innovative prevention programs and practices; (i) support funding efforts to align funding and services and communicate with communities about funding strategies; (j) work with key state and community stakeholders to establish minimum standards for prevention programs; and (k) not later than September 1 of each year, submit an annual report to the legislature of the collaborative's progress;

13. DSHS shall develop and implement a grant program to prevent overdose deaths and reduce health risks associated with substance abuse, and to be eligible to receive a grant, an entity must be: (a) a nonprofit organization that is in good standing and registered with the IRS and the secretary of state's office; (b) a federally qualified health center or rural health clinic; or (c) a law enforcement agency;
14. DPS, in consultation with the Health and Human Services Commission, shall conduct a study regarding the use of the Internet, including retail, payment, and social media platforms, for the purpose of distributing fentanyl, alpha-methylfentanyl, any other derivative of fentanyl, synthetic opiates, and counterfeit prescription drugs; and
15. regardless of whether: (a) the actor has been previously convicted of or placed on deferred adjudication community supervision for certain offenses; (b) the actor was acquitted in a previous proceeding in which the actor successfully established a defense to certain offenses; or (c) at any time during the 18-month period preceding the date of the commission of the instant offense, the actor requested emergency medical assistance in response to the possible overdose of the actor or another person, it is a defense to prosecution for certain offenses involving possession of small amounts of controlled substances, marihuana, dangerous drugs, abusable volatile chemicals, or possession of drug paraphernalia for defendants seeking assistance for a suspected overdose.

H.B. 4179 (Garcia) – Use of Force Claims: would: (1) prohibit a peace officer from asserting official immunity or other forms of immunity for a claim arising from the officer's use of force if the claimant proves by a preponderance of the evidence that the peace officer's actions did not comply with the standard use of force that would be used by a peace officer of reasonable and ordinary prudence in similar circumstances; and (2) exempt claims under (1), above, from governmental entity suit election of remedies and public servant liability provisions under certain circumstances.

H.B. 4180 (Frazier) – Reckless Driving Exhibition: would create a criminal offense for intentionally establishing, maintaining, or participating in a combination or in the profits of a combination or as a member of a criminal street gang, in the operation of a motor vehicle while engaging in a reckless driving exhibition, or racing on a highway. (Companion bill is **S.B. 2043** by **King**.)

H.B. 4196 (Frazier) – Notice to Appear for Traffic Offense: would provide that: (1) a peace officer's actions do not constitute misconduct if a peace officer issues a person a written notice to appear and: (a) the person refuses to sign the written notice prepared by the officer; (b) the officer does not take the person before a magistrate after the person fails to sign the written notice; and (c) the officer does not violate any other provisions related to notices to appear; and (2) the officer is not subject to removal from the officer's position in a scenario under (1), above.

H.B. 4216 (Morales) – Crime Victims' Rights: would provide that a judge, attorney representing the state, peace officer, or law enforcement agency that is required to notify, inform, or disclose certain information to a victim, guardian of a victim, or close relative of a deceased victim in accordance with a right granted by law shall provide the notification or information in the

following manner: (1) electronically by text message or email; (2) on request of the victim, guardian, or relative, as applicable, through an anonymous, online portal; or (3) by making personal contact with the victim, guardian, or relative, as applicable. (Companion bill is **S.B. 2101** by **Miles**.)

H.B. 4241 (Davis) – Profiling: would provide that a peace officer may not engage in profiling activities, including racial, sex, gender, religious, ethnic, or age.

H.B. 4249 (Morales) – Drones: would provide that the use of deadly force involving a drone is justified if: (1) the actor reasonably believes that the use of deadly force by means of a drone is necessary to protect the actor or another from an imminent threat of death or serious bodily injury; and (2) before the actor's use of deadly force occurred, the head of the law enforcement agency employing the actor, on a case-by-case-basis, specifically approved the actor's use of deadly force by means of drone. (Companion bill is **S.B. 1899** by **Birdwell**.)

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. (Companion bill is **H.B. 1454** by **Anchia**.)

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 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.

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 extent 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.B. 738 (Gutierrez) – Radio Interoperability and Mass Shooting Training: would provide that: (1) in any county impacted by or adjacent to Operation Lone Star, the Department of Public Safety (DPS) shall ensure that all public safety entities have emergency radio infrastructure that allows inter operable communication between all other public safety entities; (2) DPS shall establish a process to train public safety entities, including local law enforcement entities, in response to a mass shooting event; and (3) the training in (2), above, must include the following: (a) protection of students in a mass shooting event at a school; (b) emergency medical response training in minimizing gun violence casualties; (c) tactics for denying an intruder entry into a classroom or school facility; and (d) the chain of command during a mass shooting event.

S.B. 752 (Flores) – Direct Shipment of Alcohol: would, among other things: (1) permit a holder of a distiller's and rectifier's permit to deliver distilled spirits directly to the ultimate consumer, including a consumer located in a dry area; (2) permit a holder of an out-of-state distillery direct shipper's permit to deliver to Texas; (3) permit the holder of a brewer's license to ship malt beverages directly to the ultimate consumer, including a consumer located in a dry area; (4) permit

the holder of an out-of-state brewery direct shipper's license to ship to Texas; and (5) permit the holder of a brewpub license to ship malt beverages to the ultimate consumer, including a consumer in a dry area. Distilled spirits and malt beverages shipped under this provision would be required to be shipped only to a person over 21 years of age. (Companion bill is **H.B. 2003** by **Slawson**)

S.B. 780 (Hughes) – Abandoned Children: would add fire departments and law enforcement agencies to the list of emergency infant care providers who must take possession of certain abandoned children. (Companion bill is **H.B. 2010** by **Hefner**.)

S.B. 793 (Hinojosa) – Asset Forfeiture: would provide, among other things, that: (1) property that is contraband is not subject to seizure and forfeiture if: (a) the property is not otherwise unlawful to possess; and (b) the admissibility of the property as evidence would be prohibited in the prosecution of the underlying offense because it was obtained in violation of state or federal law or the Texas Constitution or United States Constitution; and (2) in all forfeiture cases the state has the burden of proving by clear and convincing evidence that property is subject to seizure.

S.B. 806 (Paxton) – Notice to Victims of Family Violence: would, among other things, provide that: (1) a peace officer who investigates an incident involving sexual assault or who responds to a disturbance call that may involve sexual assault shall provide the victim a written notice containing information about crime victims' rights; (2) at the initial contact or at the earliest possible time, the peace officer shall: (a) provide to the victim a written referral to the nearest sexual assault program and information about the statewide electronic tracking system for evidence collected in relation to a sexual assault or other sex offense; (b) offer to request a forensic medical examination on behalf of the victim; (c) coordinate with the local response team to provide continuing care to the victim or to further investigate the offense; and (d) provide to the victim written notice containing certain information required under this bill; (3) each law enforcement agency shall consult with a local sexual assault program or response team to develop the written notice required by (2), above, and shall update the notice at least each biennium; and (4) the notice in (2), above, must be in English and Spanish and include the current contact information for a victim assistance coordinator and a crime victim liaison.

S.B. 866 (Hughes) – Emergency Response Mapping Data: would, among other things require school districts and open-enrollment charter schools to provide local law enforcement agencies and emergency first responders with emergency response mapping data including: (1) accurate floor plans overlaid on current aerial imagery of a school building; (2) site-specific labeling that matches the structure of the school building; (3) site-specific labeling that matches the school grounds; and (4) a standardized gridded overlay with X and Y coordinates for all school campuses and buildings. (Companion bill is **H.B. 2032** by **Allison**).

S.B. 892 (Zaffirini) – Reserve Police Officers: would provide, among other things, that reserve police officers are exempt from requirements under the Private Security Act.

S.B. 931 (Middleton) – 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 activated or engaged by a motor vehicle manufacturer or governmental entity and 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.

S.B. 984 (Paxton) – Crafted Precious Metal Transactions: would provide that: (1) a crafted precious metal dealer shall report each transaction to an online database that is used by law enforcement agencies to investigate offenses related to crafted precious metal and other property; (2) the Department of Public Safety by rule shall designate the database to which a dealer is required to report under (1), above; and (3) a dealer who fails to permit a peace officer to inspect crafted precious metal purchased by the dealer during regular business hours while in the dealer's possession commits a Class B misdemeanor offense. (Companion bill is **H.B. 2382** by S. Thompson.)

S.B. 997 (West) – Human Remains Photographs: would provide that: (1) a person commits a state jail felony offense if the person publishes a photograph of human remains that the person obtained while acting within the course and scope of the person's duties as a first responder, coroner, medical examiner, employee of a coroner's office, or employee of an office of a medical examiner; (2) it is a defense to prosecution under (1), above, if that person published the photographs for an official law enforcement or medical purpose; (3) a defendant is liable to a person's surviving spouse, child, or parent for damages or other relief arising from a violation in (1), above, in relation to the person; (4) a claimant who prevails in an action under (3), above, is entitled to recover reasonable attorney's fees and costs incurred in bringing the action; (5) a governmental unit is jointly and severally liable for damages (not to exceed \$100,000) arising from a violation in (1), above, by a person employed by the governmental unit; (6) a governmental unit's sovereign or governmental immunity to suit and from liability is waived to the extent of liability created under this bill; and (7) a first responder, coroner, medical examiner, employee of a coroner's office, or employee of an office of a medical examiner may not assert official immunity as a defense to liability under this bill.

S.B. 1020 (King) – 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. (Companion bill is **H.B. 1405** by Geren.)

S.B. 1126 (Blanco) – Homeland Security Funding Assistance: would provide that the governor may allocate available federal and state grants and other funding related to homeland security to a local governmental entity or a nonprofit entity for: (1) expenses incurred by the entity to provide humanitarian assistance to unaccompanied minors and families, including expenses incurred for public safety, medical care, shelter, transportation, and nourishment; and (2) the humane processing of the remains of undocumented migrants.

S.B. 1183 (Eckhardt) – Defenses to Prosecution for Reporting Overdose: would allow for a defense to prosecution for certain possession-related drug offenses for a person who requests emergency assistance for a possible overdose of another person if the requestor: (1) was previously convicted of or completed deferred adjudication of a possession-related dangerous drug or volatile chemical offense; (2) successfully previously used the defense to prosecution described above; or (3) made a similar request for emergency assistance described above within the past 18 months.

S.B. 1274 (Gutierrez) – Firearms: would, among other things: (1) provide that a person who is younger than 21 years of age commits an offense if the person knowingly possesses an assault weapon; (2) create a criminal offense for a person who intentionally or knowingly sells, rents, leases, or gives or offers to sell, rent, lease, or give an assault weapon to a person younger than 21 years of age; (3) provide an exception to (1) and (2), above, if the actor possessed the assault weapon for the actual discharge of duties as or the transfer was to a person who is a peace officer or a member of the armed forces or state military forces; (4) require a licensed firearms dealer to conduct a criminal background check before selling or otherwise transferring a firearm to another person; (5) 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; (6) 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 (6)(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; (7) 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 (6)(c), above, shows that the person may not lawfully possess a firearm or the person does not submit a written request as required by (6)(d), above; and (8) provide that the proceeds from the sale of a firearm in (7), 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. 1319 (Huffman) – Overdose Information: would provide that, among other things: (1) a physician who treats an overdose of a controlled substance, or the administrator, superintendent, or other person in charge of a hospital, sanatorium, or other institution in which an overdose of a controlled substances is attended or treated or in which the attention or treatment is requested, shall report the case at once to the Department of Health and Safety and the local law enforcement authority of the municipality or county in which the physician practices or in which the hospital, sanatorium, or other institution is located; (2) the person who reports an overdose shall include in the report information regarding: (a) the date and time of the overdose; (b) the approximate location of the overdose using an address and the latitude and longitude of the location; (c) the location data from a cellular device; (d) the type of controlled substance or substances suspected

to have been used; and (e) whether an opioid antagonist was administered; (3) a law enforcement authority may use information received in (1), above, only for mapping overdose locations for public safety purposes; (4) the information in (1), above, is confidential and not subject to disclosure under the Public Information Act; and (5) a political subdivision, including a city, may enter into a participation agreement with a private entity that maintains a computerized system for mapping overdoses for public safety purposes.

S.B. 1346 (Miles) – Illegal Dumping and Littering: would provide for the prosecution of criminal attempt, conspiracy, and solicitation to commit illegal dumping and discarding of lighted materials.

S.B. 1355 (Miles) – Radio Communications: would require each law enforcement agency to make radio communications sent by the agency for a law enforcement purpose readily accessible to the general public, except for radio communications sent by designated units in the agency that perform special operations or the gathering and analyzing of information for the purpose of generating intelligence.

S.B. 1357 (Miles) – Criminal Offenses Recordkeeping: would require the Department of Public Safety and all local law enforcement agencies that use an incident-based reporting system to report information and statistics concerning criminal offenses committed in Texas to the Federal Bureau of Investigation, as a part of the Uniform Crime Reporting Program of the Federal Bureau of Investigation, to include the ethnicity of an arrestee in the reported incident.

S.B. 1362 (Alvarado) – 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 an individual who is lawfully present in the United States as the result of receiving deferred action from the United States Department of Homeland Security and who has obtained employment authorization from the United States Citizenship and Immigration Services; and (2) the Texas Commission on Law Enforcement (TCOLE) shall issue a peace officer license to a person who: (a) meets the requirements under this bill and TCOLE rules; (b) is lawfully present in the United States as the result of receiving deferred action from the United States Department of Homeland Security; and (c) has obtained employment authorization from the United States Citizenship and Immigration Services.

S.B. 1380 (Eckhardt) – Peace Officer Training: would provide that as part of the minimum curriculum requirements, the Texas Commission on Law Enforcement (TCOLE) shall require an officer to complete training programs related to acquired and traumatic brain injuries and trauma affected veterans not later than the last day of the first full continuing education training period that begins on or after the date the officer is licensed, unless the officer completes the programs as part of the officer's basic training course.

S.B. 1402 (Zaffirini) – Sexual Assault Survivors' Task Force: would provide that: (1) the Texas Commission on Law Enforcement (TCOLE) shall, in consultation with the Sexual Assault Survivors' Task Force, establish a basic education and training program consisting of at least eight hours of instruction on child sexual abuse and adult sexual assault, including the best practices and trauma-informed response techniques to effectively recognize, investigate, and document those

cases; (2) as part of the minimum curriculum requirements, TCOLE shall require an officer to complete the basic education and training program developed in (1), above; (3) an officer shall complete the 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; and (4) repeal the expiration of the Sexual Assault Survivors' Task Force. (Companion is **H.B. 2650** by **Howard**.)

S.B. 1413 (Johnson) – Removal of Personal Property from Roadways: would provide that: (1) a fire department may remove personal property from a roadway or right-of-way if the fire department determines that the property blocks the roadway or endangers public safety; (2) the owner shall reimburse the fire department for any reasonable costs of removal and disposition of the property; and (3) a fire department is not liable for: (a) any damage to personal property removed from a roadway or right-of-way under (1), above, unless the removal is carried out recklessly or in a grossly negligent manner; or (b) any damage resulting from the failure to exercise the authority granted by (1), above. (Companion is **H.B. 2681** by **Johnson**.)

S.B. 1422 (King) – Criminal Enforcement and Prosecution: would, among other things: (1) prohibit a law enforcement agency, political subdivision, or local entity (Public Entity) that receives public funds from adopting, enforcing, or endorsing a policy, resolution, ordinance or initiative that categorically prohibits or discourages the enforcement or prosecution of a criminal offense; (2) authorize the Office of the Attorney General (OAG) to receive and investigate complaints for alleged violations of (1), above; (3) direct the OAG to notify a Public Entity it determined violated (1), above, that the Public Entity must comply with (1), above, within 30 days of notification; (4) authorize the OAG to file suit to enjoin the Public Entity from violating (1), above, or petition the chief justice of the Texas Supreme Court to convene a special three-judge district court to hear a petition for a writ of mandamus to compel the Public Entity to comply with (1), above; (5) provide for civil penalties between \$1,000 and \$1,500 for a first offense and \$25,000 for each subsequent offense, with each day that a violation continues constituting a separate violation; (6) waive governmental and sovereign immunity to suit; and (7) direct all Public Entities to formalize in writing any unwritten, informal policies or initiatives relating to enforcement of a criminal offense, and update any such policies or initiatives to comply with (1), above, by January 1, 2024.

S.B. 1433 (Hinojosa) – Emergency Detention: would, among other things, provide that: (1) a peace officer may detain in custody for emergency detention purposes a person who has been admitted to an inpatient mental health facility, regardless of whether that person was admitted for voluntary mental health services; and (2) if a judge or magistrate transmits a warrant for the detention of a person who has been admitted to a facility at the time the application for emergency detention is presented, the facility may detain the person to perform a preliminary examination. (Companion is **H.B. 2507** by **Jetton**.)

S.B. 1445 (Paxton) – Texas Commission on Law Enforcement: this is the Texas Commission on Law Enforcement (TCOLE) sunset bill. The bill, among other things, would provide that:

1. TCOLE continue until 2035;

2. TCOLE, with the input from an advisory committee, shall by rule establish minimum standards with respect to the creation or operation of a law enforcement agency, including: (a) the determination regarding the need for creating the agency in the community; (b) the sustainable funding sources for the agency; (c) the physical resources available to officers, which may differ based on the size of the law enforcement agency, including: (i) duty firearms, including patrol rifles and shotguns; (ii) less lethal force weapons, including a requirement of at least one per officer on duty; (iii) effective communications equipment; (iv) protective equipment, including a requirement of at least one protective vest per officer on duty; (v) officer uniforms; and (vi) patrol vehicles and associated equipment; (d) the physical facilities of the agency, including any evidence room, dispatch area, or public area; (e) the policies of the agency, including policies on active shooters and barricaded subjects; and (f) any other standard TCOLE considers necessary;
3. TCOLE shall designate one or more national law enforcement databases that a law enforcement agency must access to complete the preemployment background check in which the database must: (a) contain records related to a person's previous law enforcement employment or experience, including any: (i) commendations or awards; (ii) misconduct or disciplinary records; and (iii) certifications or licenses held; (b) be maintained by the federal government or nationally recognized law enforcement accreditation association; and (c) provide a process for a person to contest or amend any information maintained in the database relating to the person;
4. TCOLE shall adopt rules specifying the circumstances under which TCOLE may issue, without a hearing, an emergency order suspending a person's license for a period not to exceed 90 days after determining that the person constitutes an imminent threat to the public health, safety, or welfare;
5. an order suspending a license under Number 4, above, must state the length of the suspension in the order, and if an emergency order is issued without a hearing, TCOLE shall set the time and place for a hearing to be conducted not later than the 10th day after the date the order was issued;
6. TCOLE by rule may establish advisory committees to make recommendations on programs, rules, and policies administered by TCOLE;
7. TCOLE shall create a public database containing profiles of each licensed officer in which the profile must: (a) contain the following information with respect to each officer: (i) the date the officer completed the basic training course; (ii) whether the officer is in compliance with continuing education requirements and the continuing education courses completed; (iii) the total hours of training the officer has completed; and (iv) the date the officer's license was issued; (b) be compiled in a format that makes the information contained in the profile readily available to the public; and (c) TCOLE shall adopt rules to exclude from the database profiles for certain officers if including the profile would create a safety risk for the officer based on the officer's position or

duties, including the profiles of undercover officers and officers involved in active narcotics operations;

8. before a law enforcement agency or governmental entity hires a person for whom a license is sought, the law enforcement agency must: (a) review any information relating to the person available in a database designated by TCOLE in Number 3, above; and (b) file an application with TCOLE as provided by TCOLE rule;
9. before a law enforcement agency may hire a licensed person, the agency must, on a form and in the manner prescribed by TCOLE, among other things, submit to TCOLE confirmation that under the agency, to the best of the agency's ability before hiring the person obtained and reviewed as related to the person, as applicable, information on the person's law enforcement background as available through a database designated by TCOLE under Number 3, above;
10. TCOLE by rule shall establish deadlines for an officer to complete any minimum curriculum requirements that are not completed as part of the officer's basic training course;
11. TCOLE may compel by subpoena the production for inspection or copying of a record by an agency hiring a person to be an officer that is relevant to the investigation of an alleged violation of this bill or a TCOLE rule, and TCOLE acting through the attorney general, may bring an action to enforce a subpoena against a person who fails to comply with the subpoena;
12. venue for an action brought under Number 11, above, is in a district court in Travis County or any county in which TCOLE may conduct a hearing, and the court shall order compliance with the subpoena if the court finds that good cause exists to issue the subpoena;
13. TCOLE call adopt rules specifying the circumstances under which it may request that a license holder submit to an examination by a psychologist, psychiatrist, or physician selected by TCOLE to determine whether the license holder continues to meet the required standards; and
14. in certain circumstances, TCOLE may suspend the license of a person who refuses to submit to the examination, and if the results of the examination under Number 13, above, show that the person does not meet required standards, TCOLE shall suspend the person's license.

(Companion bill is **H.B. 1530** by **Goldman**.)

S.B. 1477 (Kolkhorst) – Peace Officer Training: would provide that: (1) as part of the minimum curriculum requirements, the Texas Commission on Law Enforcement (TCOLE) shall require an officer to complete a training program of not less than 16 hours on responding to an active shooter as provided by the Advanced Law Enforcement Rapid Response Training Center at Texas State

University, or a similar organization approved by TCOLE; and (2) an officer shall complete the program not later than the last day of the first full continuing education training period that begins on or after the date the officer is licensed unless the officer completes the program as part of the officer's basic training course. (Companion is **H.B. 3362** by **Metcalf**.)

S.B. 1484 (Creighton) – Border Operations Training Program: would, among other things, provide that 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: (1) 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 (2) 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. (Companion is **H.B. 1675** by **Holland**.)

S.B. 1497 (Kolkhorst) – Peace Officer Training Grant Program: would, among other things require the governor's criminal justice division to establish and administer a grant program to provide financial assistance to a law enforcement agency in this state, other than the Department of Public Safety, for purposes of reimbursing the tuition paid by the agency to another entity for providing the basic peace officer training course to individuals seeking employment as peace officers with that agency.

S.B. 525 (West) – Personal Assistive Mobility Devices: would: (1) provide that the Health and Human Services Commission (HHSC) shall adopt rules to ensure the safety and security of and the protection of property rights in a patient's personal assistive mobility device while the patient is receiving emergency medical services; and (2) require each person or entity that provides the emergency medical services to adopt procedures, in accordance with HHSC rules, for the: (a) safe and secure storage of the patient's personal assistive mobility device for the duration of the service provision; (b) return to the patient of the patient's personal assistive mobility device at the time the service provision concludes; and (c) safe and secure transfer of the patient's personal assistive mobility device from one person providing medical services to another person providing those services, including the transfer of a personal assistive mobility device for a patient who is transported by air. (Companion is **H.B. 3529** by **Manuel**.)

S.B. 1632 (Bettencourt) – School Emergency Plans: would provide that: (1) before submitting a multihazard emergency operations plan to the Texas School Safety Center (TSSC) at the TSSC's request, a school district shall request provisional feedback from the TSSC regarding the plan and make adjustments to its plan as necessary; and (2) after approval of a plan by the TSSC, a school district shall submit its plan to an appropriate local law enforcement agency for review and to provide suggestions on the plan. (Companion bill is **H.B. 4882** by **DeAyala**.)

S.B. 1680 (Menendez) – Gambling: would, among other things: (1) provide an exception to the criminal offense of gambling if: (a) the gambling place: (i) was located in a private place; (ii) did not provide any economic benefit other than personal winnings to any person; and (iii) except for the advantage of skill or luck, the risk of losing and the chances of winning at the gambling place were the same for all participants; or (b) the thing of value bet or offered: (i) was bet or offered in

a private place; (ii) did not provide any economic benefit other than personal winnings to any person; and (iii) except for the advantage of skill or luck, the risk of losing and the chances of winning the thing of value bet or offered was the same for all participants; and (2) establish January 1, 2025 expiration date for (1), above.

S.B. 1681 (Menendez) – Gambling Definitions: would, for the criminal offense of gambling, define: (1) “economic benefit” as direct winnings from a game of skill or luck, not including a benefit received before a game commences or after payment of direct winnings from the game; and (2) “private place” as a place to which the public does not have access without a valid membership, special invitation, or prior permission.

S.B. 1682 (Zaffirini) – Releasing Animals: would establish a defense to prosecution for cruelty to nonlivestock animals for a person was: (1) releasing or returning a stray or feral animal pursuant to a Trap-Neuter-Return program; or (2) releasing or returning a previously trapped wild animal in accordance with Texas wildlife laws and regulations. (Companion bill is **H.B. 3660** by **Vasut**.)

S.B. 1740 (Gutierrez) – Gun Safety: would: (1) provide that it is an offense for a person to store a firearm, whether loaded or unloaded or firearm ammunition, in a motor vehicle or boat while the person is not in the motor vehicle or watercraft unless the firearm or firearm ammunition is kept from ordinary observation and locked within the trunk, utility or glove box, or a locked container securely affixed to the motor vehicle or boat; (2) provide that a person who owns a firearm shall report the loss or theft of the firearm to a law enforcement agency with jurisdiction over the location where the firearm was lost or stolen within twenty-four hours of the discovery of the loss or theft; (3) provide that a violation of (1) or (2), above, is a Class C misdemeanor punishable only by the completion of a court-approved firearm safety course; (4) require a dealer of firearms to post certain signs; and (5) provide that with the cooperation of the Texas Department of Transportation, the office of the governor, and other appropriate law enforcement agencies, the Department of Public Safety shall develop and implement a firearm safety system to be activated at regular intervals to publicize firearm safety and storage policies and advice.

S.B. 1852 (Flores) – Peace Officer Training: would provide that: (1) as part of the minimum curriculum requirements, the Texas Commission on Law Enforcement (TCOLE) shall require an officer to complete a training program of not less than 16 hours on responding to an active shooter as provided by the Advanced Law Enforcement Rapid Response Training Center at Texas State University, or a similar organization approved by TCOLE; and (2) an officer shall complete the program not later than the last day of the first full continuing education training period that begins on or after the date the officer is licensed unless the officer completes the program as part of the officer’s basic training course.

S.B. 1858 (Hancock) – Next Generation 9-1-1 Service Fund: would provide, among other things, that for any money in the Next Generation 9-1-1 Service Fund resulting from the appropriation of state funds, after the money is deposited into the fund the Commission on State Emergency Communications shall distribute to each emergency communication district that does not participate in the state system a portion of the money that bears the same proportion that the population of the area served by the district bears to the population of the state. (Companion bill is **H.B. 3290** by **Guillen**.)

S.B. 1898 (Birdwell) – 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. (Companion bill is **H.B. 624** by **Harris**.)

S.B. 1899 (Birdwell) – Drones: would provide that the use of deadly force involving a drone is justified if: (1) the actor reasonably believes that the use of deadly force by means of a drone is necessary to protect the actor or another from an imminent threat of death or serious bodily injury; and (2) before the actor's use of deadly force occurred, the head of the law enforcement agency employing the actor, on a case-by-case-basis, specifically approved the actor's use of deadly force by means of drone. (Companion bill is **H.B. 4249** by **Birdwell**.)

S.B. 1900 (Birdwell) – Foreign Terrorist Organizations: would provide, among other things, that: (1) a foreign terrorist organization that continuously or regularly associates in gang activities is a public nuisance; (2) if a court finds that a foreign terrorist organization constitutes a public nuisance, the court may enter an order enjoining a defendant or imposing other reasonable requirements to prevent the foreign terrorist organization from engaging in future gang activities; (3) a foreign terrorist organization is liable to the state or a governmental entity injured by the violation of a temporary or permanent injunctive order in (2), above; (4) a law enforcement agency in a municipality with a population of 50,000 or more or in a county with a population of 100,000 or more shall compile and maintain in a local or regional intelligence database certain criminal information relating to a foreign terrorist organization; (5) the agency must compile and maintain the information in (4), above, in accordance with criminal intelligence systems operating policies; and (6) the office of the attorney general shall establish an electronic gang resource system to provide criminal justice agencies and juvenile justice agencies with information about criminal street gangs and foreign terrorist organizations. (Companion bill is **H.B. 3499** by **Guillen**.)

S.B. 1970 (Bettencourt) – Seizure of Vehicles Used in Reckless Driving Exhibition: would: (1) create a criminal offense of intentionally establishing, maintaining, or participating in a combination or in the profits of a combination or as a member of a criminal street gang to conspire to operate a motor vehicle while engaging in a reckless driving exhibition; and (2) deem property of any nature, including real, personal, or tangible property, used in the commission of or conspiracy to operate a motor vehicle while engaging in a reckless driving exhibition as contraband, subject to seizure by law enforcement. (Companion bill is **H.B. 1442** by **A. Johnson**.)

S.B. 1986 (Hughes) – Unmanned Drones: would prohibit a governmental entity from acquiring or using an unmanned aircraft or any related services or equipment produced by a company or governmental entity that the governmental entity knows or has reason to believe is owned by,

controlled by, or headquartered in China, Iran, North Korea, Russia, or Syria. (Companion bill is **H.B. 4102** by **Guillen**.)

S.B. 2168 (Alvarado) – **Mobile Stroke Unit Grant**: would, among other things, require the Health and Human Services Commission to establish and administer a grant program to provide financial assistance to stroke facilities and increase the availability of mobile stroke units in Texas. (Companion bill is **H.B. 2356** by **A. Johnson**.)

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. 300 (Howard) – **Sales Tax Exemption**: would exempt from the sales tax children’s diapers, baby wipes, baby bottles, feminine hygiene products, maternity clothing, and breast milk pumping products.

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.

H.B. 2223 (Capriglione) – Sales Tax Exemption: would: (1) exempt from the sales tax the following items used in connection with a virtual currency mine that meets certain job creation and capital investment requirements: electricity, an electrical system, a cooling system, an emergency generator, an electrical substation, an on-site power generation, or a mechanical, electrical, or plumbing system that is necessary to operate systems related to virtual currency mining; (2) provide that the exemption expires 10 years after the mine is certified by the comptroller if the occupant, owner, or operator makes a capital investment of at least \$100 million and expires 15 years after the mine is certified by the comptroller if the occupant, owner, or operator makes a capital investment of at least \$150 million; and (3) prescribe procedures by which the comptroller shall administer the exemption.

H.B. 2292 (Slawson) – Sales Tax Reimbursement and Discount: would: (1) permit a sales taxpayer to deduct and withhold 2.5 percent of the sales tax imposed on credit card sales due from the taxpayer; and (2) provide that the prepayment discount of 1.25 percent does not apply to taxes imposed on credit card sales due from the taxpayer.

H.B. 2320 (Caroline Harris) – Sales Tax Exemption: would exempt feminine hygiene products from the sales tax.

H.B. 2422 (Lozano) – Sales Tax Exemption: would exempt from the sales tax certain skilled trade tool items during a period beginning at 12:01 a.m. on the first Friday in September and ending at 11:59 p.m. on the following Monday.

H.B. 2482 (Capriglione) – Sales Tax Exemption: would amend the section providing a temporary sales tax exemption for certain tangible personal property related to data centers to: (1) allow a data center that is located or will be located in one or more buildings and on contiguous or noncontiguous parcels of land to qualify for the exemption; (2) require that a data center located on noncontiguous parcels of land be located in the same county or an adjacent county and connected by a fiber network; (3) eliminate the requirement that a qualifying job staffed by a third-party employer must include a contract providing that the job is permanently assigned to the data center; and (4) provide that a data center that refurbishes a space to locate a data center can qualify for the exemption.

H.B. 2535 (Turner) – Sales Tax Exemption: would exempt from the sales tax a medical service performed to determine the appropriate level of workers' compensation benefits. (Companion bill is **S.B. 1122** by **Schwertner**.)

H.B. 3003 (Bailes) – Aircraft Sales Tax Exemption: would eliminate the requirement that to receive the exemption for services, equipment, and tangible personal property associated with aircraft, the services, equipment, or tangible personal property must be owned or operated by or on behalf of: (1) a person using the aircraft as a carrier of persons or property; (2) a person who has a sales tax permit and uses the aircraft for the purpose of providing flight instruction; or (3) a

person who uses the aircraft exclusively for agricultural use. (Companion bill is **S.B. 1022** by **Nichols**.)

H.B. 3104 (Anderson) – **Sales Tax Exemption**: would: (1) provide a temporary sales tax exemption for certain tangible personal property related to connected data centers, including electricity, an electrical system, a cooling system, a backup electricity system, certain hardware, a data storage device, network connectivity equipment, a rack, cabinet, and raised floor system, a peripheral component or system, software, a mechanical, electrical, or plumbing system, and any item or component part necessary to operate any of the above property; (2) expressly exclude certain personal property from the exemption; (3) provide procedures by which the comptroller shall administer the exemption; (4) require that to receive the exemption, a data center operator must create at least 40 qualifying jobs, make a capital investment of at least \$500 million over a five-year period, and agree to contract for at least 20 megawatts of transmission capacity; and (5) provide that the exemption under expires 20 years after the data center is certified by the comptroller.

H.B. 3206 (Darby) – **Sales Tax Exemption Eligibility**: would increase the limit on the sales price of portable generators eligible for a sales tax exemption under the emergency preparation items exemption from \$3,000 to \$10,000.

H.B. 3209 (Thompson) – **Motor Vehicle Rental Taxes**: would, among other things, require a marketplace rental provider to collect the motor vehicle rental tax for the benefit of a city or county venue project.

H.B. 3298 (Garcia) – **Sales Tax Exemption**: would: (1) exempt up to \$500 worth of educational materials purchased by a teacher from the sales tax; and (2) require the comptroller to develop an exemption certificate form a teacher may use to claim the exemption.

H.B. 3358 (Button) – **Sales Tax Refund**: would provide that for years 2024-2029, the amount of the refund of sales tax imposed on the sale of tangible personal property sold, leased, rented, stored, or consumed by a provider of cable television, internet access, or telecommunications services is not subject to the \$50 million limit provided in the statute. (Companion bill is **S.B. 1218** by **Hughes**.)

H.B. 3541 (Dutton) – **Temporary Sales Tax Rate Reduction**: would: (1) require the comptroller to: (a) determine the amount of the surplus for state fiscal biennium ending August 31, 2023 attributable to the sales tax; (b) estimate the amount of the surplus for state fiscal biennium ending August 31, 2025 attributable to the sales tax; (c) if the amount in (b), above, is more than 50 percent of the amount under (a) above, determine the rate of sales tax that would result in an amount under (b), above, equaling 50 percent of the amount under (a), above; and (d) publish that rate in the Texas Register; and (2) change the state sales tax rate to the rate determined under (1)(c), above, applicable to the fiscal biennium ending on August 31, 2025.

H.B. 3580 (Bumgarner) – **Sales Tax Exemption**: would exempt from the sales tax a firearm, firearm accessory, and ammunition.

H.B. 3622 (Lozano) – Taxable Services: would remove “real estate repair and remodeling” from the definition of “taxable services” for the purpose of the sales tax. (Companion bill is **S.B. 2187** by **Hinojosa**.)

H.B. 3740 (Kitzman) – Sales Tax Exemption: would exempt from the sales tax a firearm, firearm accessory, and ammunition.

H.B. 3894 (Shine) – Sales Tax Exemption: would exempt from the sales tax battery energy storage systems used to generate, process, or store electricity for distribution and sale, regardless of the origin of the electricity used to charge the battery energy storage system if sold, rented to, stored, used, or consumed by a manufacturer.

H.B. 4257 (Raney) – Reimbursement for Sales Tax Collection: would increase the percentage a taxpayer may deduct and hold as reimbursement for the cost of collecting the sales tax from .5 percent to 1.5 percent.

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**.)

S.B. 1000 (West) – State Sales Tax Rate: would reduce the state sales tax rate from 6.25 percent to 5.75 percent.

S.B. 1022 (Nichols) – Aircraft Sales Tax Exemption: would eliminate the requirement that to receive the exemption for services, equipment, and tangible personal property associated with aircraft, the services, equipment, or tangible personal property must be owned or operated by or on behalf of a person using the aircraft as a carrier of persons or property, a person who has a sales tax permit and uses the aircraft for the purpose of providing flight instruction, or a person who uses the aircraft exclusively for agricultural use.

S.B. 1053 (Hughes) – Marketplace Seller: would exclude from the definition of “marketplace seller” an affiliate of the marketplace provider. (Companion bill is **H.B. 1216** by **Dean**.)

S.B. 1122 (Schwertner) – Sales Tax Exemption: would exempt from the sales tax a medical service performed to determine the appropriate level of workers’ compensation benefits. (Companion bill is **H.B. 2535** by **Turner**.)

S.B. 1143 (Paxton) – Sales Tax Exemption: would amend the section providing a temporary sales tax exemption for certain tangible personal property related to data centers to: (1) allow a data center that is located or will be located in one or more buildings and on contiguous or noncontiguous parcels of land to qualify for the exemption; (2) require that a data center located on noncontiguous parcels of land be located in the same county or an adjacent county and connected by a fiber network; (3) eliminate the requirement that a qualifying job staffed by a third party employer must include a contract providing that the job is permanently assigned to the data center; and (4) provide that a data center that refurbishes a space to locate a data center can qualify for the exemption. (Companion bill is **H.B. 2482** by **Capriglione**.)

S.B. 1176 (Capriglione) – Sales Tax Exemption: would exempt from the sales tax a Covid-19 test kit.

S.B. 1218 (Hughes) – Sales Tax Refund: would provide that for years 2024-2029, the amount of the refund of sales tax imposed on the sale of tangible personal property sold, leased, rented, stored,

or consumed by a provider of cable television, internet access, or telecommunications services is not subject to the \$50 million limit provided in the statute.

S.B. 1265 (Parker) – Sales Tax Exemption: would: (1) provide a temporary sales tax exemption for certain tangible personal property related to connected data centers, including electricity, an electrical system, a cooling system, a backup electricity system, certain hardware, a data storage device, network connectivity equipment, a rack, cabinet, and raised floor system, a peripheral component or system, software, a mechanical, electrical, or plumbing system, and any item or component part necessary to operate any of the above property; (2) expressly exclude certain personal property from the exemption; (3) provide procedures by which the comptroller shall administer the exemption; (4) require that to receive the exemption, a data center operator must create at least 40 qualifying jobs, make a capital investment of at least \$500 million over a five-year period, and agree to contract for at least 20 megawatts of transmission capacity; and (5) provide that the exemption under expires 20 years after the data center is certified by the comptroller.

S.B. 1558 (Parker) – Sales Tax Exemption: would: (1) provide that gold bullion and specie are legal tender in this state; and (2) and provide a sales tax exemption for notes, leaves, foils, or film that is used as currency, is not considered legal tender, and has a gold, silver, or platinum content of at least 50 percent.

S.B. 1769 (Eckhardt) – Sales Tax Holiday: would increase the sales price limit applicable to items eligible for a tax exemption during the school sales tax holiday from \$100 to \$175.

S.B. 1833 (Hinojosa) – Sales Tax Exemption Eligibility: would increase the limit on the sales price of portable generators eligible for a sales tax exemption under the emergency preparation items exemption from \$3,000 to \$10,000. (Companion bill is **H.B. 3206** by **Darby**.)

Community and Economic Development

H.B. 5 (Hunter) – Economic Development: would, among other things: (1) provide that a person may apply to a school district for approval of an agreement between the owner of a new investment project and a school district; and (2) provide that the comptroller shall recommend an application for approval by a school district if the comptroller finds that the project provides a net economic benefit to Texas.

H.B. 14 (Harris) – Third Party Inspections and Review of Development Applications: would provide: (1) for a third-party review of certain development documents, permits, and inspections if a city fails to approve, conditionally approve, or disapprove the documents or conduct the inspection by the 15th day following the time prescribed by law for the review or inspection; (2) that a third-party document review may be performed by certain qualified persons, including: (a) a licensed engineer; or (b) a reviewer employed by the city or any other political subdivision, if the city approves the person; (3) that a third-party inspection may be performed by certain qualified persons, including: (a) a certified building inspector; (b) a licensed engineer; or (c) an inspector employed by the city or any other political subdivision, if the city approves the person; (4) that the city cannot collect an additional fee for the third-party review or inspection; (5) that the person

performing the review or inspection must satisfy all applicable regulations and provide notice to the regulatory authority within 15 days of completion; and (6) that the applicant has appeal rights under certain conditions.

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 (Oliveron) – 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 Perez) – 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 Perez) – 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. 1515 (**Clardy**) – **Texas Economic Development and Tourism Office**: this is the Texas Economic Development and Tourism Office (TEDTC) sunset bill. The bill, among other things, would continue TEDTC until 2035. (Companion bill is **S.B. 1940** by **Springer**.)

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 employs 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 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 **S.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.B. 1987 (Vasut) – Structured Sober Living Homes: would, among other things, provide that a city may adopt standards for structured sober living homes which may require the structured sober living homes to: (1) provide written notice to residents and potential residents that includes certain contact information; (2) supervise residents during all hours of operation; and (3) establish and maintain an operation plan.

H.B. 2018 (Munoz) – Land Development Shot Clock: would, among other things, provide for the creation of a new shot clock procedure related to land development applications which would: (1) require a city to approve, approve with conditions, or disapprove a land development application within 30 days after the date the land development application is filed; (2) deem approved an application unless it is disapproved within the period allowed in section (1), above; (3) allow for an additional 30-day extension of the time allowed under section (1), above, under certain conditions; (4) require a city that conditionally approves or disapproves a land development application to provide a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval and cites the regulation; (5) provide for resubmission of the application following a disapproval or conditional approval which must be approved or disapproved by the city within 15 days of resubmission; (6) allow an applicant to challenge a conditional approval or disapproval in state court, with the city bearing the burden of proving that the city's decision meets all statutory and common law requirements; (7) provide that in a lawsuit allowed by (6), above: (a) the court may not use a deferential standard; and (b) if the applicant prevails, the applicant would be entitled to payment of their court costs, expert witness fees and attorney's fees by the city.

H.B. 2023 (Munoz) – Attorney's Fees and Costs in Litigation: would, among other things, allow a party to receive an award payable by a city for court costs, attorney's fees, and expert witness fees in litigation, if the court determines that: (1) an order, ordinance, regulatory decision, denial of an application, refusal to issue a permit, or similar measure of a city is unenforceable because it is preempted by the state constitution or a state statute; (2) a city officer has failed to perform an act of the office required by the state constitution or a state statute; or (3) a city has failed to comply with the requirements of Chapter 212 of the Texas Local Government Code.

H.B. 2071 (Jetton) – Public Facility Corporations: would provide, among other things, that: (1) a public facility corporation (PFC) or a sponsor may only finance, own, or operate a multifamily

residential development located in the area of operation or jurisdictional boundaries of the sponsor; (2) a PFC must hold a public hearing before approving certain multifamily developments; (3) in order to receive beneficial tax treatment, a multifamily development must meet certain minimum affordable housing thresholds; (4) certain protections are extended tenants living in multifamily developments owned by PFCs; (5) all materials used to improve the real property of a PFC are exempt from sales and use taxes; and (6) PFCs must make annual reports to the Texas Comptroller and the chief appraiser and make certain information publicly available on their websites.

H.B. 2131 (Raymond) – Expansion of Homelessness Prevention Programs: would provide that the Texas Department of Housing and Community Affairs may administer a homeless housing and services program in Texas cities with a population of 250,000 or more to: (1) expand housing options for homeless persons; and (2) provide local programs to prevent and eliminate homelessness.

H.B. 2181 (Rose) – Grants for Youth Homeless Programs: would provide that the Texas Department of Housing and Community Affairs may administer a youth and young adult homeless housing and services grant program, which, among other things, may provide financial assistance to local providers of programs and services to prevent and eliminate homelessness.

H.B. 2198 (Hefner) - 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. (Companion is **S.B. 491** by **Hughes**.)

H.B. 2232 (Spiller) – Plat Cancellation in the ETJ: would provide that a person owning real property located in a portion of the city's ETJ subject to county control over platting may apply to the county commissioner's court for cancellation of certain subdivision plats.

H.B. 2256 (Turner) – Extensions of Consumer Credit: would provide that: (1) the annual percentage rate of an extension of consumer credit is calculated including the total charges charged to the consumer in connection with the extension of consumer credit, including interest, lender charges, and any fees or any other valuable consideration received by the credit services organization or a representative of the organization; (2) the annual percentage rate of an extension of consumer credit that a credit services organization obtains for a consumer or assists a consumer in obtaining may not exceed 36 percent; and (3) that a credit access business may assess fees for its services only in accordance with (1) and (2), above.

H.B. 2284 (King) – Repurchase After Condemnation: would, among other things, provide that: (1) a person from whom a real property interest is acquired through eminent domain is entitled to repurchase that property if the property's use is changed from the public use for which the property was initially acquired; (2) the repurchase right in section (1), above, may be exercised during the lifetime of: (a) the person from whom the property was acquired; or (b) a person who is related within three generations to the person from whom the property was acquired; and (3) the heirs, successors, or assigns of the person in section (1), above, have the same repurchase rights.

H.B. 2308 (Ashby) – Enforcement Against Agricultural Operations: would, among other things, provide that: (1) the definition of “agricultural operation” would include producing hay and other forages for animal feed and veterinary services; (2) the date an agricultural operation is established is the date on which an agricultural operation commenced; (3) no action to restrain an agricultural operation may be brought against an operation that has been in operation for at least one year; (4) remedies for an agricultural operator against whom an action is brought are expanded to include any damages found by the trier of fact; (5) an occupant of any land on which agricultural operations exist or take place is not liable to the state or a governmental unit for the construction or maintenance on the land of an agricultural improvement if the construction is not expressly prohibited by state statute in effect at the time the improvement is constructed; and (6) any other law is preempted to the extent of a conflict with the law governing governmental requirements on agricultural operations.

H.B. 2318 (Zwiener) – Possession of Property Acquired by Eminent Domain: would provide, among other things, that with regard to acquiring property through eminent domain: (1) possession of the property occurs not earlier than 180 days following the date of award by the special commissioners court; (2) a city may take immediate possession of the property after either: (a) paying the property owner the amount of damages and costs awarded by the special commissioners; or (b) depositing that amount of money with the proper court; and (2) a city is not prohibited from making an agreement to take immediate possession of property pending resolution of further litigation.

H.B. 2343 (Guillen) – Manufactured Homes: would: (1) prohibit a city from unreasonably regulating or restricting the installation of a new HUD-code manufactured home; (2) prohibit a city from requiring a specific use permit for a new HUD-code manufactured home; (3) require a city with zoning regulations to permit the installation of a new HUD-code manufactured home under at least one residential zoning classification or type of residential zoning district; and (4) prohibit a city from adopting zoning regulations that directly or indirectly prohibit HUD-code manufactured homes in all residential areas of the city.

H.B. 2402 (Moody) – Low Income Housing Tax Credits: would provide for: (1) the definition of “at-risk development” to include developments that have received certain Section 8 housing assistance payments; and (2) inclusion in an “at-risk development” a project to create new or rehabilitated housing at a location other than the location of any of the original development sites, if the development is supported by the applicable governing body of a city in which the development is located, as evidenced by a resolution adopted by the governing body.

H.B. 2409 (Reynolds) – Building Codes: would, among other things, provide for the adoption of the International Residential Code and International Building Code as they existed on May 1, 2021, as the municipal residential building code and municipal commercial building code for all cities in Texas.

H.B. 2421 (Lozano) – School Property Tax Limitations: would extend the expiration date of the Texas Economic Development Act from December 31, 2022, to December 31, 2033.

H.B. 2476 (Garcia) – Veterans’ Land Bank Program: would, among many other things: (1) create the Veterans’ Land Bank Program by the Texas State Affordable Housing Corporation; (2) provide that the program may acquire, hold, and transfer unimproved real property to provide affordable housing for veterans who are members of low-income households; (3) provide that certain unimproved property subject to a tax lien may be transferred to the program to be used for affordable housing; and (4) provide that a city which holds a portion of the lien described in (3), above, may consent or withhold consent to the transfer.

H.B. 2528 (Campos) – Homelessness Data System: would, among other things, require the Texas Interagency Council for the Homeless to conduct a study on the feasibility of establishing a statewide homelessness data system that would allow state agencies and local governmental entities to share information related to individuals experiencing homelessness and access information related to these individuals in order to connect them to services.

H.B. 2532 (Toth) – Building Permit Shot Clock: would require a city to grant or deny a building permit application within 30 days of submission or reach a written agreement with the applicant providing for a deadline.

H.B. 2561 (Tepper) – Required Disannexation Elections: would, among other things, require an election to be held November 7, 2023, on the question of disannexation of any area that was annexed by a city between March 3, 2015, and May 24, 2019.

H.B. 2628 (Moody) – Property Repurchase Following Condemnation: would provide that when a condemning entity, including a city, wishes to sell property acquired through eminent domain while the former owner, their heirs, successors, or assigns retain repurchase rights: (1) the entity must offer to sell the property interest for the amount the entity was ordered to pay in the condemnation proceeding; and (2) this amount cannot include certain costs or fees awarded by the court or paid by the entity to the property owner, including, among other things, damages to the remainder; damages for temporary possession; or amounts paid as consideration to avoid litigation.

H.B. 2689 (Burns) – Plumbing Code: would: (1) require the Texas State Board of Plumbing Examiners to adopt the 2015 edition of the International Plumbing Code as the plumbing code for the state; and (2) allow cities to amend provisions of the code to conform to local concerns that do not substantially vary from state rules.

H.B. 2750 (Romero) – Zoning Amendment Notice: would require the zoning commission of a home-rule municipality to post a notice sign at least ten days before holding a hearing on a proposed change in zoning classification that does not apply to the whole municipality on either: (1) the affected property; or (2) a public right-of-way for changes initiated by the municipality that affect multiple properties.

H.B. 2784 (Holland) – Municipal Utility Districts: would: (1) allow a municipal utility district to issue bonds payable solely or partly by ad valorem taxes only if the bonds are approved by two-thirds of the resident electors in the district voting in an election called for that purpose; (2) allow municipal utility districts to issue refunding bonds without an election if the district reduces the rate of ad valorem tax on within the district by an amount that would offset the amount saved by

refinancing the bonds; and (3) prohibit a district from issuing any bonds payable wholly or partly from ad valorem taxes if the district has outstanding bonds that are payable wholly or partly from ad valorem taxes.

H.B. 2789 (Holland) – Accessory Dwelling Units: would, among many other things, provide that: (1) a city cannot adopt or enforce regulations that prohibit an owner from building an accessory dwelling unit (“ADU”), selling or renting an ADU, or require owner occupancy of the primary dwelling unit on a lot zoned for single-family or duplex uses; (2) a city would be prohibited from, among other things, requiring a minimum lot size or larger setbacks for an ADU, applying local growth restrictions or density limitations, and regulating the design of ADUs; (3) a city cannot charge impact fees for ADU construction or require additional landowner exactions in certain cases; (4) a city can apply zoning requirements, such as height limitations and front setback limitations and site plan review to ADUs, if those requirements are generally applicable to residential development; (5) a city can apply historic preservation rules to ADUs; and (6) a person may submit a complaint to the attorney general of a suspected violation, and if the attorney general determines that a city has violated these rules, the city may not adopt a property tax rate for the following year that exceeds the no-new-revenue tax rate.

H.B. 2806 (Canales) – Outdoor Signs: would provide that: (1) if a public construction project causes a commercial sign use, structure, or permit within a city or the city’s ETJ not to be authorized, the owner of the commercial sign is entitled to relocate the use, structure, or permit to certain other locations, including any area within the city or its ETJ; (2) a governmental entity, including a city, which acquires a commercial sign by eminent domain or causes the need for the commercial sign to be relocated, shall pay the costs related to the acquisition or relocation; (3) if the view and readability of a commercial sign are obstructed under certain circumstances, the owner of the sign may: (a) adjust the height of the sign; or (b) relocate the sign to a location within 500 feet of its previous location; (4) a city in which the commercial sign in sections (1) or (3), above, are located shall provide for the height adjustment or relocation by a special exception to any applicable zoning ordinance, if necessary; (5) “off-premise sign” means an outdoor sign displaying advertising that pertains to a certain entities or activities not principally located on the premises on which the sign is located; and (6) the rights associated with an existing, lawful off-premise sign vest in the owner of the off-premise sign. (Companion bill is **S.B. 898** by **Hughes**.)

H.B. 2906 (Hayes) – Payment of Costs in Eminent Domain: would provide that if a property owner is awarded greater damages than the condemnor offered before the proceedings began, or if a court awards greater damages than the commissioners awarded, the condemnor must pay all costs, expenses, and fees incurred by the property owner.

H.B. 2910 (Jarvis Johnson) – Rent Control: would provide that a city may establish rent control for persons aged 65 or older by ordinance.

H.B. 2956 (Shine) – Annexation of Railway Right-of-Way: would, among other things, allow a city that is annexing property under certain conditions to annex an additional area adjacent to railroad rights-of-way that is contiguous, and runs parallel to the city’s boundaries.

H.B. 2970 (Guillen) – Manufactured Homes: would: (1) require a city to allow the placement of a new HUD-code manufactured home as a permitted use in all zoning classifications that allow detached single-family or duplex dwellings if the owner elects to treat the manufactured home as real property; (2) authorize a city to adopt a regulation requiring a new HUD-code manufactured home to: (a) have a value equal to or greater than the median value of the single-family dwellings located within 500 feet; (b) have exterior features compatible with the single-family dwellings located within 500 feet; (c) comply with the city’s site requirements that would apply to a single-family dwelling constructed on the site; and (d) be securely placed on a permanent foundation; and (3) prohibit a city from adopting a regulation that imposes a requirement more stringent than the regulations that would apply to a new single-family or duplex dwelling constructed on the site.

H.B. 2993 (Hunter) – Reinvestment Zone: would provide that an owner of qualifying property may not receive an exemption from ad valorem taxation or a limitation on appraised value for the qualifying property under an agreement entered into under a law enacted as part of a program to encourage economic development in an area designated as a reinvestment zone if, on or after the date the agreement is entered into, a wind-powered energy device is installed or constructed on the qualifying property at a location that is within 25 nautical miles of the boundaries of a military aviation facility located in Texas.

H.B. 2996 (Zweiner) – Housing Discrimination: would authorize local ordinances or regulations that prohibit a property owner from refusing to rent or lease a housing accommodation to certain groups based on their lawful source of income, specifically military veterans, victims of family violence, and youth experiencing homelessness.

H.B. 3038 (Walle) – Housing Discrimination: would authorize local ordinances or regulations that prohibit a property owner from refusing to rent or lease a housing accommodation to certain groups based on their lawful source of income, specifically military veterans, people 62 years old or older, or people with disabilities.

H.B. 3053 (Dean) – Required Disannexation Elections: would, among other things, require an election to be held November 7, 2023, on the question of disannexation of any area that was annexed by a city between March 3, 2015, and December 1, 2017.

H.B. 3074 (Stucky) – Housing Study: would, among other things: (1) establish an advisory committee (“Committee”) composed of 15 members, including legislators, academics, and representatives from political subdivisions, the home building industry, and housing advocacy groups to conduct a decennial study and report on housing supply and affordability in Texas; (2) require the Committee to evaluate: (a) data sources on improving housing supply and affordability; (b) the review processes of political subdivisions, including cities, that permit new housing developments including: (i) the rate at which political subdivisions approve new housing developments; (ii) timelines for approval; and (iii) local impact and permitting fees for new housing developments; and (3) develop methods to identify and award grants to cities with review rates in the top half in the state.

H.B. 3080 (Hayes) – Annexation of Agricultural Land: would, among other things: (1) require written consent from each owner of an area qualified for agricultural or wildlife management use

or as timberland before a city may annex that area; and (2) repeal the requirement that a city must offer a development agreement to these landowners before annexation.

H.B. 3135 (Stucky) – Review and Adoption of Land Development Regulations: would, among other things, provide that: (1) cities must review each existing land development regulation at least once every 10 years, considering, among other things: (a) its impact on housing development; (b) whether it benefits landowners or the public; (c) the benefits and costs for affected parties; and (d) administrative or enforcement costs; (2) as part of the decennial review in section (1), above, the governing body must hold a public hearing and provide an opportunity for public comment; (3) upon completion of the review, the city must repeal, amend, or readopt each regulation; (4) the city must amend or repeal any regulation that interferes with the production of new housing or development related to existing housing; (5) before adopting any new land development regulation a city must produce an impact statement analyzing the costs, benefits, and risks associated with the regulation, and including an analysis of the fiscal impact, including the impact of the regulation on housing costs; and (6) a city may adopt a land development regulation only if the regulation: (a) is consistent with the city's public health and safety priorities; (b) has minimal fiscal impact; and (c) mitigates housing costs for residents.

H.B. 3153 (Thierry) – Building Codes and Pipe Insulation: would require: (1) a city to adopt a building code regulation that requires certain pipe to be insulated in a certain manner; and (2) that the regulation be applied to new residential construction on or after January 1, 2024.

H.B. 3269 (Talarico) – Tenant Requests for Emergency Assistance: would, among other things, prohibit a city from adopting or enforcing an ordinance, order, or other regulation that: (1) requires a landlord to evict a residential tenant who summons police or emergency assistance to the tenant's residence more than a specific number of times; or (2) imposes a fee or other monetary penalty on a landlord based on such requests if based on the tenant's reasonable belief that an individual needed emergency assistance.

H.B. 3277 (J. Gonzalez) – Housing Discrimination: would prohibit: (1) housing discrimination based on the source of income; and (2) 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. (Companion bill is **S.B. 570** by **West**.)

H.B. 3295 (Vasut) – Sale of Parkland: would exempt certain home-rule municipalities with a population of less than 11,000 from the requirement of obtaining voter approval before selling park land if the park land is adjacent to property owned by an independent school district and is conveyed before December 31, 2024, through a resolution or ordinance.

H.B. 3308 (Bryant) – 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. 3312 (Hernandez) – Exceptions to Building Material Preemption: would allow the use or installation of a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if that product, material or method allowed by: (1) certain energy codes adopted by the State Energy Conservation Office; (2) certain energy and water conservation design standards established by the State Energy Conservation Office; or (3) certain high-performance building standards approved by the board of regents of an institute of higher education.

H.B. 3369 (Dean) – Impervious Cover Regulation Exemptions: would exempt properties owned by taxing units in a city from city land use regulations relating to impervious cover.

H.B. 3374 (Button) – Enterprise Zone: would: (1) define “COVID relief period” as the period beginning March 1, 2020, and ending December 31, 2021; (2) provide that the requirement that an employee perform at least 50 percent of the person’s service for the business at the qualified business site to be a “qualified employee” is waived for an annual certification or job retention period that includes the COVID relief period; (3) provide that a qualified business in compliance with state law governing enterprise zones before the COVID relief period that is eligible for a waiver under (2), above, may elect to withdraw its project or activity from designation as an enterprise project by December 31, 2023; and (4) provide that a qualified business that withdraws its enterprise project designation under (3), above, is considered eligible for any refund of state taxes approved for the COVID relief period, notwithstanding the requirements for meeting the definition of a new permanent job or a retained job.

H.B. 3480 (Turner) – Overdose Mapping: would, among other things, provide that: (1) a local health authority or a law enforcement agency located in a county with a population of more than 2 million may enter into a participation agreement with an entity that maintains a computerized system for mapping overdoses for public safety purposes; (2) a local health authority or law enforcement agency that has entered into a participation agreement under (1), above, shall: (a) solicit and accept information regarding overdoses occurring in the county; and (b) provide information to the entity with which the authority or agency has a participation agreement under (1), above, for purposes of entering the information into the computerized system; (3) a person who provides information about an overdose incident to a local health authority or law enforcement agency in good faith under the bill is not subject to civil or criminal liability for providing the information; (4) provide that a law enforcement agency may use information provided or received under the bill only for mapping overdose locations for public safety purposes; and (5) information provided for purposes of overdose mapping under the bill is confidential and not subject to disclosure under the Public Information Act.

H.B. 3482 (Turner) – Dangerous Wild Animals: would: (1) provide that an animal registration agency may not issue a certificate of registration for an dangerous wild animal if possession of the animal violates a county order or municipal ordinance in the county or city in which the animal is to be kept; (2) provide that on issuance of a certificate of registration for a dangerous wild animal, the animal registration agency shall notify, in writing, the county or city in which the animal is to be kept; (3) allow an agent or officer of the county or city in which a dangerous wild animal is kept to enter the premises where the animal is kept and to inspect the animal, the primary enclosure for the animal, and the owner’s records relating to the animal to ensure compliance with state law;

(4) provide that the Texas Parks and Wildlife Commission (TPWD) may not issue a permit for a nonindigenous snake if: (a) possession of the snake violates a county order or municipal ordinance in the county or city in which the snake is to be kept; or (b) the snake is venomous and the necessary antivenom is not readily available at a hospital within 50 miles of the location where the snake is to be kept; (5) provide that on issuing a nonindigenous snake permit, the TPWD shall notify, in writing, the county or city in which the snake is to be kept; and (6) allow an agent or officer of the county or city in which a nonindigenous snake is kept may inspect at any time and without a warrant a permit or any records required by state law.

H.B. 3490 (Rogers) – Nonconforming Use Compensation: would, among other things, provide: (1) that in addition to other notices, a city shall provide written notice containing certain language of any public hearing regarding any proposed zoning change that could result in the creation of a nonconforming use; (2) that the notice required in (1), above, must: (a) be sent by mail to certain addresses; (b) contain the time and place of the hearing; and (c) include specific notice language; (3) that if a nonconforming use is required by a city to cease operation, the owner or the lessee of the property is entitled to receive either payment for costs associated with closing the operation or additional time to engage in the nonconforming use; (4) that in order to terminate a nonconforming use, a city must: (a) determine that the nonconforming use has an adverse effect; (b) notify each owner of real or business personal property and order them to cease operation; and (c) inform each owner and occupant of their available remedies; and (5) for a process to work through multiple competing claims for payment and appeal rights, including appeals to the city’s board of adjustment and to state court. (Companion bill is **S.B. 929** by **Parker**.)

H.B. 3492 (Stucky) – Value-Based Fees: would, among other things: (1) prohibit cities from using the cost of constructing or improving public infrastructure as a factor in determining certain value-based fees related to engineering, inspection, and processing of plans for a subdivision, lot, or property development; (2) provide that the fee should be based on the actual cost incurred by the government entity to provide the service; (3) prohibit cities from requiring disclosure of information related to the value or cost of constructing or improving a dwelling or public infrastructure as a condition for approval of subdivision construction; and (4) require cities that impose fees for reviewing or processing an engineering or construction plan or inspecting a public infrastructure improvement to annually publish certain information related to the fees, including the hourly rate and estimated direct time incurred by city employees used when establishing a fee.

H.B. 3503 (Turner) – Property Owners Associations: would, among other things: (1) require certain property owners associations to make their dedicatory instruments and certain other information available on an Internet website accessible to association members; (2) amend the requirements for recording a property owners association management certificate; (3) limit the amount certain property owners associations may charge for resale certificates; (4) allow property owners associations to establish certain rules related to fencing, driveway gates, and certain other building regulations; and (5) modify regulations related to service on architectural review boards.

H.B. 3514 (Burns) – Annexation of Property in Water or Sewer District: would allow a city with a population of 3,000 or less to annex an area within a water or sewer district if the governing body of the district consents.

H.B. 3526 (Raymond) – Solar Pergolas: would prohibit a city from applying a building code to the construction of a solar pergola.

H.B. 3601 (Lozano) – Bona Fide Offers in Condemnation: would, for the purposes of making a bona fide offer to acquire property through eminent domain, provide that the final offer is made no earlier than: (1) the 30th day following the initial offer, if the final offer is equal to or higher than the initial written offer; or (2) the 60th day following the initial offer, if the final offer is lower than the initial written offer. (Companion bill is **S.B. 2311** by **Hinojosa**.)

H.B. 3699 (Wilson) – Exceptions to Platting Based on Owner Intention: would, among other things, provide: (1) that platting of a subdivision would be required only when the landowner intends to lay out certain areas for public use; (2) for specific limitations on city roadway right of way size regulations; (3) that a city may not require dedication of land within a subdivision for a future street or alley that is: (a) not intended by the owner of the tract; and (b) not included on the city's capital improvement plan; (4) that each city must make available to the public a complete list of all documentation and information required for a plat application; and (5) that an application that contains all of the required information from (4), above, must be considered complete.

H.B. 3741 (Canales) – Right of Way Landscaping: would require the Department of Transportation to institute a program for landowners with property adjacent to the state highway system to plant are native, regionally appropriate, and pollinator-friendly vegetation in the right-of-way that affects their property.

H.B. 3755 (Canales) – Right of Way Landscaping: would require the Department of Transportation to institute a program for landowners with property adjacent to the state highway system to plant are native, regionally appropriate, and pollinator-friendly vegetation in the right-of-way that affects their property.

H.B. 3787 (S. Thompson) – Digital Alert Signs: would, among other things, require the Texas Department of Transportation to enter into an agreement with a private entity to provide information necessary for certain statewide alert systems through a system of dynamic, digital message signs located across the state and capable of displaying digital images.

H.B. 3801 (King) – Centennial Parks Conservation Fund: would establish the centennial parks conservation fund to, among other things: (1) improve, develop, beautify, equip, and maintain park sites; and (2) provide grants to political subdivisions for local parks. (Companion bill is **S.B. 1648** by **Parker**.) (See **H.J.R. 154**, below.)

H.B. 3804 (Shine) – Sprinkler Systems: would prohibit cities, counties, or emergency services districts from enacting any ordinance, bylaw, order, building code, or rule that in any manner requires or conditions, directly or indirectly, any regulatory approval on the installation of a multipurpose residential fire protection sprinkler system or any other fire protection sprinkler system in a new or existing one- or two-family dwelling, except under certain circumstances.

H.B. 3826 (Toth) – Building Permits: would prohibit a city from: (1) entering into a written agreement with a building permit applicant to allow for an alternative deadline for granting or

denying the permit; (2) denying a building permit solely because the city is unable to comply with the 45-day time period for granting or denying a building permit; and (3) requiring a building permit applicant to waive the 45-day time period for granting or denying a building permit. (Companion bill is **S.B. 560** by **Springer**.)

H.B. 3834 (**J. Lopez**) – **Keeping Hens**: would prohibit a city from adopting or enforcing an ordinance, rule, or other measure prohibiting the raising or keeping hens.

H.B. 3844 (**Lozano**) – **Public Improvement Districts**: would, among other things: (1) modify the definition of “public improvement project” to include: (a) acquisition, construction, or improvement of publicly owned water, wastewater, natural gas, electric, canal, or drainage facilities or improvements; (b) special supplemental services for improvement and promotion of the district, and for repair and maintenance of those special supplemental services, including services relating to advertising, promotion, health and sanitation, water and wastewater, roadways and sidewalks, public safety, security, business recruitment, development, recreation, and cultural enhancement; or (c) payment of expenses incurred in the establishment, administration, and operation of the district, including payment of costs associated with the issuance of bonds; (2) provide that a public improvement project is not subject to the state bidding or procurement requirements if at least one-third of the cost of the improvement is or will be paid or secured by: (a) a special assessment levied on property located inside the public improvement district; (b) a developer of land located inside the public improvement district; or (c) a combination of special assessments described by (2)(a), above, and developer commitments described by (2)(b), above; (3) require a home rule city that objects to a county establishing a public improvement district to give notice to the county of the city’s objection to the establishment or the public improvement district and the reason for the objection; (4) provide that a statement of the estimated cost of an improvement in a petition under does not limit: (a) the actual cost of an improvement payable by the city or county from an assessment levied against property in an improvement district; or (b) the amount of an assessment that may be levied against property in an improvement district by the governing body of a city or county on a determination of the cost of an improvement and the amount of an assessment in a service plan and assessment plan; (5) provide that the area of a public improvement district may consist of noncontiguous tracts of land, including parcels of land that would be contiguous to each other but for separation caused by a natural geographic feature or an existing roadway, easement, or right-of-way, provided the public improvement projects and services to be implemented and the costs of the projects and services may be apportioned according to state law; (6) provide that property included within one public improvement district may be included, wholly or partly, within the boundaries of another public improvement district; and (7) provide that the service plan may cover the entire improvement district or be limited to a specific area or areas within the district. (Companion bill is **S.B. 1958** by **Parker**.)

H.B. 3892 (**K. King**) – **Modular Housing**: would, among other things: (1) establish regulations for modular residential dwellings in Texas; (2) require the Texas Department of Licensing and Regulation (TDLR) to promulgate rules and regulations related to modular homes; (4) require modular homes manufactured or sold in Texas to be inspected at the factory; and (5) allow cities to adopt construction standards for modular dwelling units, provided the standards are in substantial compliance with state requirements and reviewed and approved by TDLR.

H.B. 3921 (Goldman) – Residential Lot Size and Density Requirements: would apply to cities that are wholly or partly located in counties with a population of 300,000 or more by, among other things: (1) prohibiting a city from adopting or enforcing an regulation that requires a residential lot to be larger than 1,400 square feet, wider than 20 feet, or deeper than 60 feet, or that sets a ratio of fewer than 31.1 dwelling units per acre if regulating density; (2) prohibiting a city from adopting or enforcing certain requirements for small lots, including a building setback greater than ten feet from the front or back of the property or five feet from the side of the property, certain parking regulations, certain impervious cover regulations and fewer than three full stories; (3) allowing a city to require the sharing of a driveway with another lot; and (4) exempting sewer or water requirements from these new requirements. (Companion bill is **S.B. 1787** by **Bettencourt**.)

H.B. 3946 (Clardy) – Major Events Reimbursement Program: would, for purposes of eligibility for funding under the major events reimbursement program, consider certain sporting events to be held one time in each year if the event is held only one time in any annual season for that sport.

H.B. 3947 (Craddick) – Automatic Disannexation in Home-Rule Cities: would, among other things: (1) define “full municipal services” as police protection, fire protection, emergency medical services, solid waste collection, water and wastewater facilities, and the operation and maintenance of roads and streets; (2) automatically disannex any area, lot, or tract within a home-rule city not receiving full municipal services, with certain, limited exceptions; and (3) waive governmental immunity from suit and liability to the extent liability is created by this bill.

H.B. 3959 (Howard) – Building Materials and Hotel Occupancy Tax Funds: would allow cities under 20,000 population to: (1) enforce certain regulations related to building materials used in construction or renovation for buildings other than single-family residential homes; and (2) use revenue from the municipal hotel occupancy tax to promote tourism and the convention and hotel industry by enhancing and upgrading a water or wastewater system that provides services to facilities that attract tourism in the city.

H.B. 3987 (Reynolds) – Boarding Homes: would, among other things: (1) provide that an establishment providing lodging to three or more unrelated persons would be considered a “boarding home facility,” regardless of the age or disability status of the residents; and (2) remove the restrictions on the use of any permitting fee or fine assessed against a boarding home facility by a city.

H.B. 4038 (Hayes) – Annexation Challenges and Statutes of Limitation: would provide that: (1) a person must bring a suit to challenge an annexation within 35 years of the annexation date; (2) municipal boundaries cannot be validated by law unless that law explicitly validates the boundary; and (3) an ordinance annexing land is excluded from the city ordinance validation statute.

H.B. 4039 (Hayes) – Municipal Services Following Annexation: would provide that: (1) a city must provide full municipal services to annexed property by: (a) September 1, 2027 for property annexed prior to September 1, 2023; and (b) the fourth anniversary of the date of annexation for

property annexed after September 1, 2023; and (2) if a city fails to provide full municipal services by the deadlines in (1), above, an affected landowner may bring an action seeking disannexation.

H.B. 4051 (Goldman) – Media Production Development Zone: would provide that to be approved as a media production development zone, an area must be in a metropolitan statistical area, the principal city of which has a population of more than 100,000.

H.B. 4087 (Kuempel) – Sewage Disposal Permits: would: (1) allow a city, under certain circumstances to issue a permit for the use of a temporary on-site sewage disposal system that operates in conjunction with pumping and hauling of wastewater produced by the system; and (2) limit the term of the permit of one year from the date of issuance and not allow for renewal.

H.B. 4103 (Raymond) – Housing Discrimination: would prohibit: (1) housing discrimination based on the source of income; and (2) 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. (Companion bill is **S.B. 570** by **West**.)

H.B. 4175 (Harris) – Municipal Services in Extraterritorial Jurisdiction: would require a city that extends application of an ordinance into its extraterritorial jurisdiction (“ETJ”) to provide full municipal services to a property in the ETJ if the city denies or refuses to permit an activity or structure on that property not later than 30 months after the date of the denial or refusal.

H.B. 4215 (Bell) – Extraterritorial Jurisdiction Limitation: would: (1) limit the size of a city’s extraterritorial jurisdiction to an amount not to exceed 50% of the gross acreage of the city; and (2) require the city to release extraterritorial jurisdiction as necessary to comply with this limit. (Companion bill is **S.B. 1545** by **Bettencourt**.)

H.B. 4232 (Shine) – Public Improvement Districts: would require a city: (1) to post a copy of a public improvement district (PID) service plan and certain other information on the city’s website within seven days of approving, amending, or updating the plan; (2) to submit an assessment roll for each city PID to each appraisal district in which property subject to assessment is located within seven days of levying the assessment; and (3) require the city to post on its website certain information about city PIDs. (Companion bill is **S.B. 1916** by **Parker**.)

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.

H.J.R. 126 (Burns) – Right to Farming, Ranching, and Wildlife Management: would: (1) protect the right of individuals in Texas to engage in farming, ranching, timber production, and wildlife management practices on their own property; and (2) provide exceptions for state agencies and political subdivisions, including cities, to regulate these activities if there is clear and convincing evidence that regulation is necessary to protect public health and safety from imminent danger or to prevent a danger to animal health or crop production.

H.J.R. 154 (K. King) – Centennial Parks Conservation Fund: would amend the Texas Constitution to establish the centennial parks conservation fund for the creation and improvement of state and local parks and the conservation of land, water, and soil in this state. (See **H.B. 3801**, above.)

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. (Companion bill is **H.B. 1863** by **Thierry**.)

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 Perez**.)

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.B. 783 (Birdwell) – Gas Powered Appliance Regulation: provides, 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. (Companion bill is **H.B. 743** by **Dean**.)

S.B. 898 (Hughes) – Outdoor Signs: would provide that: (1) if a public construction project causes a commercial sign use, structure, or permit within a city or the city's ETJ not to be authorized, the owner of the commercial sign is entitled to relocate the use, structure, or permit to certain other locations, including any area within the city or its ETJ; (2) a governmental entity, including a city, which acquires a commercial sign by eminent domain or causes the need for the commercial sign to be relocated, shall pay the costs related to the acquisition or relocation; (3) if

the view and readability of a commercial sign are obstructed under certain circumstances, the owner of the sign may: (a) adjust the height of the sign; or (b) relocate the sign to a location within 500 feet of its previous location; (4) a city in which the commercial sign in sections (1) or (3), above, are located shall provide for the height adjustment or relocation by a special exception to any applicable zoning ordinance, if necessary; (5) “off-premise sign” means an outdoor sign displaying advertising that pertains to a certain entities or activities not principally located on the premises on which the sign is located; and (6) the rights associated with an existing, lawful off-premise sign vest in the owner of the off-premise sign.

S.B. 929 (Parker) – Nonconforming Use Compensation: would, among other things, provide: (1) that in addition to other notices, a city shall provide written notice containing certain language of any public hearing regarding any proposed zoning change that could result in the creation of a nonconforming use; (2) that the notice required in (1), above, must: (a) be sent by mail to certain addresses; (b) contain the time and place of the hearing; and (c) include specific notice language; (3) that if a nonconforming use is required by a city to cease operation, the owner or the lessee of the property is entitled to receive either payment for costs associated with closing the operation or additional time to engage in the nonconforming use; (4) that in order to terminate a nonconforming use, a city must: (a) determine that the nonconforming use has an adverse effect; (b) notify each owner of real or business personal property and order them to cease operation; and (c) inform each owner and occupant of their available remedies; and (5) for a process to work through multiple competing claims for payment and appeal rights, including appeals to the city’s board of adjustment and to state court.

S.B. 985 (Paxton) – Notice for Certain Zoning Changes: would require certain individual notices of zoning changes to be sent to each owner according to the address on the most recently approved county tax roll.

S.B. 1096 (Parker) – Homesteads/Tax Increment Financing: would: (1) provide that a city may not designate a tax increment reinvestment zone if more than 40 percent of the property in the proposed zone is used for residential purposes, excluding property that is publicly owned or a residence homestead owned by a legacy homeowner; (2) define “legacy homeowner” as the owner of a residence homestead located in a reinvestment zone who has continuously resided in and received an exemption for the homestead for at least seven years preceding the date the governing body of the county or city designated the zone in which the homestead is located; (3) provide that the project plan prepared and adopted by the board of directors of a reinvestment zone may authorize the board of directors to establish a reinvestment zone stability program, the purpose of which is to ensure that all residents of the zone benefit from its designation and the governing body of the county or city that designated the zone and any affiliated community organizations may participate in the development of the program; (4) provide that as a part of a program established under (3), above, the board may dedicate, pledge, or otherwise provide for the use of money in the tax increment fund established for the zone to prevent homeowner displacement by providing annual payments on behalf of legacy homeowners to offset the increase in ad valorem taxes imposed on the residence homesteads of those homeowners that is attributable to the increase in property values associated with the development or redevelopment of property in the zone; (5) provide that if the project plan for a reinvestment zone authorizes annual payments on behalf of legacy homeowners, the plan must provide that: (a) the amount of an annual payment made under

the program to a legacy homeowner may not exceed the amount determined for that homeowner under (6), below; and (b) the period of time for which annual payments may be made on behalf of a legacy homeowner may not exceed 10 years; and (6) provide that the maximum amount of an annual payment that may be made on behalf of a legacy homeowner for a tax year is equal to the positive difference, if any, between the following amounts: (a) the property taxes due on the homeowner's homestead for that tax year and the property taxes due on the homeowner's homestead for the tax year in which the reinvestment zone in which the homestead is located was designated. (Companion bill is **H.B. 4433** by **Anchia**.)

S.B. 1108 (Middleton) – Extraterritorial Jurisdiction: would, among other things, require a city to call an election for the next available uniform election date on the question of whether to release an area from the municipality's extraterritorial jurisdiction if: (1) at least five percent of registered voters residing in the area sign the petition; and (2) the petition includes a map or description of the area.

S.B. 1160 (Alvarado) – 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. (Companion bill is **H.B. 1381** by **Alvarado**.)

S.B. 1211 (Blanco) – Defense Communities: would make various changes relating to defense economic readjustment zones in cities and counties that are considered defense-dependent communities.

S.B. 1214 (Schwertner) – Homelessness: would provide that: (1) a city may not approve the conversion of city property to provide housing to homeless individuals unless the city holds a public hearing not less than 90 days before the conversion begins; (2) the hearing must be held at a location within one mile of the property; and (3) the city must provide notice of the hearing by mail to each residence and business located within a one-mile radius of the property.

S.B. 1340 (Zaffirini) – Incentive Agreement Database: would, among other things: (1) require information related to property tax abatement agreements to be included in the comptroller's Local Development Agreement Database; (2) require the database to include, for each local development agreement: (a) the name and contact information of any entity or the entity's agent that entered into the agreement with the local government, including the business address and any assumed names of the entity; (b) the date on which the agreement went into effect and the date and terms on which the agreement expires; (c) the total monetary value of the agreement; and (d) the source of the money used or type of tax implicated by the agreement, including a sales and use tax, property tax, or hotel occupancy tax; (3) authorize the comptroller to prescribe the form and manner in which a local government must submit required incentive agreement information; and (4) provide that a taxing unit that maintains an Internet website and that executes a property tax abatement agreement shall provide on the website a direct link to the location of the agreement information that is published on the comptroller's Local Development Agreement Database.

S.B. 1412 (Hughes) – Accessory Dwelling Units: would, among many other things, provide that: (1) a city cannot adopt or enforce regulations that prohibit an owner from building an accessory dwelling unit ("ADU"), selling or renting an ADU, or require owner occupancy of the primary

dwelling unit on a lot zoned for single-family or duplex uses; (2) a city would be prohibited from, among other things, requiring a minimum lot size or larger setbacks for an ADU, applying local growth restrictions or density limitations, and regulating the design of ADUs; (3) a city cannot charge impact fees for ADU construction or require additional landowner exactions in certain cases; (4) a city can apply zoning requirements, such as height limitations and front setback limitations and site plan review to ADUs, if those requirements are generally applicable to residential development; (5) a city can apply historic preservation rules to ADUs; and (6) a person may submit a complaint to the attorney general of a suspected violation, and if the attorney general determines that a city has violated these rules, the city may not adopt a property tax rate for the following year that exceeds the no-new-revenue tax rate. (Companion bill is **H.B. 2789** by **Holland**.)

S.B. 1419 (Birdwell) – Incentive Agreements: would, among other things: (1) prohibit a city from making a loan or grant of public money under a Chapter 380 economic development agreement from the proceeds of property taxes or bonds or other city obligations payable from property taxes; (2) provide that a city may not make a loan or a grant under a Chapter 380 economic development agreement for a period exceeding ten years; (3) require a city to hold a public hearing before making a loan or a grant using a Chapter 380 economic development agreement; (4) require a city with an Internet website to post the current version of the proposed loan or grant under a Chapter 380 economic development agreement on the city’s website; (5) provide that the notice of a meeting at which the city council will consider the adoption of a loan or grant under a Chapter 380 economic development agreement must contain: (a) the name of the recipient of the loan or grant; (b) a general description of the public purpose for which the loan or grant is provided; and (c) the amount of and period of time for the loan or grant; (6) require a city to give notice of the meeting at which the city council will consider the adoption of a loan or grant under a Chapter 380 economic development agreement not less than 15 business days but not more than 30 business days before the meeting; (7) require a city to give notice of the meeting at which the city council will consider the adoption of a property tax abatement agreement not less than 15 business days but not more than 30 business days before the meeting; and (8) provide that if a city postpones a meeting described by (6) or (7), above, the city must hold the postponed meeting not more than ten business days after the date for which the meeting was originally scheduled, and if the postponement would result in the meeting being held more than 30 business days after the city gave notice, the city must give new notice of the meeting.

S.B. 1421 (Perry) – Agricultural Operations: would, among other things: (1) redefine “agricultural operation” to include growing vegetation for human food and animal feed, including hay and other forages, and veterinary services; (2) require each element of nuisance or other actions instituted against an agricultural operation to be established by clear and convincing evidence; (3) provide that any person who brings a nuisance action or other action to restrain an agricultural operation that has existed for one year or more is liable to the agricultural operator for all costs and expenses incurred in defense of the action, including attorney’s fees, court costs, and travel; (4) provide that a city may not impose a governmental requirement on an agricultural operation unless there is evidence that shows the regulation is narrowly tailored and reasonably required to protect others in the immediate vicinity from, among other things: (a) explosion; (b) flooding; (c) an infestation of vermin or insects; (d) physical injury; (e) the significant spread of infectious disease; and (f) radiation; and (5) provide that before a city makes a finding described by (4),

above, it must first obtain and review a report prepared by the city health officer or a consultant that, among other things, identifies the evidence of the health hazards and determines the necessity of regulation; and (6) 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.

S.B. 1463 (West) – Behavioral Health Crisis Response Program: would: (1) provide that the executive commissioner of the Health and Human Services Commission (HHSC) shall establish and administer a grant program to award money to nonprofit organizations and political subdivisions for the purpose of establishing or expanding a behavioral health crisis response program to: (a) operate one or more multidisciplinary response teams in the region in which the nonprofit organization is located or within the political subdivision, as applicable; and (b) employ one or more behavioral health professionals to: (i) assist in screening telephone calls made to a 9-1-1 emergency call center dispatcher for law enforcement or emergency medical assistance; (ii) assist in determining whether to dispatch a multidisciplinary response team to service a call; and (iii) provide consultation and information to the dispatched multidisciplinary response team; (2) provide that a nonprofit organization that is awarded a grant under (1), above, must collaborate with one or more political subdivisions to operate the behavioral health crisis response program; (3) provide that a county that is awarded a grant under (1), above, must collaborate with one or more cities in the county to operate the behavioral health crisis response program; and (4) provide that HHSC may use any available state and federal money and may accept gifts, grants, and donations from any source for the purpose of awarding grants.

S.B. 1512 (Schwertner) – Eminent Domain: would provide that an entity that fails to disclose certain appraisal reports in connection with an offer to acquire real property through eminent domain is liable to the property owner for reasonable attorney's fees incurred by the owner in connection with the entity's acquisition of the owner's property.

S.B. 1513 (Schwertner) – Eminent Domain Notices and Offers: would: (1) amend the "Landowner's Bill of Rights," to include additional information on the condemnation process, the condemning entity's obligations to the property owner, the property owner's options during condemnation, and the entity's right to sue for permission to survey the property; (2) require an entity seeking to condemn property to provide a survey permission form to include information on the property owner's rights to refuse permission, negotiate terms, and hold the entity responsible for damages; and (3) require an entity with eminent domain authority, which seeks to acquire property without using that authority, to separately identify and make a separate offer for the real property it seeks to acquire outside the condemnation process.

S.B. 1545 (Bettencourt) – Extraterritorial Jurisdiction Limitation: would: (1) limit the size of a city's extraterritorial jurisdiction to an amount not to exceed 50% of the gross acreage of the city; and (2) require the municipality to release extraterritorial jurisdiction as necessary to comply with this limit.

S.B. 1546 (Bettencourt) – Special District Authority Limitations: would prohibit a special district from exercising any right or power outside the district’s boundaries except as necessary to pay or fulfill any outstanding debts, bonds, warrants, or obligations.

S.B. 1560 (Creighton) – 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.

S.B. 1569 (Campbell) – Municipal Utility Districts: would require county commissioners courts to: (1) review petitions for the creation of municipal utility districts in a county; and (2) submit a written opinion to the TCEQ stating whether they recommend the creation of the proposed district, along with any findings, conclusions, and other relevant information.

S.B. 1636 (Zaffirini) – Wildland-Urban Interface Area Regulation: would: (1) adopt the Wildland-Urban Interface Code as it existed on January 1, 2023 as the wildland-urban interface code of the state; (2) require the Texas Department of Agriculture to designate the wildland-urban interface areas of the state; (3) require cities to adopt procedures for the administration and enforcement of the Wildland-Urban Interface Code in designated areas; and (4) provide that if a conflict exists between the Wildland-Urban Interface Code and local building or fire codes, the more stringent regulation would apply.

S.B. 1648 (Parker) – Centennial Parks Conservation Fund: would establish the centennial parks conservation fund to, among other things: (1) improve, develop, beautify, equip, and maintain park sites; and (2) provide grants to political subdivisions for local parks. (Companion bill is **H.B. 3801** by **King**.) (See **S.J.R. 74**, below.)

S.B. 1684 (Johnson) – Workforce Housing: would, among other things: (1) require the Texas Department of Housing and Community Affairs to establish a workforce housing program to provide financial assistance to participating cities to facilitate the construction and rehabilitation of eligible workforce housing developments; (2) establish a fund to provide financial assistance in the form of grants or low-interest loans for eligible projects; (3) establish criteria for project eligibility; and (4) require the TDHCA to adopt rules to implement and govern the program. (See **H.J.R. 77**, below.) (Companion bill is **H.B. 4958** by **Goodwin**.)

S.B. 1688 (Birdwell) – Enterprise Zone: would: (1) define “COVID relief period” as the period beginning March 1, 2020, and ending December 31, 2021; (2) provide that the requirement that an employee perform at least 50 percent of the person’s service for the business at the qualified

business site to be a “qualified employee” is waived for an annual certification or job retention period that includes the COVID relief period; (3) provide that a qualified business in compliance with state law governing enterprise zones before the COVID relief period that is eligible for a waiver under (2), above, may elect to withdraw its project or activity from designation as an enterprise project by December 31, 2023; and (4) provide that a qualified business that withdraws its enterprise project designation under (3), above, is considered eligible for any refund of state taxes approved for the COVID relief period, notwithstanding the requirements for meeting the definition of a new permanent job or a retained job. (Companion bill is **H.B. 3374** by **Button**.)

S.B. 1786 (Bettencourt) – **Development Application and Inspection Procedures**: would, among other things, modify approval procedures for property development application review and inspection by a city by: (1) defining additional terms related to property development, including broadening who the appropriate municipal authority for approving development applications may be; (2) providing cities the ability to delegate responsibilities for property development review and development inspections to third-party reviewers and inspectors and establishing procedures and requirements for such delegation; and (3) requiring delegation of development review to third-party reviewers, if the city fails to complete at least 80 percent of certain development reviews and requests for development inspections within the required timeframes over a two-year period.

S.B. 1787 (Bettencourt) – **Residential Lot Size and Density Requirements**: would apply to cities that are wholly or partly located in counties with a population of 300,000 or more by, among other things: (1) prohibiting a city from adopting or enforcing an regulation that requires a residential lot to be larger than 1,400 square feet, wider than 20 feet, or deeper than 60 feet, or that sets a ratio of fewer than 31.1 dwelling units per acre if regulating density; (2) prohibiting a city from adopting or enforcing certain requirements for small lots, including a building setback greater than ten feet from the front or back of the property or five feet from the side of the property, certain parking regulations, certain impervious cover regulations and fewer than three full stories; (3) allowing a city to require the sharing of a driveway with another lot; and (4) exempting sewer or water requirements from these new requirements. (Companion bill is **H.B. 3921** by **Goldman**.)

S.B. 1830 (Hinojosa) – **Urban Water Districts**: would, among other things: (1) allow the Texas Commission on Environmental Quality to dissolve an urban area water district meeting certain criteria, including: (a) the district is located entirely in a county with a population over 400,000; (b) 70 percent or more of the district’s area is within the corporate limits or extraterritorial jurisdiction of a city; (c) the services and functions performed by the district can be provided by a city in the district; and (d) the district either generates more than 70 percent of the district’s operating revenue from a city for the supply or delivery of raw water used for municipal purposes, or generates less than 15 percent of the district’s operating revenue from raw, untreated, or nonpotable water sales and the flat rate assessment collected from non-municipal customers; and (2) create the framework for district dissolution that includes, among other things, a hearing, a certain ordinance from an affected municipality, and a petition of qualified voters.

S.B. 1848 (Hinojosa) – **Urban Water Control and Improvement Districts**: would, among other things: (1) allow for the dissolution of certain urban area Water Control and Improvement Districts located entirely in counties with populations over 400,000 under certain conditions; and (2) would

require an election to be held and, if a majority of votes favor dissolution, the assets, debts, contractual rights, and other obligations of the district would then be transferred to the city.

S.B. 1905 (Sparks) – Media Production Development Zone: would: (1) remove a population requirement from the requirements to be approved as a media production development zone; and (2) provide that there may not be more than 20 media production development zone designations at any one time.

S.B. 1916 (Parker) – Public Improvement Districts: would require a city: (1) to post a copy of a public improvement district (“PID”) service plan and certain other information on the city’s website within seven days of approving, amending, or updating the plan; (2) to submit an assessment roll for each city PID to each appraisal district in which property subject to assessment is located within seven days of levying the assessment; and (3) require the city to post on its website certain information about city PIDs. (Companion bill is **H.B. 4232** by Shine.)

S.B. 1926 (Springer) – Impact Fees: would, among other things: (1) define “impact fee” as a charge or assessment imposed against a qualified property in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions for water, wastewater, or storm water services or for roads necessitated by or attributable to property that receives an ad valorem tax benefit under the bill; (2) provide that a city or county may impose and collect from the owner of a qualified property a reasonable impact fee under the bill to pay for the cost of providing improvements associated with or attributable to property that receives property tax benefit under the bill; (3) provide that a person may apply to the school district for approval of an agreement for a new investment project, including the construction and operation of new improvements to realty or placement into service new tangible personal property that did not exist on the date of the agreement under the bill; (4) provide that the school district shall forward the application to the comptroller for a recommendation on approval of the application by the school district if the comptroller finds that the project provides: (a) no financial harm to the school district; and (b) a net economic or financial benefit to the state; and (5) repeal Chapter 313 of the Tax Code.

S.B. 1940 (Springer) – Texas Economic Development and Tourism Office: this is the Texas Economic Development and Tourism Office (TEDTC) sunset bill. The bill, among other things, would continue TEDTC until 2035. (Companion bill is **H.B. 1515** by Clardy.)

S.B. 1955 (Parker) – Modular Housing: would, among other things: (1) establish regulations for modular residential dwellings in Texas; (2) require the Texas Department of Licensing and Regulation (TDLR) to promulgate rules and regulations related to modular homes; (4) require modular homes manufactured or sold in Texas to be inspected at the factory; and (5) allow cities to adopt construction standards for modular dwelling units, provided the standards are in substantial compliance with state requirements and reviewed and approved by TDLR.

S.B. 1958 (Parker) – Public Improvement Districts: would, among other things: (1) modify the definition of “public improvement project” to include: (a) acquisition, construction, or improvement of publicly owned water, wastewater, natural gas, electric, canal, or drainage facilities or improvements; (b) special supplemental services for improvement and promotion of the district, and for repair and maintenance of those special supplemental services, including

services relating to advertising, promotion, health and sanitation, water and wastewater, roadways and sidewalks, public safety, security, business recruitment, development, recreation, and cultural enhancement; or (c) payment of expenses incurred in the establishment, administration, and operation of the district, including payment of costs associated with the issuance of bonds; (2) provide that a public improvement project is not subject to the state bidding or procurement requirements if at least one-third of the cost of the improvement is or will be paid or secured by: (a) a special assessment levied on property located inside the public improvement district; (b) a developer of land located inside the public improvement district; or (c) a combination of special assessments described by (2)(a), above, and developer commitments described by (2)(b), above; (3) require a home rule city that objects to a county establishing a public improvement district to give notice to the county of the city's objection to the establishment of the public improvement district and the reason for the objection; (4) provide that a statement of the estimated cost of an improvement in a petition under does not limit: (a) the actual cost of an improvement payable by the city or county from an assessment levied against property in an improvement district; or (b) the amount of an assessment that may be levied against property in an improvement district by the governing body of a city or county on a determination of the cost of an improvement and the amount of an assessment in a service plan and assessment plan; (5) provide that the area of a public improvement district may consist of noncontiguous tracts of land, including parcels of land that would be contiguous to each other but for separation caused by a natural geographic feature or an existing roadway, easement, or right-of-way, provided the public improvement projects and services to be implemented and the costs of the projects and services may be apportioned according to state law; (6) provide that property included within one public improvement district may be included, wholly or partly, within the boundaries of another public improvement district; and (7) provide that the service plan may cover the entire improvement district or be limited to a specific area or areas within the district. (Companion bill is **H.B. 3844** by **Lozano**.)

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.)

S.J.R. 72 (**King**) – **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. (Companion joint resolution is **H.J.R. 37** by **Vasut**.)

S.J.R. 74 (**Parker**) – **Centennial Parks Conservation Fund**: would amend the Texas Constitution to establish the centennial parks conservation fund for the creation and improvement of state and local parks and the conservation of land, water, and soil in this state. (See **S.B. 1648**, above.)

S.J.R. 77 (**Johnson**) – **Workforce Housing**: would amend the Texas Constitution to provide for the creation of the Workforce Housing Fund to provide grants and low-interest loans to cities for the purpose of facilitating the development of affordable workforce housing. (See **S.B. 1684**, 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 180th 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 30th 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 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; 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 20th 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 30th 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. 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 15th 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 20th 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.B. 2001 (Vo) – Early Voting: would, among other things, provide that: (1) the 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 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 beginning the 19th day before election day and continuing for any number of consecutive days up to and including the third day before election day; (3) the authority ordering extended voting under (2), above, shall determine the hours during which voting is to be conducted; (4) the authority authorized to order extended early voting under (2), above, shall order voting on a Saturday or Sunday on receipt of a written request submitted by at least 15 registered voters of the territory covered by the election; (5) an 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; and (6) the election order and the election notice must state the dates and hours that extended voting is ordered to be conducted as described in (2), above.

H.B. 2062 (Talarico) – Ballot Order: would revise the order in which offices are to appear on the ballot at an election at which offices are regularly filled at the general election for state and county officers.

H.B. 2133 (Thimesch) – Uniform Election Date: would provide that the governing body of a political subdivision, other than a county or municipal utility district, that holds its general election

for officers on the November uniform election date may, not later than December 31, 2024, change the date on which it holds its general election for officers to the May uniform election date.

H.B. 2152 (Cunningham) – Recount Petitions: would provide that: (1) a petition for an initial recount must be submitted by 5 p.m. of the third business day after the date the canvassing authority to whose presiding officer the petition must be submitted completes its canvass of the original election returns; (2) if the deadline for submitting a petition under (1), above, falls on a Saturday, Sunday, or legal state holiday, the deadline is extended to 10 a.m. of the next regular business day; and (3) for a recount in an election on an office in which a majority vote is required for nomination or election and votes were cast for more than two candidates, the deadline for submitting a recount petition is 2 p.m. of the second day after the date of the local canvass. (Companion bill is **S.B. 825** by **Bettencourt**.)

H.B. 2225 (Tepper) – Campaign Treasurer: would, among other things: (1) eliminate the requirement of an individual to file a campaign treasurer appointment with the city secretary if the appointment is made for candidacy for a city office and instead require each candidate and political committee file a campaign treasurer appointment with the Texas Ethics Commission (Commission); (2) provide that the campaign treasurer appointment takes effect at the time it is filed with the Commission; and (3) eliminate provisions related to the ability of the city secretary to terminate the campaign treasurer appointment of an inactive candidate or political committee that is required to file a campaign treasurer appointment with the clerk or secretary.

H.B. 2536 (Toth) – Election Irregularities: would provide that: (1) a person who participated in the relevant election as a candidate, a county chair or state 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 may issue a written request to the county clerk or other authority conducting an election for an explanation and supporting documentation for: (a) an action taken by the election officer that appears to violate the Election Code; (b) irregularities in results in a precinct or at a polling place or early voting polling place; (c) inadequacy or irregularity of documentation required to be maintained under the Election Code; or (d) irregularity or reconciliation results identified in reconciliation reports regarding voters and votes cast; (2) not later than the 20th day after the date a request is received under (1), above, the county clerk or other authority shall provide the requested explanation and any supporting documentation; (3) a requestor who is not satisfied with the explanation and supporting documentation provided under (2), above, may issue a request for further explanation and supporting documentation to the county clerk or other authority; (4) not later than the 10th day after the date a request is received under (3), above, the county clerk or other authority shall provide the requested explanation and any supporting documentation; (5) a requestor who is not satisfied with the explanation and supporting documentation provided by the clerk or other authority under (4), above, may issue a request for an audit to the secretary of state that includes the request submitted to the clerk or other authority and explanations and supporting documentation; (6) not later than the 30th day after the date the secretary of state receives a request for an audit under (5), above, the secretary must determine whether the information submitted under (5), above, sufficiently explains the irregularity defined in (1), above; (7) if the information submitted by the requestor under (5), above, is insufficient, the secretary of state shall immediately begin an audit of the identified irregularity at the expense of the county or other authority conducting the election; (8) the county clerk or other authority

conducting the election shall cooperate with the office of the secretary of state and may not interfere with or obstruct the audit; (9) 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 an audit and the county clerk or other authority conducting the election; (10) the secretary of state, may, in the secretary's discretion, make a determination that a violation of the Election Code has occurred solely on the basis of the evidence submitted under (5), above, without conducting an audit, and shall send notice of the determination to the person who submitted the request for an audit and to the county clerk or other authority conducting the election; (11) if, following an audit, the secretary of state determines that a violation of the Election Code has occurred, the secretary shall appoint a conservator to oversee elections in the county election precinct where the violation occurred and the conservator shall serve for two federal election cycles; (12) in addition to the notice required under (9), above, the secretary of state shall provide special notice to the county clerk or other authority conducting the election detailing any violation of the Election Code found by the secretary; (13) if the county clerk or other authority conducting the election does not remedy a violation detailed in a notice under (12), above, by the 30th day after the date the clerk or other authority 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 or other authority; (14) if the secretary of state is unable to remedy the violation on behalf of the county clerk or other authority, the secretary shall assess an additional penalty under (13), above, for each day the county clerk or other authority does not remedy the violation until the violation is remedied; (15) the secretary of state shall maintain a record of county clerks or other authorities that conduct elections who have been assessed a civil penalty, and shall publish the record on the secretary of state's website; and (16) the attorney general may bring an action to recover a civil penalty that has not been paid, and such penalty collected shall be deposited in the state treasury to the credit of the general revenue fund. (Companion bill is **S.B. 1039** by **Bettencourt**.)

H.B. 2619 (Tinderholt) – Civil Penalty: would provide that: (1) in addition to any other applicable civil or criminal penalty, a person who commits an offense prescribed by the Election Code is liable to the state for a civil penalty; (2) unless otherwise provided in the Election Code, the civil penalty described in (1), above, shall be in an amount not less than \$100,000; and (3) the attorney general may bring an action to recover a civil penalty imposed under (2), above, and the penalty collected shall be deposited in the general revenue fund.

H.B. 2621 (Hinojosa) – Limited Ballot: would provide that the required executed statement of a person who is eligible to vote a limited ballot by personal appearance during the early voting period or by mail shall be submitted to an election officer at any early voting polling place designated by the county as a polling place where voters may submit a limited ballot, if the person is voting by personal appearance.

H.B. 2622 (Hinojosa) – Limited Ballot: would provide that: (1) after changing residence to another county, a person is eligible to vote a limited ballot by personal appearance on election day if certain conditions are met; (2) the required executed statement of a person who is eligible to vote a limited ballot by personal appearance shall be submitted to a person designated by the early voting clerk at the location used for the main early voting polling place, if the person is voting on election day; (3) a person may vote a limited ballot on election day only at the location of the main early voting polling place; and (4) the early voting clerk may conduct voting of limited ballots on

election day at the location of the main early voting polling place by using official ballots for early voting by mail.

H.B. 2626 (Tepper) – Political Reports: would provide that: (1) the clerk or secretary of a city, regardless of size, shall post a political report filed with the clerk by a candidate, officeholder, or specific-purpose committee on the city’s website no later than the fifth business day after the date the report is received; (2) before posting the report on the internet as described in (1), above, the authority with whom the report is filed may remove each portion, other than the city, state, and zip code of the address of the person listed as having made a political contribution to the person filing the report; (3) the removed information under (2), above, must remain available on the report maintained by the authority; and (4) a report posted on the city’s website as described in (1), above, must be accessible on that website until the fifth anniversary of the date the report is first made available.

H.B. 2751 (Romero) – Political Contributions: would provide that: (1) a candidate or an officeholder may use political contributions to pay for child-care expenses incurred for a child of the candidate or officeholder, including payment to a family member other than the child’s parent, legal guardian, or conservator; and (2) child-care expenses made in accordance with (1), above, is a permissible personal use of political contributions.

H.B. 2776 (Bucy) – Early Voting By Mail: would, among other things, provide that: (1) a person who is eligible for early voting by mail because of a disability, confinement for childbirth, or membership in the armed forces of the United States, or person is the spouse or a dependent of such member, may cast a ballot using an accessible absentee mail system; (2) an accessible absentee mail system must be an electronic system, including software, used for the sole purpose of enabling any voter, including a voter who has a disability, to mark the voter’s ballot and print and submit the ballot in the manner required by law for a ballot marked by the voter; (3) the secretary of state shall adopt rules and prescribe procedures for the implementation of the accessible absentee ballot system; (4) a person eligible for early voting by mail because of a disability or confinement for childbirth may request from the appropriate early voting clerk e-mail transmission of balloting materials; (5) the early voting clerk shall grant a request made under (4), above, for the e-mail transmission of balloting materials if: (a) the requestor has submitted a valid application for a ballot to be voted by mail on the ground of disability; (b) the requestor provides an e-mail address with the request; (c) the request is submitted on or before the seventh day before the date of the election; and (d) a marked ballot for the election from the requestor has not been received by the early voting clerk; (6) an e-mail address used under (5), above, to request balloting materials is confidential and does not constitute public information for purposes of the Texas Public Information Act, and an early voting clerk shall ensure that such voter’s e-mail address is excluded from public disclosure; (7) balloting materials may be sent by e-mail for any election in which the voter who registers under (5), above, is eligible to vote, and shall 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 carrier envelope or signature sheet for the ballot; and (d) a list of certified write-in candidates, if applicable; and (8) the balloting materials may be provided by e-mail to the voter 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. 2825 (Goodwin) – Preferential Voting: would provide that in a city that has authorized the use of preferential voting in its city charter, an election of an officer of a city may use a preferential voting system, which allows a voter to rank each candidate through a numerical designation from the candidate the voter favors most to the candidate the voter favors least.

H.B. 2844 (Wu) – Curbside Voting: would provide that on the voter's request, an election officer shall deliver a ballot to the voter at the polling place entrance or curb if the voter: (1) is physically unable to enter the polling place without personal assistance or likelihood of injuring the voter's health; (2) has legal custody of a child younger than 12 years of age and entering the polling place would require leaving the child without adequate supervision; or (3) is the primary caretaker of a person who is unable to care for themselves and entering the polling place would require leaving the person without adequate supervision.

H.B. 2860 (Swanson) – Early Voting Ballots: would, among other things, provide that: (1) an early voting clerk who maintains only electronic records of applications for a ballot to be voted by mail, jacket envelopes, carrier envelopes, or ballots commits an offense if the clerk knowingly fails to record the front and back of each application, envelope, or ballot recorded, and provide the records to the early voting ballot board, the signature verification committee, or both; and (2) an offense under (1), above, is a state jail felony.

H.B. 2944 (Dorazio) – Election Watchers: would provide that for a person to be eligible to be an election watcher, the person must be an eligible voter and take the required training.

H.B. 2954 (Bumgarner) – Office Hours: would provide that, with respect to office hours of an election authority, including a city, during an election period, a regular business day means a day on which the business office of the authority is regularly open for business.

H.B. 2974 (Guillen) – Paper Ballots: would provide that: (1) an authority holding an election in a county with a population of less than 75,000 must maintain an operational printer at each polling place for the purpose of printing additional ballots; and (2) an authority holding an election in a county with a population of less than 75,000 may only adopt a voting system that requires paper ballots for all elections held in the county.

H.B. 2988 (Harrison) – 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. (Companion bill is **S.B. 397** by **Hall**.)

H.B. 3018 (Harrison) – Political Advertising: would provide that: (1) an officer or employee of a political subdivision may not knowingly spend or authorize the spending of public funds for: (a) political advertising; or (b) a communication relating to a measure submitted at an election as a result of an official action adopted or approved by the political subdivision, other than a notice of election required by the Election Code; and (2) a violation of (1), above, is a Class A misdemeanor.

H.B. 3046 (Kacal) – Election Ballots: would provide that if a candidate in certain general or special elections dies before the ballots are printed, the authority responsible for preparing the ballots may choose to omit the candidate from the ballot.

H.B. 3103 (Dorazio) – Debt Elections: would provide that a ballot proposition to approve bonds issued by a city that would add or increase taxes must include the statement “THIS IS A TAX INCREASE.”

H.B. 3159 (Leach) – Accessible Absentee Mail System: would provide that: (1) a person who has a disability or a person who is a member of the armed forces of the United States, or such member’s spouse or dependent, may cast a ballot using an accessible absentee mail system; and (2) such accessible absentee mail system shall be an electronic system, including software, used for the sole purpose of enabling any voter, including a voter who has a disability, to mark the voter’s ballot and print and submit the ballot in the manner required by law for a ballot marked by a voter.

H.B. 3190 (Frazier) – Polling Place: would provide that a polling place may not be located on a public primary or secondary school campus. (Companion bill is **S.B. 143** by **Springer**.)

H.B. 3372 (Thimesch) – Political Reports: would provide that a candidate or officeholder who accepts a political contribution made using a credit card shall: (1) report as a political contribution the full amount, including any amount deducted from the political contribution by the credit card issuer as a processing fee; and (2) report as a political expenditure any amount deducted from the political contribution by the credit card issuer as a processing fee.

H.B. 3449 (Noble) – Mail in Ballots: would provide that: (1) for a period of at least six years, the general custodian of election records shall preserve an image of the voter’s signature on the carrier envelope and early voting ballot application; (2) the early voting clerk shall deliver to the early voting ballot board: (a) copies of the applications for ballots to be voted by mail for each ballot voted by mail received; and (b) copies of the voter’s signature in the possession of the county clerk or voter registrar from at least the previous six years; (3) if a signature verification committee is appointed for the election, the early voting clerk shall deliver the jacket envelopes containing the early voting ballots voted by mail, the copies of the applications for ballots to be voted by mail, and the copies of the voter’s signature in the possession of the county clerk or voter registrar from at least the previous six years to the committee instead of to the early voting ballot board; and (4) the signature verification committee shall also compare the signatures with any known signature of the voter on file with the county clerk or voter registrar to determine whether the signatures are those of the voter.

H.B. 3450 (Noble) – County Election Precincts: would: (1) provide that a county election precinct must contain at least 500 but not more than 10,000 registered voters; (2) provide that, with certain exceptions, for an election precinct in a county with a population under 100,000, the maximum number of registered voters the precinct may contain is 5,000; and (3) repeal the provision that prohibits a county commissioner’s court from establishing a county election precinct containing territory inside a city with a population of 10,000 or more and unincorporated territory outside the city unless the commissioner’s court makes certain determinations.

H.B. 3510 (J. Gonzalez) – Intimidation: would provide that: (1) a person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at an election official in the performance of statutory or other official duties related to the administration of an election, knowingly engages in conduct that: (a) constitutes harassment under the Penal Code, or that the actor knows or reasonably should know the election official will regard as threatening: (i) bodily injury or death for the election official; (ii) bodily injury or death for a member of the election official's family or household or for an individual with whom the election official has a dating relationship; or (iii) that an offense will be committed against the election official's property; (b) causes the election official to be placed in fear of bodily injury or death or in fear that an offense will be committed against the election official's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and (c) would cause a reasonable person to: (i) fear bodily injury or death for himself or herself; (ii) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship; (iii) fear that an offense will be committed against the person's property; or (iv) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; (2) a person commits an offense if the person uses or threatens to use physical force, coercion, violence, restraint, damage, harm, financial reprisal, or other loss against another with the intent to improperly influence an election official in the performance of a duty related to the administration of an election; and (3) an offense under (1) and (2), above, is a felony of the third degree.

H.B. 3611 (Cain) – Preferential Voting System: would provide that: (1) in an election requiring a majority vote to be elected to a public office, a candidate must receive more than half of the votes as originally cast; and (2) a majority may not be determined by using a preferential voting system (voting system which permits a voter to rank each candidate through a numerical designation from the candidate the voter favors most to the candidate the voter favors least) to reassign votes. (Companion bill is **S.B. 921** by **Hughes**.)

H.B. 3613 (Cain) – City Elections: would provide that: (1) a city that is divided into districts, wards, or other areas from which members of its governing body are elected shall elect all members of the city council following each apportionment on the first uniform election date that allows sufficient time to comply with applicable requirements of the law; and (2) if members of city council described in (1), above, serve staggered terms, the city shall adopt an equitable process to determine which members of the council serve shorter terms to accommodate an election following apportionment that accounts for the remaining time in each member's term and whether the term of any member elected from a particular district, ward, or area was previously shortened.

H.B. 3732 (Guerra) – Voting System Standards: would provide that: (1) a voting system may not be used in an election if the voting system does not produce a paper receipt that provides a voter the information necessary to verify the voter's participation in the election is recorded accurately in the voter information databases maintained by the county and the secretary of state; and (2) a paper receipt required under (1), above, may not indicate for which candidates or measures a person voted.

H.B. 3748 (Bucy) – Elections: would, among other things, provide that:

1. a qualified voter includes a person who has not been finally convicted of a felony or, if so convicted, is not currently incarcerated for that offense;
2. a person who would be eligible to vote in an election, but for the requirement to be a registered voter, shall be accepted for voting at a polling place at which the person would be allowed to vote if registered if, on the day the person offers to vote, the person: (a) submits a voter registration application that complies with the law to a voter registrar at the polling place; (b) presents certain documentation as proof of identification; or (c) executes an affidavit stating that the person is eligible to vote in the election and is voting only once in the election;
3. persons voting under Number 2, above, shall be processed separately at the polling place from persons who are voting under regular procedures;
4. the secretary of state shall adopt rules to ensure the accountability of election officers and to fairly implement the provisions of Number 2, above;
5. for each person entitled to register at a polling place, the early voting clerk shall follow the procedure for accepting a regular voter on election day, with the modifications necessary for the conduct of early voting;
6. a copy of a notice of election provided to the county by a certain political subdivisions, including a city, for posting on the county's internet website must 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 to be voted by mail;
7. any qualified voter is eligible for early voting by mail;
8. 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;
9. 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;
10. a nonpartisan election observation organization that has been certified by the secretary of state may appoint watchers;
11. the following documentation is an acceptable form of photo identification for voting: (a) an official Native American tribal document; and (b) any other official government document issued to the voter and containing the voter's name, address, and photograph;
12. the 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;

13. an authority authorized to order extended early voting under Number 12, 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;
14. the early voting election order and election notice shall include the dates and hours that extended voting is ordered to be conducted and the early voting clerk shall post notice for each election stating the dates and hours of extended voting;
15. an election officer shall accept a person with a mobility problem that substantially impairs a 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;
16. notice of the priority given to persons with a mobility problem that substantially impairs a person's ability to ambulate shall be posted at each entrance to a polling place where it can be read by persons waiting to vote;
17. at each polling place two parking spaces shall be reserved for voting and the spaces may not be parking spaces designated specifically for persons with disabilities;
18. the parking spaces must be clearly marked with a sign as being for use by a voter who is unable to enter the polling place and the sign must have a telephone number that a voter may call or text to request assistance from election officials at the polling place;
19. 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;
20. if a voter who applies for early voting by mail has a sickness or physical condition that prevents the voter from appearing at the polling place on election day without a likelihood of needing personal assistance or of injuring the voter's health, or if the voter is expecting to give birth within three weeks before or after election day, the balloting materials may be provided by email in PDF format, through a scanned format, or by any other method of electronic transmission authorized by the secretary of state; and
21. the provision that states that the secretary of state may only select to participate in the countywide polling program six counties with a population of 100,000 or more and four counties with a population of less than 100,000 is repealed.

H.B. 3763 (Bucy) – Optical Scan Ballot Study: would provide that: (1) by October 1, 2024, the secretary of state shall conduct a study to consider the feasibility of requiring an election authority operating a central counting station who uses a centrally counted optical ballot scan system to only use data storage discs on which information, once written, is not capable of being modified; and

(2) the study must consider: (a) whether the technology exists that would allow the requirement to be attainable by election authorities in Texas; and (b) the cost of implementing the requirement for each state and county election official.

H.B. 3814 (DeAyala) – Ballot Screen: would provide that an electronic system ballot on which a voter indicates a vote by making a mark on the ballot may not display fewer than two or more than four races on a voting system screen at a time. (Companion bill is **S.B. 1253** by **Bettencourt**.)

H.B. 3819 (Wilson) – Election Precincts: would provide that a county commissioners court may not establish a county election precinct containing territory inside a city with a population of 10,000 or more and unincorporated territory outside that city unless: (1) the commissioners court determines that either of the two areas meets certain criteria; or (2) the two areas are located in a county participating in a countywide polling place program.

H.B. 4036 (Hayes) – Poll Watchers: would, among other things, provide that: (1) a poll watcher who wishes to observe certain actions of a signature verification committee related to early voting mail in ballots shall submit the watcher's name, email address, and phone number to the chair of the committee; (2) not less than four hours before taking an action related to verification of signatures for early voting mail in ballots, the signature verification committee must provide notice by phone and email to each poll watcher who has submitted the information required under (1), above, including the date, time, and place the action will be taken; and (3) a defect in a early voting mail in ballot may not be corrected in person unless two members of the signature verification committee appointed by the early voting clerk are present, each being aligned with a different political party, if applicable.

H.B. 4206 (DeAyala) – Provisional Ballots: would provide that the presiding judge of an election precinct shall daily prepare a notice of the number of provisional ballots delivered to the general custodian of election records and deliver the notice to, as applicable: (1) the central counting station; (2) the counting station that is designated by the adopting authority that has not adopted its own central counting station; or (3) the early voting ballot board. (Companion bills are **S.B. 1254** and **S.B. 1945** by **Bettencourt** and **S.B. 1944** by **Eckhardt**.)

H.B. 4235 (Smith) – Optical Ballot Scan System: would: (1) provide that an authority operating a central counting station may not purchase or use a centrally counted optical ballot scan system that stores data on a computer with a data storage disc on which information, once written, is capable of being overwritten during a system upgrade; and (2) repeal the following provisions: (a) an authority that purchases system components in order to comply with a centrally counted optical ballot scan system is eligible to have 100 percent of the cost of those system components reimbursed; and (b) the provisions of (1), above, expire on October 1, 2026.

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 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; 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 a 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**.)

S.B. 742 (Middleton) – 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. (Companion bill is **H.B. 1306** by **Paul**.)

S.B. 808 (Paxton) – Polling Locations: would provide that if the public building selected for a polling place is located on a school campus and the board of trustees of the school district determines that the use of that building during school hours would conflict with an applicable campus security policy, the board shall not be required to make the building available for use as a polling place.

S.B. 824 (Bettencourt) – Polling Locations: would provide that if the entity that owns or controls a public building selected for a polling place is a school district and the entity fails to make the building available as a polling place in any election that covers territory in which the building is located, the district may not designate the building as a polling place for an election for the board of trustees or for a school district bond election until after the fifth anniversary of the date of the

election in which the district failed to make the building available as a polling place. (Companion bill is **H.B. 453** by **Schofield**.)

S.B. 825 (Bettencourt) – Recount Petitions: would provide that: (1) a petition for an initial recount must be submitted by 5 p.m. of the third business day after the date the canvassing authority to whose presiding officer the petition must be submitted completes its canvass of the original election returns; (2) if the deadline for submitting a petition under (1), above, falls on a Saturday, Sunday, or legal state holiday, the deadline is extended to 10 a.m. of the next regular business day; and (3) for a recount in an election on an office in which a majority vote is required for nomination or election and votes were cast for more than two candidates, the deadline for submitting a recount petition is 2 p.m. of the second day after the date of the local canvass. (Companion bill is **H.B. 2152** by **Cunningham**.)

S.B. 934 (Middleton) – Eligibility for Public Office: would provide that an elected or appointed officer of a political subdivision authorized to impose a tax or issue bonds is ineligible to serve as an appointed or elected officer of another political subdivision authorized to impose a tax or issue bonds.

S.B. 946 (Sparks) – Bond and Tax Elections: would require that an election for the issuance of bonds or a tax increase must be held on the November uniform election date and may not be held as an emergency election.

S.B. 1199 (Hall) – Election Clerks: would provide that: (1) the alternate presiding judge shall serve as the presiding judge for an election if the regularly appointed presiding judge is not present at a polling location; (2) a person may not prevent an alternate presiding judge from freely observing or occupying the area in which voters are being accepted for voting; (3) the alternate presiding judge for an election precinct shall appoint an election clerk to assist the judge in the conduct of an election at the polling place served by the judge; (4) the authority that appoints election judges shall prescribe the maximum number of election clerks that the alternate presiding judge may appoint for each election; (5) the alternate presiding judge shall appoint at least one clerk for each precinct in each election; and (6) the provision that requires the presiding judge to appoint, in an election conducted by the regularly appointed presiding judge, an alternate presiding judge as one of the clerks is repealed.

S.B. 1253 (Bettencourt) – Ballot Screen: would provide that an electronic system ballot on which a voter indicates a vote by making a mark on the ballot may not display fewer than two or more than four races on a voting system screen at a time.

S.B. 1254 (Bettencourt) – Provisional Ballots: would provide that the presiding judge of an election precinct shall daily prepare a notice of the number of provisional ballots delivered to the general custodian of election records and deliver the notice to, as applicable: (1) the central counting station; (2) the counting station that is designated by the adopting authority that has not adopted its own central counting station; or (3) the early voting ballot board.

S.B. 1294 (Hall) – Curbside Voting: would provide that: (1) for a voter who is physically unable to enter the polling place without personal assistance or likelihood of injuring the voter's health,

on the voter's request for assistance in marking the ballot, two election officers shall provide assistance in marking the ballot; and (2) any person accompanying the voter described in (1), above, shall exit the vehicle and remain outside of the vehicle unless the person is selected by the voter to provide the voter assistance.

S.B. 1338 (Hall) – Early Voting by Mail: would, among other things, repeal the provision that allows a qualified voter who is 65 year of age or older on election to vote early by mail.

S.B. 1485 (Hall) – Election Records: would, among other things, provide that: (1) an election record that is public information shall be made available to the public during the regular business hours of the record's custodian not later than 10 days after the date the custodian receives a request for public inspection; (2) not later than the 60th day after election day, the general custodian of election records shall make available for public inspection election records that are: (a) original voted ballots; or (b) images of voted ballots, if a county maintains images of voted ballots; (3) the custodian of election records shall adopt procedures to ensure the redaction of any personally identifiable information of the voter contained on a ballot before making the voted ballot available for public inspection; and (4) repeal the provision that allows the custodian of elections to adopt reasonable rules limiting public access to election records for the purpose of safeguarding election records or economizing the custodian's time.

S.B. 1599 (Hughes) – Mail in Ballots: would, among other things, provide that: (1) ballot box No. 4 must contain any ballot to be voted by mail returned at the polling place; (2) an election officer shall maintain a register of ballots to be voted by mail that are returned at a polling place by an applicant for a ballot to be voted by mail; (3) an election officer shall enter on the register of ballots described in (2), above, the name of each voter who returns a ballot to be voted by mail and the ballot's number; (4) after making the appropriate entry on a register described in (2), above, an election officer shall deposit a ballot to be voted by mail that is returned at a polling place in ballot box No. 4; (5) not later than the second business day after the early voting clerk discovers certain defect in an application for a ballot to be voted by mail in a manner that would lead, if not corrected, to the rejection of the application, the clerk shall: (a) determine if it would be possible for the applicant to correct the defect and return the application form by mail before the prescribed deadline; and (b) if possible to correct the defect and return an application form before the prescribed deadline, either return the application to the applicant or deliver an official application form to the applicant; (6) if the early voting clerk determines that it would not be possible for the applicant to correct the defect and return an application form by mail before the prescribed deadline, the clerk may notify the applicant by telephone or e-mail of the defect, including the required information, and inform the applicant that the applicant may come to the early voting clerk's office before the prescribed deadline; (7) the secretary of state shall develop or otherwise provide an online tool to each early voting clerk on the secretary's website and on a county's website that enables a person who submits an application for a ballot to be voted by mail to: (a) track the location and status of the person's application and ballot; and (b) receive notice of and, when possible, correct a defect in the person's application and ballot; and (8) the early voting clerk shall, in addition to returning an application or providing an application form under (5), above, or notifying an applicant under (6), above, notify the applicant of the defect and provide information required to be included in the application using the online tool described in (7), above, and if possible, permit the applicant to correct the defect using the online tool.

S.B. 1642 (Hall) – Election Records: would, among other things, provide that: (1) precinct election records shall be preserved by the authority to whom they are distributed for at least 36 months after election day; (2) for a period of at least 60 days after the date of the election, the voted ballots shall be preserved securely in a locked room in the locked ballot box in which they are delivered to the general custodian of election records; (3) on the 61st day after election day, the general custodian of election records shall: (a) require a person who has possession of a key that operates the lock on a ballot box containing voted ballots to return the key to the custodian; (b) unlock the ballot box and transfer the voted ballots to another secure container, segregated and marked by precinct, for the remainder of the preservation period; and (c) create and maintain an index of voted ballots and ballot numbers assigned to each precinct, categorized by precinct location and polling place location, and make the index available to the public on the county election internet website, if the county maintains a website; (4) a ballot box or other secure container containing voted ballots may not be opened during the first 60 days of the preservation period; (5) the secure container that ballots or other precinct election records are transferred to must be sealed with a uniquely numbered seal, and the number shall be logged to ensure chain of custody during the preservation period; and (6) if ballots are imaged during the election process, the general custodian of election records shall post the ballot images, including the serial number assigned to the ballot and indexed by precinct, on the county's Internet website or the secretary of state's Internet website not later than five days after the election. (Companion bill is **H.B. 4548** by **Toth.**)

S.B. 1643 (Hall) – Canvassing Elections: would require the city council as the canvassing authority of an election of the city to compare the precinct returns with the corresponding tally list. (Companion bills are **H.B. 4578** by **Longoria** and **H.B. 4587** by **Toth.**)

S.B. 1661 (Hughes) – Central Counting Station: would provide that an authority operating a central counting station may not purchase or use a ballot scanner unless the ballot scanner can only use a data storage device on which information, once written, is incapable of being modified without rendering the device readable. (Companion bill is **H.B. 4733** by **Toth.**)

S.B. 1807 (Springer) – Penalties: would, among other things, provide that: (1) if, after receiving or discovering information indicating that a public official or election official has created, altered, modified, waived or suspended any election standard, practice, or procedure mandated by law or rule in a manner not expressly authorized by the Election Code, the secretary of state shall order that person to correct the offending conduct through written notice that includes a description of the violation and an explanation of the action necessary for compliance and of the consequences of noncompliance; (2) a person is liable for a civil penalty in the amount of \$1,000 for each day after the second day following the receipt of the written notice described in (1), above, that the public official or election official fails to take affirmative action to comply with the corrective actions identified by the Secretary of State; (3) the civil penalty described in (2), above, shall increase to \$5,000 for each day following the 7th day that the public official or election official fails to take affirmative action to comply with the corrective actions identified by the Secretary of State; and (4) the attorney general may bring an action to recover the civil penalty described in (2) and (3), above, and the penalty shall be deposited in the state's general fund. (Companion bill is **H.B. 4727** by **Toth.**)

S.B. 1818 (Bettencourt) – Tax Elections: would require a ballot proposition for the imposition or increase of a tax to include the statement “THIS IS A TAX INCREASE.”

S.B. 1907 (Bettencourt) – Election Records: would, among other things, provide that: (1) if the precinct election records are not delivered by the prescribed deadline, the secretary of state may supervise the activities necessary to complete the count, prepare the precinct returns, and distribute the records; and (2) if precinct election records are ordered impounded by a district judge on the application of a member of the canvassing authority, the district judge shall supervise the activities necessary to complete the count, prepare the precinct returns, and distribute the records.

S.B. 1911 (Bettencourt) – Election Offenses: would provide that: (1) a person who is responsible for distributing election supplies and intentionally fails to distribute the supplies by the prescribed deadline commits a Class A misdemeanor; (2) a person who is entrusted with the delivery of election supplies for use at polling places and intentionally fails to deliver any of the supplies within the time specified by the person who entrusted the delivery to the person commits a Class A misdemeanor; (3) a person commits a state jail felony if the person intentionally obstructs the distribution of election supplies for an election; and (4) an election officer, watcher, or other person serving at a polling place in an official capacity commits a state jail felony if, before the polls close or the last voter has voted, whichever is later, reveals certain information.

S.B. 1936 (Bettencourt) – Election Records: would provide that a presiding judge who designates an election clerk to deliver election records or supplies may only designate an election clerk who has served at the same polling place as the presiding judge for at least four hours before the designation.

S.B. 1944 (Eckhardt) – Provisional Ballots: would provide that the presiding judge of an election precinct shall daily prepare a notice of the number of provisional ballots delivered to the general custodian of election records and deliver the notice to, as applicable: (1) the central counting station; (2) the counting station that is designated by the adopting authority that has not adopted its own central counting station; or (3) the early voting ballot board. (Companion bill is **H.B. 4206** by DeAyala.)

S.B. 1945 (Bettencourt) – Provisional Ballots: would provide that the presiding judge of an election precinct shall daily prepare a notice of the number of provisional ballots delivered to the general custodian of election records and deliver the notice to, as applicable: (1) the central counting station; (2) the counting station that is designated by the adopting authority that has not adopted its own central counting station; or (3) the early voting ballot board. (Companion bill is **H.B. 4206** by DeAyala.)

S.B. 1947 (Bettencourt) – Early Voting Ballot Application: would provide that if an early voting ballot application is timely returned, the early voting clerk shall enter the time and date of receipt on the carrier envelope and enclose the carrier envelope and the voter’s early voting ballot application in a jacket envelope.

S.B. 1950 (Bettencourt) – Early Voting Mail in Ballot: would provide that: (1) a county clerk, elections administrator, early voting clerk, or early voting ballot board may not suspend the

requirements related to accepting an early voting ballot voted by mail; and (2) a county clerk, elections administrator, or early voting clerk who violates (1), above, commits an offense and such offense is a Class A misdemeanor.

S.B. 1951 (Bettencourt) – Central Counting Station: would provide that: (1) the manager of a central counting station shall designate teams of two election officers to prepare duplicate ballots; (2) each officer described in (1), above, must be aligned or affiliated with a different political party unless there are not two or more election officers serving the central counting station who are aligned with different parties; (3) the election officers designated under (1), above, shall prepare a duplicate ballot by having one officer announce the name of the candidate and the other officer mark the ballot with the name of that candidate; (4) each duplicate ballot must be independently reviewed by a second team of two election officers, each of whom is aligned or affiliated with a different political party as described by (1), above; and (5) the manager of a central counting station shall post the time that ballots will be duplicated to ensure that poll watchers are able to observe the activity under (3)–(4), above.

S.B. 1995 (Middleton) – Access to Voted Ballots: would, among other things, provide that: (1) a general custodian of election records shall adopt a written policy establishing procedures for providing access to voted ballots for public inspection; and (2) at a minimum, a policy adopted under (1), above, shall include: (a) procedures to ensure the redaction of any personally identifiable information of the voter contained on a ballot before making the ballot available for public inspection; (b) a defined time period for public inspection consistent with the Texas Public Information Act; (c) a log containing the name of any person who accesses the voted ballots during the defined time period; (d) general regulations regarding access to the ballots; (e) the use of video surveillance, if available, to monitor all activities in the inspection room during the time that the voted ballots are made available for public inspection; (f) the use of other security measures necessary to ensure no alteration of the ballots is possible; and (g) procedures to ensure that all other materials unrelated to the ballot inspection request are removed from the room in which the public inspection takes place.

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.

H.B. 2390 (Isaac) – Polling Places: would provide that the commissioners court of a county may not designate as a polling place a location on the campus of an institution of higher education located within the county.

H.B. 2498 (Swanson) – Elections: would, among other things, provide that: (1) election watchers may be appointed at location where the early voting clerk reviews applications for a ballot to be voted by mail; (2) a watcher appointed to serve at a location where the early voting clerk reviews applications for a ballot to be voted by mail must deliver the certificate of appointment and certificate of completion from training to the early voting clerk when the watcher first reports for service; (3) a watcher serving at a location where the early voting clerk reviews applications for a ballot to be voted by mail: (a) may be present at the location at any time the early voting clerk reviews the applications and until the early voting clerk completes the clerk's duties; and (b) serve during the hours the watcher chooses; (4) an election watcher is entitled to examine any document that is processed by an election official while the watcher is present, but may not examine a document processed by an election official in the absence of the watcher; (5) a polling place may not be located in a prison, jail or other detention facility; (6) a library card may not be used, for purposes of proof of identification to vote, as a government document that shows the name and address of the voter, including the voter's voter registration certificate; (7) the early voting clerk shall post on the county's website the date, time, and location at which the early voting clerk will review applications for ballots to vote by mail; (8) the space on the carrier envelope that is provided with the ballot to be voted by mail must be accompanied by a statement explaining to the voter that entering information into that space does not eliminate or replace the requirement that the voter sign the carrier envelope certificate; (9) if the early voting clerk receives a timely carrier envelope that does not fully comply with the applicable requirements, the clerk may, before the earlier of the first meeting of the early voting ballot board or the first meeting of the signature verification committee, deliver the carrier envelope in person or by mail to the voter and may receive, before the deadline, the corrected carrier envelope from the voter, or the clerk may notify the voter of the defect by telephone and advise the voter that the voter may come to the clerk's office in person to correct the defect or cancel the voter's application to vote by mail and vote on election day; (10) after the earlier of the first meeting of the early voting ballot board or the first meeting of the signature verification committee, if the clerk receives a timely carrier envelope that does not fully comply with the applicable requirements, the clerk may, after obtaining the approval of the early voting ballot board or the signature verification committee, as applicable: (a) deliver the carrier envelope in person or by mail to the voter and may receive, before the deadline, the corrected carrier envelope from the voter; or (b) notify the voter of the defect by telephone and advise the voter that the voter may come to the clerk's office in person to correct the defect or cancel the voter's application to vote by mail and vote on election day; (11) the general custodian of election records in a county with a population of 100,000 or more, or in a political subdivision of that county, shall implement a video surveillance system that retains a record of all areas containing voted ballots: (a) from the time the voted ballots are delivered to the central counting station until the canvass of precinct election returns; and (b) from the time the voted ballots are delivered to the signature verification committee or early voting ballot board until the canvass of precinct election returns; (12) a video from a system implemented under (11), above, shall be made available to the public by a livestream on the home page of the website of the county or political subdivision responsible for the video surveillance system; (13) a county is liable for a civil penalty of \$1,000 for each day that the livestream under (12), above, is not made available on the home

page of the county's website; and (14) a demonstration by the general custodian of election records that the source code of the voting system equipment has not been altered, shall be made: (a) at the same time as logic and accuracy test of the voting system is conducted; and (b) in the presence of the testing board.

H.B. 2654 (Slawson) – Emergency Declarations: would, among other things, provide that:

1. during a declared state of disaster, only the legislature has the authority to restrict or impair the operation or occupancy of businesses in response to a disaster, and the legislature may only exercise this authority in a county after consulting with the county judge of each county impacted by the disaster;
2. the governor by proclamation shall convene the legislature in special session to respond to a declared state of disaster if the governor finds that the authority of the legislature described in Number 1, above, should be exercised and the legislature is not convened in regular or special session;
3. if the governor finds that a state of disaster described by Number 1, above, requires renewal and the legislature is not convened in regular or special session, the governor by proclamation shall convene the legislature in special session to renew, extend, or otherwise respond to the state of disaster;
4. the governor may not declare a new state of disaster based on the same or a substantially similar finding as a prior state of disaster that is subject to Number 1, above, that was terminated or not renewed by the legislature;
5. the governor may not suspend: (a) a provision under this bill or under the provision related to a state of emergency related to: (i) a riot or unlawful assembly by three or more persons acting together by use of force or violence; (ii) if a clear and present danger of the use of violence exists; or (iii) a natural or man-made disaster; or (b) a law or rule related to the application of the Sunset Act, the suspension of which results in the continuation of a state agency beyond the date prescribed in statute for the abolishment of the agency;
6. the governor may suspend a provision of the Code of Criminal Procedure, Election Code, or Penal Code only during the first 30 days of a declared state of disaster;
7. if the governor finds that a suspension authorized by Number 6, above, should be continued beyond the first 30 days of a declared state of disaster and the legislature is not convened in regular or special session, the governor by proclamation shall convene the legislature in special session to respond to a state of disaster;
8. the governor may not suspend a provision of the Election Code related to the qualifications or procedures for early voting by mail or to the procedures for accepting a voter during any voting period, including procedures related to voter identification, residency, and signature requirements, except as to in-person delivery of a marked ballot, only for purposes of

allowing a voter registered to vote at an address located in a disaster area to deliver a marked ballot to the early voting clerk's office on or before election day;

9. the governor is not prohibited by Number 8, above, from suspending a provision of the Election Code to extend the voting period for early voting by mail as necessary to address the declared disaster; and
10. a declaration of a local disaster by a political subdivision, including cities, may not conflict with, or expand or limit the scope of, a declaration of disaster issued under this bill unless expressly authorized by proclamation or executive order issued by the governor under this bill.

(Companion bill is **S.B. 1104** by **Birdwell**.)

H.B. 2858 (Morales Shaw) – **Disaster Preparedness**: would: (1) expand the model guide for local officials regarding disaster response and recovery required to be developed by the Texas Department of Emergency Management to include planning practices for developing and reviewing local and interjurisdictional emergency management plans to ensure: (a) the needs of the community's vulnerable populations, including persons with disabilities, persons who are homeless, and low-income households, are accurately identified; (b) the emergency management plans address the needs in (a), above; and (c) the community resources that vulnerable populations rely on remain available during a disaster; (2) provide that each local and interjurisdictional agency shall prepare and keep current an emergency management plan for its area providing, among other things, for: (a) integrated and inclusive operations specific to individuals with disabilities to afford those individuals an equitable opportunity to benefit from all disaster response and recovery measures, programs, services, and activities; (b) the increase in the capabilities of local emergency shelters in the provision of shelter and care for individuals with disabilities during a disaster; (c) wellness checks for individuals with disabilities; (d) the establishment of minimum health-related standards for short-term and long-term shelter operations for shelters operated with state funds or receiving state assistance; (e) an emergency notification system that notifies individuals with disabilities of a disaster or emergency and of any actions the individuals should take to prepare for or respond to the disaster or emergency; (f) personnel surge capacity during a disaster, including plans for providing lodging and meals for disaster relief workers and volunteers; and (g) horizontal integration of emergency preparedness and response plans required for licensed facilities and providers serving individuals with disabilities; (3) expand the Department of State Health Services (DSHS) program designed to educate the citizens of this state on disaster and emergency preparedness, response, and recovery to include the resources, services, and programs that are available to address the needs of persons with disabilities during a disaster or other emergency; (4) require regional planning and advisory councils, among others, to develop as part of a crisis standards of care plan for personnel surge capacity during disasters; (5) provide that the DSHS Preparedness Council shall create a framework and provide guidance for the development of crisis standards of care plans in consultation with health care facilities, county officials, trauma service area regional advisory councils, and each council of government, regional planning commission, or similar regional planning agency; and (6) require the governor's homeland security strategy to include specific plans for building community resilience and reducing long-term vulnerability for

persons with disabilities by implementing inclusive disaster and emergency planning practices at all levels of government.

H.B. 3097 (Leo-Wilson) – Anticipation Notes: would authorize a city located within 70 miles of the Gulf of Mexico to authorize the issuance of an anticipation note or other obligation in the event of an emergency notwithstanding certain rating requirements that that would normally apply. (Companion bill is **S.B. 1394** by **Middleton**.)

H.B. 3222 (Guillen) – Disaster Recovery Loan Program: would increase the number of days from 15 to 30 days that a governing body of a political subdivision, including a city, has to submit its operating budget for the most recent fiscal year as part of the application process to Texas Department of Emergency Management for a disaster recovery loan.

H.B. 3290 (Guillen) – Next Generation 9-1-1 Service Fund: would provide, among other things, that for any money in the Next Generation 9-1-1 Service Fund resulting from the appropriation of state funds, after the money is deposited into the fund, the Commission on State Emergency Communications, shall distribute to each emergency communication district that does not participate in the state system a portion of the money that bears the same proportion that the population of the area served by the district bears to the population of the state.

H.B. 3718 (Lozano) – COVID-19 Business Closures: would provide that the governing body of a political subdivision, including a city, or its presiding officer, shall not issue an order, enact an ordinance, or take any other action having the force and effect of law that would limit or prohibit any business activity or services in response to the COVID-19 pandemic.

H.B. 3719 (Lozano) – Face Coverings: would provide that: (1) a governmental entity may not adopt or enforce an ordinance, order, or other measure that requires an individual to wear a face covering in response to the COVID-19 pandemic; and (2) the limitation in (1), above, does not apply to an ordinance, order, or other measure that relates to: (a) a state supported living center; (b) a hospital that is owned or operated by this state; an agency of this state, or the federal government; and (c) subject to any applicable guidance provided by the Texas Commission on Jail Standards, a facility operated by the Texas Department of Criminal Justice or the Texas Juvenile Justice Department or a municipal or county jail.

H.B. 3720 (Lozano) – COVID-19-Related School Closures: would provide that the governing body of a political subdivision, including a city, or its presiding officer, may not issue an order, enact an ordinance, or take any other action that would limit or prohibit any school activity or service in response to the COVID-19 pandemic.

H.J.R. 121 (Slawson) – Emergency Declarations: would amend the Texas Constitution to provide, among other things, that: (1) the governor shall convene the legislature in special session when the governor proposes to renew an order or proclamation declaring a state of disaster or emergency or issue a new order or proclamation regarding the same state of disaster or emergency that: (a) exists in at least two-fifths of the counties; (b) affects at least half of the state's population according to the most recent federal decennial census; or (c) affects at least two-thirds of the counties in three or more trauma service areas as designated by the appropriate state agency; (2)

in a special session convened under (1), above, the legislature may: (a) renew or extend the state of disaster or emergency; (b) respond to the state of disaster or emergency, including by: (i) passing laws and resolutions the legislature determines are related to the state of disaster or emergency; (ii) exercising the power to suspend laws as provided to the legislature by the Constitution; and (iii) consider any other subject stated in the governor's proclamation convening the legislature; (3) a state of disaster or emergency declared by the governor may not continue for more than 30 days unless it is renewed or extended by the legislature under (2), above; (4) a state of disaster or emergency declared by the governor that is related to a nuclear or radiological event recognized by the federal agency with primary authority for federal response to that event may not continue for more than 90 days unless the legislature renews or extends the declared state of disaster or emergency; (5) a vote to modify or terminate a proclamation or order issued by the governor declaring a state of disaster or emergency is not subject to veto or approval by the governor; and (6) a member of the legislature has standing to participate as a party in a suit against the governor for a violation of the duty imposed by (1), above, for which the Supreme Court has original jurisdiction. (Companion bill is **S.J.R. 58** by **Birdwell**.)

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.

S.B. 921 (Hughes) – Preferential Voting System: would provide that: (1) in an election requiring a majority vote to be elected to a public office, a candidate must receive more than half of the votes as originally cast; and (2) a majority may not be determined by using a preferential voting system (voting system which permits a voter to rank each candidate through a numerical designation from the candidate the voter favors most to the candidate the voter favors least) to reassign votes.

S.B. 932 (Middleton) – Candidate Eligibility: would provide that: (1) a candidate may be declared ineligible for a place on the ballot if the candidate fails to pay a filing fee or submit a petition in lieu of paying a filing fee; and (2) the authority responsible for preparing the ballots shall omit a candidate from the ballot if the candidate is declared ineligible under (1), above.

S.B. 941 (LaMantia) – 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. (Companion bill is **H.B. 1078** by **Martinez**.)

S.B. 972 (West) – Election Watchers: would provide that an election watcher appointed to serve at a precinct polling place, a meeting place for an early voting ballot board, or a central counting station must deliver a form of legal identification that discloses the full name and address of the watcher to the presiding judge.

S.B. 990 (Hall) – Countywide Polling Places: would, among other things, eliminate the countywide polling place program.

S.B. 993 (Schwertner) – Candidate Applications: would provide that: (1) a candidate's application for a place on the ballot must be signed and sworn to by the candidate in the physical presence of a person authorized to administer oaths in Texas; and (2) each affidavit of a petition filed in connection with a candidate's application for a place on the ballot must include an affidavit of the person who circulated it, executed in the physical presence of a person authorized to administer oaths in Texas.

S.B. 1039 (Bettencourt) – Election Irregularities: would provide that: (1) a person who participated in the relevant election as a candidate, a county chair or state 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 may issue a written request to the county clerk or other authority conducting an election for an explanation and supporting documentation for: (a) an action taken by the election officer that appears to violate the Election Code; (b) irregularities in results in a precinct or at a polling place or early voting polling place; (c) inadequacy or irregularity of documentation required to be maintained under the Election Code; or (d) irregularity or reconciliation results identified in reconciliation reports regarding voters and votes cast; (2) not later than the 20th day after the date a request is received under (1), above, the county clerk or other authority shall provide the requested explanation and any supporting documentation; (3) a requestor who is not satisfied with the explanation and supporting documentation provided under (2), above, may issue a request for further explanation and supporting documentation to the county clerk or other authority; (4) not later than the 10th day after the date a request is received under (3), above, the county clerk or other authority shall provide the requested explanation and any supporting documentation; (5) a requestor who is not satisfied with the explanation and supporting

documentation provided by the clerk or other authority under (4), above, may issue a request for an audit to the secretary of state that includes the request submitted to the clerk or other authority and explanations and supporting documentation; (6) not later than the 30th day after the date the secretary of state receives a request for an audit under (5), above, the secretary must determine whether the information submitted under (5), above, sufficiently explains the irregularity defined in (1), above; (6) if the information submitted by the requestor under (5), above, is insufficient, the secretary of state shall immediately begin an audit of the identified irregularity at the expense of the county or other authority conducting the election; (7) the county clerk or other authority conducting the election shall cooperate with the office of the secretary of state and may not interfere with or obstruct the audit; (8) 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 an audit and the county clerk or other authority conducting the election; (9) the secretary of state, may, in the secretary's discretion, make a determination that a violation of the Election Code has occurred solely on the basis of the evidence submitted under (5), above, without conducting an audit, and shall send notice of the determination to the person who submitted the request for an audit and to the county clerk or other authority conducting the election; (10) if, following an audit, the secretary of state determines that a violation of the Election Code has occurred, the secretary shall appoint a conservator to oversee elections in the county election precinct where the violation occurred and the conservator shall serve for two federal election cycles; (11) in addition to the notice required under (8), above, the secretary of state shall provide special notice to the county clerk or other authority conducting the election detailing any violation of the Election Code found by the secretary; (12) if the county clerk or other authority conducting the election does not remedy a violation detailed in a notice under (11), above, by the 30th day after the date the clerk or other authority 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 or other authority; (13) if the secretary of state is unable to remedy the violation on behalf of the county clerk or other authority, the secretary shall assess an additional penalty under (12), above, for each day the county clerk or other authority does not remedy the violation until the violation is remedied; (14) the secretary of state shall maintain a record of county clerks or other authorities that conduct elections who have been assessed a civil penalty, and shall publish the record on the secretary of state's website; and (15) the attorney general may bring an action to recover a civil penalty that has not been paid, and such penalty collected shall be deposited in the state treasury to the credit of the general revenue fund.

S.B. 1104 (Birdwell) – Emergency Declarations: Emergency Declarations: would, among other things, provide that:

1. during a declared state of disaster, only the legislature has the authority to restrict or impair the operation or occupancy of businesses in response to a disaster, and the legislature may only exercise this authority in a county after consulting with the county judge of each county impacted by the disaster;
2. the governor by proclamation shall convene the legislature in special session to respond to a declared state of disaster if the governor finds that the authority of the legislature described in Number 1, above, should be exercised and the legislature is not convened in regular or special session;

3. if the governor finds that a state of disaster described by Number 1, above, requires renewal and the legislature is not convened in regular or special session, the governor by proclamation shall convene the legislature in special session to renew, extend, or otherwise respond to the state of disaster;
4. the governor may not declare a new state of disaster based on the same or a substantially similar finding as a prior state of disaster that is subject to Number 1, above, that was terminated or not renewed by the legislature;
5. the governor may not suspend: (a) a provision under this bill or under the provision related to a state of emergency related to: (i) a riot or unlawful assembly by three or more persons acting together by use of force or violence; (ii) if a clear and present danger of the use of violence exists; or (iii) a natural or man-made disaster; or (b) a law or rule related to the application of the Sunset Act, the suspension of which results in the continuation of a state agency beyond the date prescribed in statute for the abolishment of the agency;
6. the governor may suspend a provision of the Code of Criminal Procedure, Election Code, or Penal Code only during the first 30 days of a declared state of disaster;
7. if the governor finds that a suspension authorized by Number 6, above, should be continued beyond the first 30 days of a declared state of disaster and the legislature is not convened in regular or special session, the governor by proclamation shall convene the legislature in special session to respond to a state of disaster;
8. the governor may not suspend a provision of the Election Code related to the qualifications or procedures for early voting by mail or to the procedures for accepting a voter during any voting period, including procedures related to voter identification, residency, and signature requirements, except as to in-person delivery of a marked ballot, only for purposes of allowing a voter registered to vote at an address located in a disaster area to deliver a marked ballot to the early voting clerk's office on or before election day;
9. the governor is not prohibited by Number 8, above, from suspending a provision of the Election Code to extend the voting period for early voting by mail as necessary to address the declared disaster; and
10. a declaration of a local disaster by a political subdivision, including cities, may not conflict with, or expand or limit the scope of, a declaration of disaster issued under this bill unless expressly authorized by proclamation or executive order issued by the governor under this bill.

(Companion bill is **H.B. 2654** by **Slawson**.)

S.B. 1394 (Middleton) – **Anticipation Notes:** would authorize a city located within 70 miles of the Gulf of Mexico to authorize the issuance of an anticipation note or other obligation in the event of an emergency notwithstanding certain rating requirements that that would normally apply. (Companion bill is **H.B. 3097** by **Leo-Wilson**.)

S.B. 1589 (Creighton) – Statewide Disaster Alert System: would provide that: (1) the Texas Department of Emergency Management (TDEM), with the cooperation of the office of the governor and appropriate state agencies, shall develop and implement a statewide alert system to activate in the event of a disaster affecting any location in this state; (2) the alert system may be operated in conjunction with any other emergency alert system required by federal or state law; (3) the alert system must notify persons statewide of a disaster affecting any location in this state and must be provided through: (a) public and commercial television or radio broadcasts; and (b) a system of dynamic message signs located across this state; (3) reverse 9-1-1 telephone calls, text messages, emails, social media, and other instant messaging systems; (4) TDEM shall allow persons to register for a preferred method of receiving the notifications; (5) when TDEM determines that a disaster has occurred or that the occurrence or threat of disaster is imminent or is notified of a declaration of disaster, TDEM shall immediately activate the alert system and shall issue updated notifications for the duration of the disaster; (6) a notification issued under the alert system must include all information necessary to: (a) assist a person affected by the disaster with making informed decisions regarding the person's safety; and (b) enable a person in another location in this state to assist an affected person; (7) the notification must include: (a) real-time information regarding the availability of gas, food, lodging, 24-hour pharmacy services, and medical care and the disposition of a deceased individual; (b) for a hurricane, the category classification of the hurricane, including updated information on changes in the category classification, the expected time and location of landfall, and other detailed information; and (c) other information TDEM determines appropriate; and (8) TDEM shall terminate the activation of the alert system when: (a) TDEM determines that the threat or danger has passed; (b) disaster has been addressed to the extent that emergency conditions no longer exist; and (c) or the state of disaster is terminated.

S.B. 1943 (Eckhardt) – Local Emergency Warning System: would, among other things, provide that: (1) for purposes of operating an emergency warning system for residents of a political subdivision, the political subdivision may contract with DPS for disclosure of the contact information of a political subdivision resident who consents to the disclosure for the purpose of participating in the system; (2) a participant in an emergency warning system described in (1), above, may request removal from the system by submitting a written request, including a text message from a cellular telephone or other wireless communication device, for removal to the applicable political subdivision; (3) on receipt of the request, the applicable political subdivision shall remove the participant's contact information from the system and cease issuing emergency warnings to the former participant through the system; (4) a participant in an emergency warning system described in (1), above, may elect to receive warning alerts in both English and Spanish; (5) when a person applies for an original or renewal driver's license, the person may consent to: (a) participate in an emergency warning system described in (1), above, and; (b) the disclosure by DPS of the person's contact information to the city or county, or both, in which the person resides for the purpose of participating in an emergency warning system operated by the city or county; (6) DPS shall disclose a person's contact information to a city or county for participation in an emergency warning system if: (a) the person indicates the person's consent to participate in an emergency warning system and to the disclosure of the person's contact information; and (b) the applicable city or county: (i) operates an emergency warning system; and (ii) has contracted with DPS for the disclosure of the person's contact information; and (7) contact information obtained by the city or county under this bill may not be used or disclosed for any purpose other than

enrolling a person in an emergency warning system and issuing warnings to the person through the system.

S.J.R. 58 (Birdwell) – Emergency Declarations: would amend the Texas Constitution to provide, among other things, that: (1) the governor shall convene the legislature in special session when the governor proposes to renew an order or proclamation declaring a state of disaster or emergency or issue a new order or proclamation regarding the same state of disaster or emergency that: (a) exists in at least two-fifths of the counties; (b) affects at least half of the state’s population according to the most recent federal decennial census; or (c) affects at least two-thirds of the counties in three or more trauma service areas as designated by the appropriate state agency; (2) in a special session convened under (1), above, the legislature may: (a) renew or extend the state of disaster or emergency; (b) respond to the state of disaster or emergency, including by: (i) passing laws and resolutions the legislature determines are related to the state of disaster or emergency; (ii) exercising the power to suspend laws as provided to the legislature by the Constitution; and (iii) consider any other subject stated in the governor’s proclamation convening the legislature; (3) a state of disaster or emergency declared by the governor may not continue for more than 30 days unless it is renewed or extended by the legislature under (2), above; (4) a state of disaster or emergency declared by the governor that is related to a nuclear or radiological event recognized by the federal agency with primary authority for federal response to that event may not continue for more than 90 days unless the legislature renews or extends the declared state of disaster or emergency; (5) a vote to modify or terminate a proclamation or order issued by the governor declaring a state of disaster or emergency is not subject to veto or approval by the governor; and (6) a member of the legislature has standing to participate as a party in a suit against the governor for a violation of the duty imposed by (1), above, for which the Supreme Court has original jurisdiction. (Companion bill is **H.J.R. 121** by **Slawson**.)

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.

H.B. 1977 (Morales Shaw) – Youth Pretrial Intervention Programs: would, among other things: (1) establish a youth pretrial intervention program for defendants who: (a) are under 18 years of age at the time of offense; (b) have been charged with a Class B misdemeanor or higher offense, with exceptions; (c) have not been previously convicted or placed on deferred adjudication community supervision for an offense other than a traffic offense punishable by fine only; and (d) choose to participate in the program instead of the criminal justice system; (2) direct the county commissioners' court to establish a youth pretrial intervention court, or, require the county community supervision and corrections department to operate the program; (3) require the county commissioners' court to make, adopt, and publish local regulations to encourage maximum participation in the program, including: (a) ensuring all eligible participants are provided legal counsel before deciding whether to participate in the program; (b) allowing a participant to withdraw from the program before commencement of a trial on the merits; and (c) providing court-ordered individualized treatment plans to each defendant; (4) allow an attorney for the state to submit a written request to the court to prohibit a defendant participating in the program, and if the attorney for the state demonstrates adequate good cause, the court shall require the defendant to proceed through the criminal justice system; (5) establish program participation and community service caps based on offense; (6) establish program reimbursement fee criteria; (7) allow defendants with the court or program's consent to transfer to a different program in the county where the defendant lives or works, subject to the same treatment plan, rules and regulations in place for the initial program; and (8) provide for automatic expunction following successful program completion, subject to consent of the attorney for the state.

H.B. 2177 (Oliverson) – Judicial Liability for Personal Bond Release: would: (1) establish a cause of action against a judge or magistrate who released a person on a personal bond by the victim of an offense committed by the released person, 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 a personal bond for an offense involving violence; and (b) the judge or magistrate released the person on a personal bond in violation of the Code of Criminal Procedure; and (2) for an action brought under (1), 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. 2380 (Vasut) – Municipal Court Fines and Costs: would: (1) increase the credit 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) increase the amount of fines or costs discharged for each eight hours of community service performed by a defendant from \$100 to \$150; and (3) require a justice or judge to apply any time the defendant was confined in jail or prison awaiting trial to the defendant's fines and costs; and (Companion bill is **S.B. 352** by **Zaffirini**.)

H.B. 2909 (Jarvis Johnson) – Juvenile Fines and Costs: would prohibit a judge from requiring a defendant under 18 years old to pay any amount of an imposed fine or costs but allows a judge to require such defendant to perform community service or receive court-approved tutoring.

H.B. 2918 (Reynolds) – **Supplemental Court Security Fee:** would, among other things, impose a \$1 supplemental court security fee, in addition to any other fine or cost, on a defendant convicted of a misdemeanor or felony whose sentence or conviction imposes a fine.

H.B. 2955 (Bumgarner) – **Judicial Liability for Personal Bond Release:** would: (1) establish a cause of action against a judge or magistrate who released a person on a personal bond by the victim of an offense committed by the released person, 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 a personal bond for an offense involving violence; and (b) the judge or magistrate released the person on a personal bond in violation of the Code of Criminal Procedure; and (2) for an action brought under (1), 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. (Companion bill is **H.B. 2177** by **Oliverson**.)

H.B. 3186 (Leach) – **Youth Diversion Program:** would, among other things: (1) establish a youth diversion program for juvenile defendants charged with a misdemeanor other than a traffic offense, punishable by fine only; (2) establish program eligibility requirements, including the defendant and a defendant's parent's written consent to participate, the attorney representing the state's consent, and court approval under certain circumstances; (3) require each justice and municipal court to adopt a program plan under (1), above, that includes: (a) requiring a defendant to enter into a diversion agreement with the court outlining the program agreement terms and duration; (b) providing for the program's diversion strategies, which may include: (i) paying restitution up to \$100; (ii) performing community service, participating in a court-approved teen court program, a school-related program, a community-based program, an educational program, a rehabilitation program, a self-improvement program, or similar third-party service provider programs; (iii) submitting to alcohol and drug testing, substantially comply with a course of a treatment prescribed by a physician or other licensed medical or mental health professional; and (iv) participating in mediation or other dispute resolution processes; (4) require each justice and municipal court to maintain its youth diversion plan on file for public inspection; (5) authorize a court or local government to adopt rules necessary to implement and coordinate the services described in (3), above, and enter into a contract with a third-party service provider to provide such services; (6) authorize a court to designate a youth diversion coordinator or juvenile case manager to assist the court in implementing, coordinating, and monitoring the program described in (1), above; provide for program procedures, including deadlines, consent requirements, hearing rules, recordkeeping requirements, and program-related agreements and order requirements; (7) allow a court to refer a defendant to criminal court for failure to comply with a diversion agreement or order; (8) allow the clerk or a justice or municipal court to impose a \$50 local youth diversion administrative fee, but prohibit making a defendant's ability to participate in (1), above, contingent upon paying the fee, and allowing for fee waiver for financial hardship; (9) for cases involving an eligible defendant where the court has determined the evidence presented would support a finding of guilt, require the court to allow a defendant and defendant's parent to accept placement in (1), above, instead of entering a finding of guilt; (10) allow a city that does not employ or contract with a juvenile case manager, in consultation with the court, to direct the fees described in (9), above, to be used for the support of a local mental health authority, juvenile alcohol and substance abuse programs, educational and leadership programs, teen court programs, and any other project designed to prevent or reduce the number of juvenile criminal referrals to the court; and (11) require each

justice and municipal court to implement a youth diversion plan described in (1), above, by no later than January 1, 2025 and to apply to offenses committed on or after January 1, 2025. (Companion bill is **S.B. 1505** by **Zaffirini**.)

H.B. 3817 (Herrero) – Video Court Appearances: would allow a court to require that a defendant appear for any criminal court without the defendant's consent if the defendant is confined in a penal institution at the time of the proceeding.

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.

S.B. 904 (Springer) – Handicapped Parking Restrictions: would: (1) prohibit a political subdivision from dismissing a violation for a person parking in a space or area designated specifically for persons with disabilities because the parking space marking did not comply with state law, if the parking space is in general compliance and compliance and clearly distinguishable as a designated accessible parking space for persons with disabilities; and (2) provide that a political subdivision may only issue a warning for unlawfully parking in such a space if there is no above-grade sign as provided by law.

S.B. 1281 (Hughes) – Driver's License Renewals: would prohibit the Department of Public Safety from denying renewal of a driver's license because it received information from a political subdivision that the applicant failed to appear in court or satisfy a judgment involving a traffic offense punishable by fine only.

S.B. 1382 (Eckhardt) – Repealing Energy Boycott Provision: would repeal the prohibition against governmental entities entering into a contract with a company for goods or services unless the contract contains a written verification from the company that it does not and will not boycott energy companies during the term of the contract. (Companion bill is **H.B. 1091** by **Rosenthal**.)

S.B. 1505 (Zaffirini) – Youth Diversion Program: would, among other things: (1) establish a youth diversion program for juvenile defendants charged with a misdemeanor other than a traffic offense, punishable by fine only; (2) establish program eligibility requirements, including the defendant and a defendant's parent's written consent to participate, the attorney representing the state's consent, and court approval under certain circumstances; (3) require each justice and municipal court to adopt a program plan under (1), above, that includes: (a) requiring a defendant to enter into a diversion agreement with the court outlining the program agreement terms and duration; (b) providing for the program's diversion strategies, which may include: (i) paying restitution up to \$100; (ii) performing community service, participating in a court-approved teen court program, a school-related program, a community-based program, an educational program, a rehabilitation program, a self-improvement program, or similar third-party service provider programs; (iii) submitting to alcohol and drug testing, substantially comply with a course of a treatment prescribed by a physician or other licensed medical or mental health professional; and (iv) participating in mediation or other dispute resolution processes; (4) require each justice and municipal court to maintain its youth diversion plan on file for public inspection; (5) authorize a court or local government to adopt rules necessary to implement and coordinate the services described in (3), above, and enter into a contract with a third-party service provider to provide such services; (6) authorize a court to designate a youth diversion coordinator or juvenile case manager to assist the court in implementing, coordinating, and monitoring the program described in (1),

above; provide for program procedures, including deadlines, consent requirements, hearing rules, recordkeeping requirements, and program-related agreements and order requirements; (7) allow a court to refer a defendant to criminal court for failure to comply with a diversion agreement or order; (8) allow the clerk or a justice or municipal court to impose a \$50 local youth diversion administrative fee, but prohibit making a defendant's ability to participate in (1), above, contingent upon paying the fee, and allowing for fee waiver for financial hardship; (9) for cases involving an eligible defendant where the court has determined the evidence presented would support a finding of guilt, require the court to allow a defendant and defendant's parent to accept placement in (1) instead of entering a finding of guilt; (10) allow a city that does not employ or contract with a juvenile case manager, in consultation with the court, to direct the fees described in (9), above, to be used for the support of a local mental health authority, juvenile alcohol and substance abuse programs, educational and leadership programs, teen court programs, and any other project designed to prevent or reduce the number of juvenile criminal referrals to the court; and (11) require each justice and municipal court to implement a youth diversion plan described in (1), above, by no later than January 1, 2025 and to apply to offenses committed on or after January 1, 2025. (Companion bill is **S.B. 3186** by **Leach**.)

S.B. 1921 (Miles) – **Reducing Court Fines and Costs**: would provide that a court, when imposing fines or courts, may not require a defendant to pay more than five percent of the defendant's monthly income to satisfy such fines or costs.

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.

H.B. 2135 (Canales) - 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 10th business day after the date the request is received;
8. 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;
9. 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
10. 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.

(Companion bill is **S.B. 618** by **Johnson**.)

H.B. 2309 (Hunter) – Dates of Birth: would provide that a person's date of birth is not confidential and may not be withheld under the Texas Public Information Act if that information is contained in: (1) a candidate's application for a place on the ballot; or (2) corrections or prosecutorial information, including information regarding an arrest, charge, indictment, conviction, order of deferred adjudication, or inmate record.

H.B. 2419 (Holland) – Utility Competitive Matters: would expand the definition of "competitive matters" to allow for withholding from public disclosure under the Texas Public Information Act the following: (1) a utility-related matter, including a cable, internet, or broadband service matter, that is related to the public power utility's competitive activity, including commercial information, and would, if disclosed, give advantage to competitors or prospective competitors; (2) a matter reasonably related to information involving the provision of cable, internet, or broadband services by a public power utility, including: (a) a capital improvement plan; (b) an expense related to the installation of a facility to provide those services; (c) bidding and pricing information for installation of the facility (d) risk management information, contracts, and strategies; (e) plans, studies, proposals, and analyses for: (i) system improvements, additions, or

sales; or (ii) establishing pricing for providing those services; and (f) customer billing, contract, and usage information. (Companion bill is **S.B. 983** by **Paxton**.)

H.B. 2486 (Hefner) – Police and Fire Records: would provide that the following information in a peace officer's or firefighter's personnel file is confidential and excepted from public disclosure under the Texas Public Information Act: (1) an application for employment; (2) information related to the process of hiring the peace officer or firefighter; and (3) a letter, memorandum, or other document relating to alleged misconduct by the peace officer or firefighter if the employing department: (a) determines that there is insufficient evidence to sustain the charge of misconduct; or (b) did not take disciplinary action against the peace officer or firefighter for the alleged misconduct.

H.B. 2492 (Capriglione) – 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.

(Companion bill is **S.B. 680** by **Johnson**.)

H.B. 2493 (Capriglione) – **Electronic Public Information**: would provide, among other things, that:

1. 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, is public information under the Texas Public Information Act (TPIA);
2. for public information for which a third party is the custodian for a governmental body: (a) the use of an electronic recordkeeping system by or for a governmental body may not erode the public's right of access to public information under the TPIA; (b) 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 information under Number 1, above, is significant and not merely used as a tool for the maintenance, manipulation, or protection of property; (c) if a request for public information applies to electronic public information and the requestor requests the electronic public information in a searchable or sortable format, the person responding to the request shall provide an electronic copy of the requested electronic public information in the searchable format requested using computer software the person uses in the ordinary course of business to access, support, program, manipulate, or otherwise manage the governmental body's information; (d) a person responding to a request for public information may not: (i) refuse to provide a copy of electronic public information on the grounds that exporting the information or redacting excepted information will require searching, sorting, or filtering the information with computer software used by the person in the ordinary course of business to access, support, or otherwise manage the governmental body's information; or (ii) charge the requestor for searching, sorting, or filtering the information as provided by (2)(d)(i), above; (e) a requestor may request that a copy of electronic public information be provided in the format in which the information is maintained by or for the governmental body or in a standard export format such as a flat file electronic American Standard Code for Information Interchange (ASCII) if the computer programs used by or for the governmental body support exporting the information in that format; (f) the person responding to the request shall provide the copy in the requested format or in another format acceptable to the requestor and shall provide the copy through an electronic transfer such as electronic mail or an electronic drop box if possible, or otherwise on suitable

electronic media; (g) if electronic public information is maintained in a format that is: (i) searchable but not sortable, the person responding to the request shall provide an electronic copy of the information in a searchable format that complies with this section; or (ii) sortable, the person responding to the request shall provide an electronic copy of the information in a sortable format that complies with this section; (h) each party to a contract for the creation and maintenance of electronic public information by or for a governmental body shall use reasonable efforts to ensure the contract 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; (i) the provisions of 2(a)-(h), above, do not affect the applicability to electronic public information of a confidentiality provision or other exception from required disclosure; and (j) the TPIA cost rules apply to an electronic copy or paper printout of electronic public information; and

3. the TPIA provision related to responding to requests for information that require programming or manipulation of data is repealed.

(Companion bill is **S.B. 965** by **Johnson**.)

H.B. 2874 (Smithee) – Litigation Costs: would provide that: (1) in a mandamus, declaratory judgement or injunctive relief action brought under the Texas Public Information Act (PIA), a suit by a governmental body to withhold information under the PIA, or a suit brought by an intervening requestor under the PIA, the court shall assess costs of litigation and reasonable attorney fees incurred by a plaintiff or intervening requestor: (a) who substantially prevails; or (b) to whom a governmental body voluntarily releases the requested information, unless before suit is filed: (i) the governmental body releases the information; or (ii) the governmental body certifies a date and hour within a reasonable time when the information will be available for inspection or duplication; and (2) notwithstanding (1), above, in an action brought by an intervening requestor, the court shall assess costs of litigation and reasonable attorney fees incurred by the requestor if the requestor substantially prevails.

H.B. 3033 (Landgraf) – Open Records Decisions: would, among other things, provide that: (1) the attorney general shall render a decision on a request for a decision under the Texas Public Information Act, not later than the 30th business after the date the attorney general receives the request for a decision; (2) a governmental body shall as soon as practicable but not later than the 15th day after the date a decision is issued: (a) produce the information subject to the decision that is required to be produced; or (b) notify in writing the person who requested the information that the governmental body is withholding the information as authorized by the decision; and (3) the office of the attorney general shall make available on the office's website an easily accessible and searchable database consisting of: (a) each request for an attorney general decision; and (b) the attorney general's decision on the request.

H.B. 3117 (Morales) – Newspaper Notice: would, with regard to a city located in a county that does not have a weekly newspaper that meets certain criteria, provide that a notice must be published in a weekly newspaper that: (1) devotes not less than 20 percent of its total column lineage to general interest items; (2) meets one of the following requirements: (a) be entered as periodical postal matter in the county where published; (b) have a mailed or delivered circulation of at least 51% of the residences in the county where published; or (c) be published in the county

and designated by the governing body as the newspaper for publication of notices; and (3) has been published regularly and continuously for at least 12 months before the notice is published.

H.B. 3130 (Guerra) – Withholding Information: would provide that: (1) a governmental body may not sell or otherwise release the name, home, or business address, place of employment, telephone number, electronic mail address, social security number, date of birth, drivers' license or state identification number, passport number, emergency contact information, or numeric identifier of a person who: (a) is a current or former client of a family violence shelter center, victims of trafficking shelter center, or sexual assault program; (b) holds, previously held, or is an applicant for a license issued by the governmental body; and (c) notifies the governmental body in writing of the person's choice to restrict public access to the information on a form provided by the office of the attorney general or the governmental body; and (2) a governmental body may redact information described by (1), above, from a response to a request for a list or directory of license holders, former license holders, or license applicants without the necessity of requesting a decision from the attorney general.

H.B. 3167 (Moody) – Vexatious Requestors: would, among other things, provide that: (1) a governmental body may request an opinion from the attorney general for relief from a requestor that the governmental body alleges is a vexatious requestor; (2) the opinion requested under (1), above, shall detail the conduct which the governmental body alleges demonstrates a vexatious history of requests; (3) upon receipt of the opinion request, the attorney general shall promptly issue a written opinion within 45 business days of receipt of the request, determining whether the requestor is a vexatious requestor and what relief, if any, should be given to the governmental body; and (4) if a requestor has been determined by the attorney general to be a vexatious requestor and the governmental body has reason to believe that the vexatious requestor is continuing to submit requests anonymously or under a pseudonym, the governmental body is authorized to request photo identification from the requestor before the governmental body complies with the request.

H.B. 3334 (Canales) – Public Information: would, among other things, provide that: (1) the following information is not considered confidential under the Texas Public Information Act (PIA): (a) attorney-client privilege; (b) work product privilege; (c) another exception to disclosure provided by the PIA; or (d) a state or federal discovery privilege, including a privilege provided by the Texas or Federal Rules of Civil Procedure, Texas or Federal Rules of Evidence or Texas Disciplinary Rules of Professional Conduct; (2) the failure to make timely requests for an attorney general under the following exceptions to disclosure do not constitute a compelling reason for the governmental body to withhold the information: (a) information related to litigation or settlement negotiations; (b) information related to competition or bidding; (c) information related to the location or price of property; (d) certain legislative documents; (e) law enforcement and prosecutorial information; (f) interagency or intraagency memoranda not available to a third-party in litigation; (g) information related to financial institutions or securities; (h) audit work papers; (i) test items; (j) certain audits; (k) certain economic development information; (l) certain communications with employees of the legislative budget board; and (m) proprietary records and trade secrets in certain partnerships; (3) the definition of a body camera for purposes of the PIA does not include a recording device that is capable of recording audio, or transmitting audio to be recorded remotely; and (4) the PIA provision related to responding to requests for information that

require programming or manipulation of data is repealed. (Companion bill is **S.B. 1658** by **Hinojosa**.)

H.B. 3392 (Julie Johnson) – Public Information: would provide that: (1) for purposes of the litigation exception under the Texas Public Information Act (PIA), litigation is considered reasonably anticipated only if a person with an alleged claim, or that person's attorney, has: (a) threatened in writing to take legal action against the governmental body; or (b) made a written demand for compensation as a result of an alleged claim against the governmental body; and (2) for purposes of the law enforcement exception under the PIA, information that deals with the detection, investigation or prosecution of crime only in relation to an investigation that did not result in a conviction or deferred adjudication or an internal record or notation relating to law enforcement or prosecution is public information in response to a written request for the information made by: (a) a person who is the subject of the information, record, or notation, or the person's attorney; or (b) if the person described by (2)(a), above is deceased, the person's spouse, child, or parent, an administrator of the person's estate, or any of their attorneys.

H.B. 3440 (Canales) – Agenda Posting: would provide that certain governmental bodies, including a cities and economic development corporations, must concurrently post an agenda and notice of the meeting of the body on the website of the governmental body.

H.B. 3442 (Canales) – Closed Meetings: would provide that a governmental body shall include, in the minutes for an open meeting during which a closed meeting is held, the names of any person who attended the closed meeting and who is not a part of the governmental body or an employee of the governmental body.

H.B. 3729 (Bonnen) – 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 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. (Companion bill is **S.B. 435** by **Middleton**.)

H.B. 4063 (J. Gonzalez) – Meeting Notice: would provide that: (1) the validity of a notice posted on an electronic bulletin board by a governmental body that made a good faith attempt to post the notice continuously for at least 72 hours before the scheduled time of the meeting is not affected by a failure to comply with the requirement to post the notice on the electronic bulletin board that

is due to a technical problem beyond the governmental body's control; and (2) if another law requires a governmental body to post notice, on a bulletin board or otherwise, the governmental body may comply with that law through the use of an electronic bulletin board.

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 10th business day after the date the request is received;
8. 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;
9. 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
10. 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.

S.B. 889 (Perry) – Tax Appraisal Records: would, among other things, provide that the information of a current or former elected public officer or the current or former employee of the officer contained in appraisal records is confidential if the information identifies the home address of the named individual and the individual chooses to restrict access to the information on the prescribed comptroller's form.

S.B. 933 (Middleton) – Public Information Act: would subject a nonprofit state association or organization primarily composed of similarly situated political subdivisions to the Public Information Act.

S.B. 958 (Campbell) – Release of Personal Affiliation Information: would, among other things, provide that: (1) "personal affiliation information" means a record or any data that directly or indirectly identifies a person as a member, supporter, or volunteer of, or a donor to, a nonprofit

organization; (2) except under certain circumstances, a city may not: (a) require an individual to provide or compel the release of personal affiliation information; (b) require a nonprofit organization to provide personal affiliation information; (c) release, publicize, or otherwise publicly disclose personal affiliation information; or (d) request or require a current or prospective contractor of the city to provide a list of nonprofit organizations to which the contractor has provided support; (3) personal affiliation information is excepted from release under the Public Information Act; (4) a person who alleges a violation may bring a civil action to obtain injunctive relief and money damages; (5) sovereign and governmental immunity are waived for purposes of section (4), above; and (6) a person who violates this law is also subject to certain criminal penalties.

S.B. 965 (Johnson) – Electronic Public Information: would provide, among other things, that:

1. 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, is public information under the Texas Public Information Act (TPIA);
2. for public information for which a third party is the custodian for a governmental body: (a) the use of an electronic recordkeeping system by or for a governmental body may not erode the public's right of access to public information under the TPIA; (b) 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 information under Number 1, above, is significant and not merely used as a tool for the maintenance, manipulation, or protection of property; (c) if a request for public information applies to electronic public information and the requestor requests the electronic public information in a searchable or sortable format, the person responding to the request shall provide an electronic copy of the requested electronic public information in the searchable format requested using computer software the person uses in the ordinary course of business to access, support, program, manipulate, or otherwise manage the governmental body's information; (d) a person responding to a request for public information may not: (i) refuse to provide a copy of electronic public information on the grounds that exporting the information or redacting excepted information will require searching, sorting, or filtering the information with computer software used by the person in the ordinary course of business to access, support, or otherwise manage the governmental body's information; or (ii) charge the requestor for searching, sorting, or filtering the information as provided by (2)(d)(i), above; (e) a requestor may request that a copy of electronic public information be provided in the format in which the information is maintained by or for the governmental body or in a standard export format such as a flat file electronic American Standard Code for Information Interchange (ASCII) if the computer programs used by or for the governmental body support exporting the information in that format; (f) the person responding to the request shall provide the copy in the requested format or in another format acceptable to the requestor and shall provide the copy through an electronic transfer such as electronic mail or an electronic drop box if possible, or otherwise on suitable electronic media; (g) if electronic public information is maintained in a format that is: (i) searchable but not sortable, the person responding to the request shall provide an electronic copy of the information in a searchable format that complies with this section; or (ii)

sortable, the person responding to the request shall provide an electronic copy of the information in a sortable format that complies with this section; (h) each party to a contract for the creation and maintenance of electronic public information by or for a governmental body shall use reasonable efforts to ensure the contract 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; (i) the provisions of 2(a)-(h), above, do not affect the applicability to electronic public information of a confidentiality provision or other exception from required disclosure; and (j) the TPIA cost rules apply to an electronic copy or paper printout of electronic public information; and

3. the TPIA provision related to responding to requests for information that require programming or manipulation of data is repealed.

(Companion bill is **H.B. 2493** by **Capriglione**.)

S.B. 983 (Paxton) – Utility Competitive Matters: would expand the definition of “competitive matters” to allow for withholding from public disclosure under the Texas Public Information Act the following: (1) a utility-related matter, including a cable, internet, or broadband service matter, that is related to the public power utility’s competitive activity, including commercial information, and would, if disclosed, give advantage to competitors or prospective competitors; (2) a matter reasonably related to information involving the provision of cable, internet, or broadband services by a public power utility, including: (a) a capital improvement plan; (b) an expense related to the installation of a facility to provide those services; (c) bidding and pricing information for installation of the facility; (d) risk management information, contracts, and strategies; (e) plans, studies, proposals, and analyses for: (i) system improvements, additions, or sales; or (ii) establishing pricing for providing those services; and (f) customer billing, contract, and usage information. (Companion bill is **H.B. 2419** by **Holland**.)

S.B. 1102 (Kolkhorst) – Educational Records: would provide, among other things, that: (1) a governmental body shall release records related to school attendance of a person: (a) who is 18 years of age or older; (b) who is deceased or incapacitated; and (c) against whom an indictment has been filed charging the person with criminal homicide in a mass shooting; or could have been filed charging the person with criminal homicide in a mass shooting if the person was not deceased; (2) truancy records and files for a person described by (1), above, are subject to disclosure under the Texas Public Information Act; (3) as soon as practicable, but not later than the 180th day after the date a mass shooting occurs, a governmental body shall make public the toxicology reports relating to the mass shooting in the governmental body’s possession; and (4) a covered entity that is a governmental unit shall release all records and files for an individual described by (1)(b) and (c), above, related to the individual’s enrollment in a state health plan that receives federal funding.

S.B. 1219 (Kolkhorst) – Fraud and Counterterrorism Information: would provide that information in the custody of a governmental body that relates to fraud detection and deterrence measures, or counterterrorism measures is confidential and excepted from public disclosure under the Texas Public Information Act.

S.B. 1579 (Bettencourt) – Expedited Public Information Act Response: would provide, among other things, that:

1. a governmental body that receives a written request for information, other than a request for information that may involve a third-party's privacy or property interests, may withhold any information it makes a good faith determination is excepted from required public disclosure under the Texas Public Information Act (PIA) without requesting a decision from the attorney general, provided that: (a) the governmental body's officer for public information or the officer's designee holds an active training certificate issued by the attorney general; and (b) the governmental body's authorization to withhold information without requesting a decision from the attorney general has not been revoked;
2. in order to withhold information under Number 1, above, a governmental body must comply with the following requirements the governmental must respond to the requestor not later than the 10th business day after the date the governmental body receives the written request for information by providing the requestor with: (a) a list of the exceptions and, if applicable, the judicial decisions or constitutional or statutory laws the governmental body determines are applicable to the information being withheld; (b) all information the governmental body determines is not excepted from disclosure, including, if applicable, partially redacted information with the redacted portions clearly marked and labeled with the exceptions the governmental body relied on to redact the information; (c) a description of the volume and type of information withheld; and (d) a notice form promulgated by the attorney general that includes, at a minimum: (i) a unique identification number assigned by the governmental body; (ii) a description of the appeal procedure; (iii) an appeal form the requestor must use to appeal the withholding of information; (iv) a reference to the requestor's rights under the PIA; (v) the name of the individual who has an active training certificate; and (vi) confirmation from the individual named in (2)(d)(v), above, that the individual reviewed and approved the response;
3. the governmental body shall retain, at a minimum, an electronic or paper copy of the notice it provides to the requestor under Number 2, above, for the length of time the governmental body retains the request for information;
4. on receipt of a response by a governmental body under Number 2, above, the requestor may appeal the withholding of information in the response not later than the 30th calendar day after the date the requestor receives the response, and must submit the appeal on the appeal form provided to the responder under Number 2, above;
5. an appeal filed under Number 4, above, is considered a new request, and the governmental body may not seek to narrow or clarify the appeal;
6. a governmental body that receives an appeal under Number 4, above, shall, within a reasonable time, but not later than the fifth business day after the date the governmental body receives the appeal, submit to the attorney general: (a) a request for an attorney general's decision; (b) a copy of the original written request for information; (c) a signed statement as to the date on which the written response required by Number 1, above, was

provided to the requestor, or evidence sufficient to establish that date; (d) a copy of the appeal form received by the governmental body; (e) a signed statement as to the date on which the appeal was received by the governmental body, or evidence sufficient to establish the date; (f) the exceptions that apply and written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld; (g) if the governmental body provided partially redacted information to the requestor in its initial response, an unredacted copy of the information the governmental body provided to the requestor with the copy clearly marked indicating the released portions and the withheld portions labeled with the exceptions the governmental body relied on to withhold the information; and (h) a copy of the specific information the governmental body seeks to withhold, or representative samples of the information, labeled to indicate which exceptions apply to which parts of the copy;

7. a governmental body that receives an appeal under Number 4, above, shall, within a reasonable time, but not later than the fifth business day after the date the governmental body receives the appeal, send a copy of the comments submitted under Number 4, above, to the requestor, except if the written comments disclose or contain the substance of the information requested, the copy of the comments provided to the requestor must be a redacted copy;
8. the public information officer for a governmental body that responds to a request or the officer's designee must have completed in the four years preceding the response a course of training of not less than four hours or more than six hours regarding the responsibilities of the governmental body under this bill;
9. the office of the attorney general shall provide a certificate to a person who completes the required training under Number 8, above, and keep records of the training certificates issued, and a governmental body shall maintain the training certificate of any individual who provides a confirmation of having received such training and make the certificate available for public inspection; and
10. if the attorney general determines that a governmental body failed to comply with the requirements of this bill, the office of the attorney general, in its sole discretion, may revoke: (a) the governmental body's authorization to respond for a period not to exceed six months from the date the governmental body receives the notice of revocation form; or (b) the training certificate issued to an individual responsible for the governmental body's failure.

S.B. 1658 (Hinojosa) – Public Information: would, among other things, provide that: (1) the following information is not considered confidential under the Texas Public Information Act (TPIA): (a) attorney-client privilege; (b) work product privilege; (c) another exception to disclosure provided by the TPIA; or (d) a state or federal discovery privilege, including a privilege provided by the Texas or Federal Rules of Civil Procedure, Texas or Federal Rules of Evidence or Texas Disciplinary Rules of Professional Conduct; (2) the failure to make timely requests for an attorney general under the following exceptions to disclosure do not constitute a compelling reason for the governmental body to withhold the information: (a) information related to litigation or

settlement negotiations; (b) information related to competition or bidding; (c) information related to the location or price of property; (d) certain legislative documents; (e) law enforcement and prosecutorial information; (f) interagency or intraagency memoranda not available to a third-party in litigation; (g) information related to financial institutions or securities; (h) audit work papers; (i) test items; (j) certain audits; (k) certain economic development information; (l) certain communications with employees of the legislative budget board; and (m) proprietary records and trade secrets in certain partnerships; (3) the definition of a body camera for purposes of the TPIA does not include a recording device that is capable of recording audio, or transmitting audio to be recorded remotely; and (4) the TPIA provision related to responding to requests for information that require programming or manipulation of data is repealed. (Companion bill is **H.B. 3334** by **Canales**.)

S.B. 1770 (King) – Law Enforcement Records: would provide that: (1) information held by a prosecutor, law enforcement agency, or corrections agency is excepted from public disclosure under the Texas Public Information Act (TPIA) if the information: (a) was obtained, or is a copy of information obtained, from: (i) an electronic communication device; (ii) a computer, tablet or other similar device; or (iii) a disk, flash drive, or other electronic storage device; or (b) was obtained by any prosecutor, law enforcement agency or corrections agency: (i) during the course of the detection, investigation, or prosecution of a crime; (ii) in a manner related to the detection, investigation, or prosecution of a crime; and (iii) was not written or produced by a prosecutor, law enforcement agency, or corrections agency; (2) a governmental body may redact the information described in (1), above, from any information the governmental body discloses without requesting a decision from the attorney general; and (3) a governmental body that redacts or withholds information under (2), above, shall provide a written notice to the requestor: (a) stating the information is being withheld from the requestor under (1), above; (b) identifying the device from which the information was obtained; and (c) including, if known, the name of the person who owned or possessed the device from which the information was obtained at the time the device was obtained by a prosecutor, law enforcement agency, or corrections agency.

S.B. 1910 (Bettencourt) – Litigation Exception: would provide that, for purposes of the Texas Public Information Act, information related to a general election, primary, or special election is not excepted from public disclosure under the litigation exception.

Other Finance and Administration

H.B. 4 (Capriglione) – Data Privacy: would, among other things: (1) limit the collection of personal consumer data to what is adequate, relevant, and reasonably necessary in relation to the purposes for which that personal data is processed; (2) prohibit specific uses of personal consumer data; (3) provide the Office of Attorney General with exclusive investigative and enforcement authority of (1) and (2), above; and (4) expressly preempt any local ordinance, resolution, rule, or other regulation regarding the processing of personal consumer data.

H.B. 9 (Ashby) – Broadband Funding: would, among other things: (1) establish the Broadband Equity, Access, and Deployment (BEAD) program and Broadband Infrastructure Fund (BIF); (2) provide for eligible uses of BIF funds, including: (a) creating statewide broadband service access map; (b) broadband service access-related infrastructure projects; (c) 9-1-1 and next generation 9-

1-1 service centers; (d) universal service fund-eligible expenditures; and (e) improving public safety telecommunications connectivity; (3) direct the comptroller to adopt necessary BEAD and BIF rules; (4) suspend imposition of 9-1-1 emergency service fees during the period of funding under (1), above; (5) repeal the universal service fund uniform charge payable by each telecommunications provider; and (6) take effect on January 1, 2024, following passage of the related constitutional amendment. (Companion bill is **H.J.R. 125** by **Ashby**.)

H.B. 19 (Murr) – **Specialty Business Court**: would, among other things:

1. establish the Business Court Judicial District (BCJD) composed of all counties in the state with the clerk of court located in Travis County and judges' chambers located in the county seat of the judge's county of residence;
2. allow BCJD cases to be heard at any location in the state that the court determines is necessary or convenient for a particular civil action, and allow counsel and parties to appear before the court by internet-based or other technological devices rather than in person;
3. grant the BCJD concurrent civil jurisdiction with all district courts regarding certain civil actions;
4. provide that the BCJD does not have jurisdiction over: (a) a civil action brought by or against a governmental entity, unless the governmental entity invokes or consents to BCJD jurisdiction; or (b) a personal injury or death claim seeking monetary damages, or any claim arising under Chapter 17 of the Business and Commerce Code, the Estates Code, the Family Code, or Title 9 of the Property Code unless all parties and a BCJD judge agree that the claim may proceed in the BCJD; and
5. not apply to any civil actions or change any law regarding civil actions until on or after January 1, 2025;

H.B. 51 (Johnson) - **State Holidays**: would remove the 19th 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 87th 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 87th 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 (Troxcclair) – 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, 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. 1550 (Goldman) – Office of State-Federal Relations Sunset: would, among other things, extend the operation of the Office of State-Federal Relations until September 1, 2035. (Companion bill is **S.B. 1400** by **Springer**.)

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 Perez) – 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.B. 1937 (J. Gonzalez) – Cannabis: would, among other things: (1) authorize the personal use, possession, 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 cannabis-related drug paraphernalia on the premises of a public or private child-care facility prekindergarten, primary or secondary school, school bus serving any of these facilities, or a correctional or civil commitment facility; (2) pursuant to a local ordinance or order, 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, local governments for enforcement

purposes, and the foundation school fund; (6) allow a political subdivision to adopt regulations governing the hours, location, manner of conducting business, and number of cannabis growers, establishments, or testing facilities; (7) allow 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. 2035 (Slawson) – Evictions: would: (1) prohibit a city or county from adopting or enforcing an ordinance, order, or measure that prohibits, restricts, or delays delivery of a notice to vacate or filing of a lawsuit to recover possession, or otherwise relates to an eviction suit; and (2) except when required by the lease or federal law, eliminate the requirement that a landlord issue a notice of proposed eviction and allow the tenant a reasonable time to respond before issuing a notice to vacate.

H.B. 2050 (Zwiener) – Plastic Bag Regulation: would repeal the provision in the Texas Health and Safety Code that the Texas Supreme Court held preempts city plastic bag regulations.

H.B. 2127 (Burrows) – Preemption: would: (1) prohibit a city or county from adopting or enforcing an ordinance, order, rule, or policy in a field occupied by a provision of the following codes, unless explicitly authorized by statute: (a) Agriculture Code; (b) Finance Code; (c) Insurance Code; (d) Labor Code; (e) Natural Resources Code; and (f) Occupations Code; (2) provide that any person adversely affected by a municipal or county ordinance, order, rule, or policy adopted or enforced in violation of the field preemption in (1), above, has standing to bring an action against a city, county, or city or county official; (3) provide that a claimant is entitled to recover declaratory and injunctive relief and costs and reasonable attorney's fees in an action brought under (2), above; (4) waive governmental immunity, official immunity, and qualified immunity, as applicable, to the extent of liability in an action brought under (2), above, and provide that official and qualified immunity may not be asserted as a defense in such an action; and (5) provide that a claimant bringing an action under (2), above, may do so in any county in the state and the action may not be transferred to a different venue without the written consent of all parties. (Companion bill is **S.B. 814** by **Creighton**.)

H.B. 2134 (Thimesch) – Massage Establishments: would: (1) authorize a political subdivision to regulate a massage establishment through zoning requirements, including conditional use permits, and to regulate a massage establishment's hours of operation; (2) provide that a regulation under (1), above, may be adopted: (a) under authority to regulate sexually oriented businesses; (b) if regulating the hours of operation of a massage therapist or massage establishment; or (c) if the regulation relates to the ownership or operation of a massage establishment, or the provision of massage therapy, by a person: (i) who has been arrested for on three or more occasions, or convicted of certain criminal offenses; (ii) against whom a sanction has been imposed for a violation of state law; or (iii) who has owned or operated a massage establishment against which a sanction has been imposed for a violation of state law.

H.B. 2156 (Capriglione) – Cybersecurity: would require the Department of Information Resources to employ a chief information security officer to oversee cybersecurity matters for Texas. (Companion bill is **S.B. 621** by **Parker**.)

H.B. 2178 (Hunter) – Online Public Notices: would, among other things: (1) require newspapers that publish public notices, at no additional cost to a governmental entity, publish a public notice on one or more webpages on the newspaper's website clearly designed for public notices and accessible to the public at no cost, and deliver the same to the Texas Press Association (TPA) for publication on a TPA-controlled website, if, the TPA maintains such a website as a statewide repository of public notices; (2) if the TPA maintains a website described in (1), above, it must ensure that the website: (a) is accessible to the public at no cost; (b) is updated as notices are received; (c) is searchable and sortable by subject matter and/or location; and (d) offers a subscription service to receive e-mail notification that a notice has been published; and (3) require that any entity required to publish a public notice online archive the notice on its website in its entirety, include the notice publication date.

H.B. 2207 (Landgraf) – Grants to Address the Effects of Oil and Gas Production: would, among other things, provide for the creation of the Texas severance tax revenue and oil and natural gas (Texas STRONG) defense fund which can be used to fund grants to local governments, including cities, to address the effects of and needs associated with significant oil and gas production. (See **H.J.R. 111**, below.)

H.B. 2226 (Reynolds) – Municipal Motor Fuels Taxes: would, among other things: (1) provide that a municipality may call an election on the question of whether to impose a municipal motor fuels tax on gasoline and diesel fuel; (2) require that revenue derived from the motor fuels taxes be spent on roads except that one-fourth of the revenue shall be allocated to the Available School Fund; (3) provide that the rate of a municipal motor fuels tax is one cent per gallon of gasoline or diesel fuel; (4) require the comptroller to adopt rules to administer the municipal motor fuels taxes; and (5) provide an annual rate change according to consumer price index.

H.B. 2236 (Schaefer) – Electric Vehicle Infrastructure: would prohibit TxDOT from accepting funding or participating in the National Electric Vehicle Infrastructure Formula Program established by the Infrastructure Investment and Jobs Act or using state money to fund a project or otherwise implement the Texas Electric Vehicle Infrastructure Plan or any other statewide plan related to electric vehicle infrastructure.

H.B. 2239 (Troxclair) – Ashe Juniper Trees: would provide that a municipality may not prohibit the removal of or impose a tree mitigation fee for the removal of an Ashe juniper tree.

H.B. 2241 (Troxclair) – Public Funds for Legal Services: would provide that unless required by the United States Constitution, a political subdivision may not: (1) use public money to provide legal services for an individual who is unlawfully present in the United States according to the terms of the federal Immigration and Nationality Act; or (2) provide public money to a person to be used to directly or indirectly provide legal services for an individual described in (1), above.

H.B. 2252 (Turner) – Trampoline Courts: would, among other things: (1) prohibit a person or entity from operating a trampoline court unless they obtain an annual written certificate from an insurer stating that the court has been inspected, meets the standards for insurance coverage, and has a sufficient insurance policy in effect written by an insurance company licensed to conduct business in the state or by a surplus line insurer; (2) authorize a city or county, or state law enforcement personnel to enforce (1), above, including shutting down a trampoline court for failure to provide proof of the required insurance certificate and policy, or upon a reasonable belief that the court operation was unsafe or the safety of a person on the trampoline court is threatened; (3) allow a city or county, or state law enforcement personnel to prohibit a trampoline court from reopening pursuant to (2), above, until the owner or operator provides the required insurance certificate and policy, makes the requested on-site safety corrections, and/or obtains a court order permitting them to operate; and (4) authorize the Commissioner of Insurance to adopt rules and regulations necessary to administer and enforce this statute, including imposing annual fees and requesting information regarding insurance coverage required under this statute.

H.B. 2255 (Turner) – Interactive Water Features: would, among other things: (1) provide that a county with an interactive water feature or fountain wholly or partly located in the county's unincorporated area or a municipality with an interactive water feature or fountain wholly located in the municipality shall: (a) require the person operating the interactive water feature or fountain to manually test and record the feature's or fountain's chemical levels every three to four hours during operating hours; (b) inspect the interactive water feature or fountain at least twice annually; and (c) prepare a report containing the manual chemical level test results recorded under (1)(b), above, and make the report available to the public; and (2) provide that an interactive water feature or fountain constructed after December 31, 2023, must include a chemical controller system and automatic shut-off valves for low chemical levels.

H.B. 2258 (Cain) – Expenditure Limit: would provide that: (1) a city or county's total expenditures from all available sources of revenue in a fiscal year may not exceed the greater of statewide changes in population and inflation, according to a formula provided in the bill, or the previous year's expenditures; (2) a city or county may exceed the limit in (1), above, if the voters approve the additional expenditure at an election held on a uniform election date or the city or county is located in an area in which the governor declares or renews a disaster declaration; and (3) revenue received from the issuance of bonds approved by the voters or from a grant, donation, or gift is not considered an available source of revenue for the purposes of the bill.

H.B. 2265 (Leach) – Construction Contracts: would provide that a construction contract between a governmental entity and a contractor may not prohibit or limit the award of compensatory damages for a delay caused solely by the governmental entity, and that neither party may waive this prohibition. (Companion bill is **S.B. 803** by **Hughes**)

H.B. 2266 (Leach) – State License Holders: would authorize a person who, or entity that, holds a state license in order to practice the individual's occupation or conduct the entity's business to bring legal action against a city to enjoin the enforcement of a local law that: (1) establishes requirements for, imposes restrictions on, or otherwise regulates the occupation or business activity of the license holder in a manner that is more stringent than the requirements, restrictions,

and regulations imposed on the license holder under state law; or (2) results in an adverse economic impact on the license holder.

H.B. 2269 (Dutton) – Contracts for School Resource Officers: would: (1) allow the board of trustees of any school district to enter into a memorandum of understanding (MOU) with a city that is the employing political subdivision of commissioned peace officers for the purpose of providing school resource officers; (2) require the MOU to: (a) be in the form of an interlocal contract; and (b) use a proportionate cost allocation methodology to address any costs or fees incurred by the school district or the city, as applicable; (3) allow a city to recoup direct costs incurred as result of the contract but may not allow the city to profit under the contract; and (4) allow a city to seek funding from federal, state, and private sources to support the cost of providing school resource officers.

H.B. 2296 (Dorazio) – Parking Fee Exemption: would exempt vehicles displaying a specialty license plate for specific military campaign and service award recipients from payment of a parking fee collected by a governmental entity other than the federal government when being used to transport a disabled veteran or the person for whom the specialty plate was issued.

H.B. 2334 (Burns) – Plumbers: would provide that: (1) a person is not required to be licensed under the plumbing licensing law to perform plumbing work consisting of installing, servicing, or repairing service mains, service lines, appurtenances, equipment, or appliances that provide water, sewer, or storm drainage services on private property in an area that extends from a public right-of-way or public easement to not less than five feet from a building or structure; and (2) the exemption to licensure in (1), above, does not apply to plumbing work performed on private property designated for use as a one-family or two-family dwelling.

H.B. 2338 (J. Lopez) – 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. (Companion bill is **S.B. 157** by Perry.)

H.B. 2329 (Bailes) – Honey Production: would, among other things, prohibit a local governmental authority from regulating the production of honey or honeycomb at a honey production operation.

H.B. 2331 (Stucky) – 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. (Companion bill **S.B. 569** by Springer)

H.B. 2350 (Harris) -- Occupational Licenses: would provide that: (1) if an individual is required to possess an occupational license issued by a state licensing authority to engage in an occupation, a political subdivision may not adopt or enforce any ordinance, order, rule, regulation, law, or policy that: (a) requires the individual to possess an occupational license issued by the political subdivision to engage in that occupation; or (b) is more stringent than or is inconsistent with a law of this state or a rule adopted by the applicable state licensing authority and that regulates in any manner a contract entered into between the person and a member of the public for the purchase of goods or services from the person; (2) an ordinance, order, rule, regulation, law, or policy that violates the prohibition in (1), above, is void and unenforceable; and (3) the prohibition in (1), above, does not limit the authority of a political subdivision to adopt and enforce certain regulations.

H.B. 2367 (Lozano) – Residential Amenity Rentals: would:

1. define “residential amenity rental” as a feature or facility: (a) that is part of a property used or designed to be used as the home of a person, family, or household, including a single-family dwelling; and (b) that is rented for a period of less than 15 hours and not for the purpose of providing sleeping accommodations to a tenant;
2. provide that a political subdivision may require a provider of a residential amenity rental to, before renting a residential amenity rental to another person: (a) register the rental as provided in Number 4, below; (b) designate an emergency contact responsible for responding to complaints regarding the rental; and (c) provide proof that written notice was given to each owner of property that shares a common boundary with the property where the rental is located of the provider’s intent to use the property as a residential amenity rental;
3. provide that a political subdivision may prohibit a provider from serving food to a tenant of a residential amenity rental unless serving food commercially at the rental is otherwise authorized by law;
4. provide that a political subdivision that adopts a registration requirement under Number 2(a), above: (a) shall approve a registration application unless the provider is in violation of a regulation authorized in Number 2, above; (b) may charge a nominal registration fee not to exceed the amount sufficient to cover the costs of administering the registration requirement; and (c) may maintain an Internet website or telephone hotline that enables a member of the public to file a complaint regarding a residential amenity rental;
5. require a political subdivision to approve or deny a registration application in accordance with Number 4(a), above, not later than the 30th day after the date the political subdivision receives the application and provide that if the political subdivision fails to respond, the registration is considered approved;
6. provide that if a political subdivision requires a provider to register, the registration must be valid for at least one year;

7. provide that a political subdivision may suspend a registration i only in accordance with Number 15, below;
8. provide that a political subdivision may not adopt or enforce an ordinance, order, or rule that: (a) prohibits or limits the use of a property as a residential amenity rental; or (b) applies to residential amenity rental providers, residential amenity rental tenants, or other persons associated with residential amenity rentals in a manner that is more restrictive or otherwise inconsistent with the application of the law to other similarly situated persons;
9. provide that in a legal action challenging the adoption or enforcement of an ordinance, order, or rule under this chapter, the political subdivision has the burden of proving by clear and convincing evidence that the ordinance, order, or rule;
10. provide that to the extent of a conflict between any regulation adopted by a county and any regulation adopted under the bill by a political subdivision other than a county, the county regulation controls;
11. provide that to the extent of a conflict between any regulations adopted by two or more political subdivisions other than a county, the less stringent limitation or requirement controls;
12. provide that a political subdivision may assess a civil penalty against a provider for a violation of an ordinance, order, or rule adopted by the political subdivision that is the direct result of the operation of the residential amenity rental;
13. provide that a civil penalty issued under Number 12, above, must be in a reasonable amount, not to exceed \$200 per violation;
14. provide that a second violation that is the direct result of the operation of the residential amenity rental, a political subdivision may assess an increased civil penalty, not to exceed \$400;
15. provide that for a third violation that is the direct result of the operation of the residential amenity rental, a political subdivision may: (a) suspend the registration of a provider for a period not to exceed one year; or (b) prohibit the continued use of the property as a residential amenity rental by the same provider;
16. provide that to assess a civil penalty, suspend a registration, or prohibit the continued use of a property as a residential amenity rental under Number 15, above, the political subdivision has the burden of proof of demonstrating that the violation was a direct result of the residential amenity rental's operation; and
17. prohibit a political subdivision from assessing a penalty on a provider, suspending a registration, or prohibiting the continued use of a property as a residential amenity rental Number 15, above until the provider has exhausted all appeal rights for the underlying violation.

H.B. 2371 (Turner) – Cemeteries: would, among other things, provide: (1) that a city may make additional burial spaces available in a city cemetery if: (a) the city has had possession and control of the cemetery for at least 25 years; (b) the city holds a public hearing; (c) the cemetery has been consistently maintained in accordance with other law; and (d) selling of additional spaces will not endanger public health, safety, comfort, and welfare; and (2) for a process to determine whether a burial plot has been abandoned.

H.B. 2374 (Landgraf) – Engine and Energy Source Regulations: would provide that a political subdivision may not adopt or enforce an ordinance, order, regulation, or similar measure that: (1) limits access to, or effectively prohibits the use of, an energy source wholesaler, retailer, or producer, including a retail service station, that is necessary to provide to a specific energy source; or (2) directly or indirectly, prohibits or restricts the use, sale, or lease of an engine based on its fuel source, unless the action does not effectively prohibit or restrict, the use, sale, or lease of the engine and is not preempted by state or federal law. (Companion bill is **S.B. 1017** by **Birdwell**)

H.B. 2413 (Canales) – Driver’s License Renewal Denial: would, among other things: (1) require a political subdivision to immediately notify the Department of Public Safety (DPS) if there is no cause for DPS to deny renewal of the person’s driver’s license for failure to appear or satisfy a judgment in criminal court because the person appeared in court, satisfied the judgment or entered into an agreement with the court to satisfy the judgment, and paid a reimbursement fee, or the court found that the person is indigent under the Transportation Code; and (2) allow a political subdivision to notify DPS if the person fails to adhere to the agreement.

H.B. 2424 (Romero) – Public Swimming Pool Inspectors: would require the executive commissioner of the Health and Human Services Commission to adopt rules to require pool and spa inspectors to obtain training and certification in the operation of pools and spas that is at least equivalent to the training and certification requirements of pool and spa operators.

H.B. 2425 (Isaac) – Contracts with Chinese Companies: would, for any contracts entered into after January 1, 2024, prohibit a governmental entity from entering into a contract with a company for goods and services unless the contract contains a written verification from the company that it is not a Chinese company.

H.B. 2440 (Stucky) – Health Profession Licensing Preemption: would provide that, unless expressly authorized by law, a municipality may not adopt or enforce any ordinance, rule, or regulation that regulates the practice of a health profession if the practice of that profession requires a person to possess an occupational license issued by a state licensing authority.

H.B. 2446 (Dutton) – Cannabis: would, among other things: (1) reduce the criminal penalties for marijuana offenses (ranging from a Class C misdemeanor to second degree felony) based on the amount possessed or possession at specific locations; (2) allow for a Class C misdemeanor marijuana offense to be elevated to a Class B misdemeanor if the defendant has three or more convictions of the same offense within the prior 24 months; (3) exempt a defendant from having to be taken before a magistrate for certain misdemeanor marijuana offense charges; (4) provide that it is not a defense to prosecution for a marijuana offense if the person is requesting emergency assistance to respond to a possible overdose of another person, if the person making the request is

committing a marijuana offense at the time; (5) eliminate automatic community supervision for a marijuana offense involving possession of more than one pound of marijuana; (6) require completion of a TDLR-approved drug awareness and education course as part of any deferred adjudication sentence for a marijuana offense; (7) allow for non-disclosure of certain marijuana offenses under certain circumstances; and (8) allow for expunction of a Class C misdemeanor marijuana offense if committed before September 1, 2023.

H.B. 2457 (Parker) – City Fees: would:

1. require a city, except those located in a county with a population of less than 30,000, to establish and maintain an email notification service to which any person may electronically subscribe to receive information regarding new or increased city fees, unless: (a) the city is located primarily in a county with a population of less than 30,000; or (b) the city does not maintain an email notification service for any purpose on January 1, 2023, in which case the city may post the notifications described in Number 2, below, on the city's Internet website so long as the notifications are accessible from a prominently displayed link on the home page of the city's website;
2. provide that the email notification service described in Number 1, above, must: (a) allow a subscriber to request notification of each: (i) new fee proposed to be adopted by the city; (ii) existing fee proposed to be increased by the city; (iii) proposed budget of the city that includes use of revenue from a new or increased fee; (iv) adopted budget of the city that includes use of revenue from a new or increased fee; and (v) public hearing scheduled to be held at which a fee or budget described by (i) through (iv) is scheduled to be discussed; (b) include a link in the notification to any webpage maintained by the city on which the fee or budget may be viewed; and (c) notify the subscriber by email not later than the day: (i) the city provides public notice of a public hearing at which a proposed new or increased fee or a proposed budget is scheduled to be discussed, for notification of a public hearing for a proposed fee or budget; (ii) the budget officer files a proposed budget with the city clerk, for notification of a proposed budget; or (iii) the city council files an adopted budget with the city clerk, for notification of an adopted budget;
3. provide that a city's proposed budget that includes estimated revenue from a new fee or the increase of an existing fee must contain a cover page with the following statement in 18-point or larger type: "This budget includes estimated revenue from the following new or increased fees: (include a description of each new or increased fee, the dollar amount of each new fee, and the dollar amount of and percentage of increase of each increased fee);
4. provide that adoption of a budget that includes estimated revenue from a new fee or the increase of an existing fee requires a separate vote of the governing body to ratify the use of that revenue, and the vote is in addition to and separate from the vote to adopt the budget or a vote to adopt or increase the fee; and
5. provide that a city's adopted budget contain a cover page that includes, if applicable, the following statement in 18-point or larger type: "This budget includes estimated revenue from the following new or increased fees: (include a description of each new or increased

fee, the dollar amount of each new fee, and the dollar amount of and percentage of increase of each increased fee).”

(Companion bill is **S.B. 767** by **Parker**.)

H.B. 2464 (Price) – TMRS Cost of Living Adjustments: would provide that: (1) the governing body of a city that adopts an ordinance, effective January 1, 2024 or January 1, 2025, to authorize and provide for increased annuities to be paid to retirees and beneficiaries of deceased retirees of the city, may elect to compute the annuity increase as the sum of prior and current service annuities of the person on whose service the annuities are based, on the effective date of the annuity increase, multiplied by the percentage increase specified in the ordinance; (2) an adjustment to the annuity after the annuity starting date for annuity increases under (1), above, may not cause an annuitant’s annuity to exceed the amount that the annuitant would be entitled to had the maximum amount of the annuity increase allowed under current law been applied to the annuity; and (3) the provisions under (1)-(2), above, expire on December 31, 2025.

H.B. 2497 (Cain) – Agricultural Operation: would expand the definition of “agricultural operation” for purposes of preempting certain nuisance actions and governmental requirements on preexisting agricultural operations to include the commercial sale of poultry, livestock, and other domestic and wild animals.

H.B. 2571 (King) – 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. (Companion bill is **S.B. 59** by **Zaffirini**.)

H.B. 2606 (Canales) – Navigation Districts: would, among other things, authorize: (1) a navigation district to: (a) contract with a person for the joint construction, financing, ownership, and operation of certain facilities; (b) purchase an interest in a project used for any purpose or function permitted by the district; and (c) contract with a person to develop land and property within the district and to maintain and operate a port of the district or a public or private entity that furthers the district’s purpose; (2) a port commission to delegate authority to a designated officer of the port commission, the executive director of the district or the port authority, or an authorized representative of the executive director to make routine purchases or contracts in an amount not to exceed \$100,000; and (3) a navigation district to develop and administer certain economic and community development programs to stimulate business and commercial activity within a district.

H.B. 2612 (Price) – Universal Service Fund: would extend the universal service fund program that provides funding to telecommunications service providers who provide basic telecommunication service to rural areas through December 31, 2027.

H.B. 2662 (Ashby) – Broadband Service Funding: would, among other things: (1) define “broadband service” as: (a) service of at least 25 mbps for a download and 3 mbps for an upload, and; (b) network round-trip latency less than or equal to 100 milliseconds based on 95 percent of speed measurements; (2) authorize the comptroller to adopt FCC broadband speed standards by rule if different than (1), above; (3) define unserved areas, underserved areas, and served areas for the comptroller’s broadband development office’s (BDO) broadband development map for

funding eligibility purposes; (4) authorize the BDO to award grants, low-income loans, and other financial incentives to applicants to deploy eligible broadband infrastructure projects in unserved and underserved areas, and certain parts of served areas; (5) authorize the BDO to award grants to applicants to deploy non-broadband infrastructure projects that expand the adoption, accessibility, or affordability, of broadband service, including education, training, community outreach, remote learning, telehealth facilities, equipment purchases, or other permitted uses; and (6) prohibit the BDO from awarding grants, loans, or other financial incentives to applicants to deploy last-mile broadband service to a location already subject to a federal commitment to deploy qualifying broadband service, except under certain circumstances.

H.B. 2665 (Gates) – Short-Term Rentals: would, among other things: (1) prohibit a city or county from adopting or enforcing local law applicable to a short-term rental property or a residential property intended to be used as a short-term rental property other than a local law that requires the owner or operator of the property to: (a) register the property as a short-term rental property, including requiring the registrant to: (i) identify the property’s owner and operator, and the owner’s agent, as applicable; (ii) identify the address of the property; and (iii) pay a reasonable annual administrative fee in the amount necessary to process and administer the registration, not to exceed \$100 a year; (b) obtain all required tax registrations, receipts, or certificates issued by the state, a county, or a city; (c) update the registration when information in the registration changes; (d) comply with parking, noise, and solid waste handling and containment requirements applicable to other properties as well as short-term rental properties; and (e) designate and maintain at all times a local responsible party who: (i) is domiciled in this state; (ii) resides less than 50 miles from the property; and (iii) is capable of responding, including by telephone, to a complaint or other immediate problem not later than two hours after the complaint is made or the problem arises; and (2) prohibit a city or county from adopting or enforcing a local law that: (a) expressly or effectively prohibits the use of a property as a short-term rental property; (b) regulates the duration or frequency of use of a property as a short-term rental property; or (c) limits the number of occupants in a short-term rental property.

H.B. 2679 (Thierry) – Veteran Homelessness: would direct the Texas Interagency Council for the Homeless to conduct a study evaluating the feasibility, methods, and costs of establishing and implementing a financial assistance program for property owners who offer housing to veterans at risk of homelessness.

H.B. 2690 (Toth) – Abortion-Inducing Drugs: would, among other things: (1) generally limit the manufacture, possession, or distribution of an abortion-inducing drug; (2) prohibit the state or a political subdivision from enforcing the prohibition described in (1), above, with certain exceptions; (3) authorize a person to bring a civil action against a person who maintains an interactive computer service, including a city library, that allows state residents to access information or material that assists or facilitates efforts to obtain elective abortions or abortion-inducing drugs; (4) provide an affirmative defense to an action brought under (3), above if the defendant was unaware that the defendant’s interactive computer service was being used to assist or facilitate efforts to obtain elective abortions or abortion-inducing drugs and, on learning that the defendant’s interactive computer service was being used in that manner, the defendant to prompt action to block access in certain ways; and (5) give a provider of an interactive computer service absolute and nonwaivable immunity from liability or suit for, among other actions: (a) an action

taken to restrict access to information or material that assists or facilitates access to elective abortions or abortion-inducing drugs; (b) a denial of service to persons who provide or aid or abet elective abortions or who manufacture, mail, distribute, transport, or provide abortion-inducing drugs.

H.B. 2697 (Guillen) – Broadband Development Best Practices: would direct the comptroller's broadband development office (BDO) to develop best practices for which all broadband funding recipients must comply, but prohibit the BDO from requiring all broadband service providers to comply with such practices.

H.B. 2699 (Guillen) – Wildlife: would, among other things, provide that: (1) an employee of the Texas Parks and Wildlife Department (TPWD) acting within the scope of the employee's authority may discharge a firearm on a public road or right-of-way to humanely dispatch injured wildlife; and (2) a person or agent of the person, other than an employee of TPWD, may take wildlife on the person's property if the person has written authorization from the TPWD that specifies: (a) the type of wildlife that may be taken; (b) the number of wildlife that may be taken; and (c) the period during which the wildlife may be taken.

H.B. 2760 (Hefner) – Agreements with Foreign Countries of Concern: would, among other things: (1) prohibit a city from accepting money, a financial benefit, or other consideration from a foreign country of concern conditioned upon participating in a program or endeavor to promote the language or culture of the foreign country of concern; (2) prohibit a city from participating in an agreement with or accepting a grant from a foreign country of concern that would: (a) constrain a governmental entity's right to contract; (b) allow the curriculum or values of any state program to be controlled by the foreign country of concern; or (c) promote an agenda detrimental to the safety and security of the United States or its residents; (3) require that, before a city can enter into a cultural exchange program agreement with a foreign country of concern, it must seek the assistance of specific federal agencies to determine whether the agreement promotes an agenda detrimental to the safety or security of the United States or its residents; (4) require that a state contractor with a contract value more than \$100,000, disclose as part of its contract or grant proposal whether it is owned by, or has entered into contracts with specific foreign sources over the past five years; (5) permit a political subdivision to request that the comptroller investigate an alleged violation of (4), above; and (6) permit a political subdivision contract or grant compliance officer to request records from a contractor in connection with an investigation under (5), above.

H.B. 2771 (Smithee) – Universal Service Fund Charge: would extend the universal service fund program that provides funding to telecommunications service providers who provide basic telecommunication service to rural areas through September 1, 2035.

H.B. 2837 (Schaefer) – Financial Institutions and Firearms: would, among other things, provide that: (1) except for those records kept during the regular course of a criminal investigation and prosecution or as otherwise required by law, a state governmental agency or local government, special district, or other political subdivision or official, agent, or employee of the state or other governmental entity or any other person, public or private, other than the owner's representative, may not knowingly and willfully keep or cause to be kept any list, record, or registry of privately owned firearms or any list, record, or registry of the owners of those firearms; (2) a financial

institution or its agent may not require the usage of the firearms code in a way that distinguishes a firearms retailer physically located in the state of Texas from Texas general merchandise retailers or sporting goods retailers; and (3) if an individual or entity is found to be requiring the usage of a firearms code by any merchant physically located in Texas in violation of the bill and fails to cease the requirement for usage of the firearms code by any firearms retailer physically located in Texas after the expiration of thirty (30) calendar days from the receipt of written notice by the Attorney General's office, the Attorney General shall pursue an injunction against any individual or entity, public or private, alleged to be in violation of the bill.

H.B. 2843 (Kuempel) – Casinos and Sports Wagering: would, among other things:

1. authorize casino gambling and sports wagering at a limited number of destination resorts;
2. establish the Texas Gaming Commission (TGC), and provide for appointments, membership composition, terms, and qualifications, including prohibiting members of a governing body of a political subdivision or person holding elective office from serving on TGC;
3. establish a revocable and non-transferrable state casino license, including terms (50 years), fees (\$2.5 million fee for a \$2 billion investment, \$1.25 million for a \$1 billion investment, \$500,000 fee for a \$250 million investment), and a cap on the total number of licenses to as determined by constitutional amendment;
4. provide for state casino license qualifications, ownership interest reporting requirements, TGC license review process and standards, and TGC procedure and grounds for license denial, suspension, and revocation;
5. provide that a horse racing association may also hold a state casino license, but to do so, it must maintain at least the same number of live horse races conducted in 2022 and cease any greyhound racing operations;
6. establish casino and sports wagering operational rules and regulations, including age requirements, technical specifications, administrative and accounting standards, internal audit and other financial controls, gambling debt restrictions, security and incident reporting requirements, cheating policies, and a casino's authority to question and detain individuals, and establish TGC enforcement authority and powers for violations of same;
7. provide for a 15% tax on gross casino revenue and 10% on gross sports wagering revenue to be deposited in Texas Casino Gaming Fund, and establish allocation destinations and amounts, including Problem Gambling and Addiction Fund, casino oversight, public safety, and education;
8. prohibit local taxation on gross casino or sports wagering revenue or prizes, or fees on casino gambling games, sports wagering, or attending casinos;

9. require that a casino destination resort must comply with local zoning laws in place on January 1, 2023; and
10. expressly not repeal or modify existing state gambling laws, except that casino gambling or sports wagering is not prohibited by another law if conducted as authorized;

H.B. 2856 (Swanson) – State Representative Approval for Bonds: would provide that: (1) applicants for low-income housing tax credits for developments financed through the private activity bond program must provide notice of the intent to file the application to the state representative and governing body of the city where the development is located; and (2) an application for housing tax credits for a development financed through the private activity bond program may not be approved if the state representative submits a letter opposing the development.

H.B. 2859 (Ashby) – Franchise Tax: would provide that a taxable entity: (1) shall exclude from its total revenue certain broadband grant proceeds; (2) may include as a cost of goods sold any expense paid using qualifying broadband grant proceeds for the purposes of broadband deployment; and (3) may include as compensation any expense paid using qualifying broadband grant proceeds for the purpose of broadband deployment. (Companion bill is **H.B. 2859** by **Huffman**.)

H.B. 2863 (Leo-Wilson) – Online Public Notices: would provide that a governmental entity satisfies the newspaper publication public notice requirement if the notice is posted on the newspaper’s website, subject to the same notice time, content, appearance, and other requirements to the extent possible.

H.B. 2945 (Cain) – 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. (Companion bill is **S.B. 481** by **Johnson**.)

H.B. 2971 (Hefner) – Cottage Food: would: (1) add to the definition of a “cottage food production operation” an individual, operating out of the individual’s home, who delivers products to the consumer by mail; and (2) remove the requirement that, in order to sell cottage food, the consumer purchases the food through the Internet or by mail order from the operation and the operator personally delivers the food to the consumer. (Companion bill is **S.B. 1247** by **Hughes**.)

H.B. 3001 (Goldman) – Certificates of Obligation: would provide that a city may issue certificates of obligation only for certain types of designated infrastructure, as defined in the Tax Code, including roads, parks, telecommunications systems, cybersecurity, utility infrastructure, and certain public safety facilities.

H.B. 3002 (Goldman) – Certificates of Obligation: would repeal the authority of cities and other political subdivisions to issue certificates of obligation.

H.B. 3052 (Harrison) – Line-Item Budget: would, among other things, require a city to prepare its budget in line-item form.

H.B. 3081 (Harrison) – Eliminating Certain Licensing Requirements: would, among other things: (1) repeal existing Labor Code statutes regulating professional service employee license holder requirements, including continuing education requirements, posting requirements, and prohibited acts by a license holder; (2) repeal existing Agricultural Code statutes regulating weather and climate programs, including licensing and permitting requirements; (3) repeal existing Occupations Code statutes regulating dog and cat breeding, including licensing requirements, inspection requirements, practice rules, and standards of care; (4) repeal existing Occupations Code statutes regulating journeyman industrial electricians and linemen; (5) repeal existing Occupations Code statutes regulating auctioneers, including licensing requirements, complaint procedures, and disciplinary actions and penalties; (6) repeal existing Code of Criminal Procedure statutes requiring an online responsible pet owner course as a condition of community supervision for certain animal-related offenses; (7) shift compliance responsibility for non-repealed Labor Code statutes applicable to professional service employee license holders, including procurement, workers compensation, unemployment and payroll taxes, and employee benefit plan requirements to professional service organizations; (8) exempt personal property sold at auction by an auctioneer from competitive bidding requirements; and (9) exempt a vehicle sold or offered by an auctioneer from state law vehicle dealer regulations.

H.B. 3112 (Allison) – 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. (Companion bill is **S.B. 627** by **Menendez**.)

H.B. 3137 (Isaac) – Firearm Insurance: would, among other things, prohibit a city from adopting or enforcing regulations requiring a firearm owner to obtain liability insurance for damages resulting from negligent or willful acts involving the use of the firearm.

H.B. 3158 (Leach) – Occupational Licensing of Inmates: would clarify that an occupational licensing authority is not prohibited from accepting applications from inmates in the Texas Department of Criminal Justice.

H.B. 3279 (Slaton) – Monuments and Memorials: would, among other things: (1) provide that a monument or memorial located on city property: (a) for at least 40 years may not be removed, relocated, or altered; (b) for at least 20 years but less than 40 years may be removed, relocated, or altered only by approval of a majority of the voters of the city at an election held for that purpose; or (c) for less than 20 years may be removed, relocated, or altered only by the governing body;

and (2) define “monument or memorial” as used in section (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. 3323 (Goodwin) – Texas Food System Security and Resiliency Council: would: (1) direct the Office of Food System Security and Resiliency within the Department of Agriculture, or if not created, the Food and Nutrition Division of the Department of Agriculture, to establish the Texas Food System Security and Resiliency Council (TFSSRC); (2) direct the TFSSRC to collaborate with state agencies to develop a state food system security plan to: (a) provide for the orderly development and management of food system security throughout the state, to ensure sufficient food is available at a reasonable cost; (b) account for times of severe drought conditions, natural disaster, man-made disaster, or other calamities; and (c) make legislative recommendations to facilitate the resiliency and availability of food in the state; (3) establish the Texas Food System Security Planning Fund to administer the TFSSRC; (4) establish the Texas Food System Security and Resiliency Grant program to award grants to eligible recipients, including cities, for projects related to food production, food system security, or food supply resiliency; and (5) establish the Texas Food System Security and Resiliency Grant Fund to administer the program and award grants under (4), above. (Companion bill is **S.B. 758** by West.)

H.B. 3353 (Harrison) – Occupational Licenses: would, among other things, provide that: (1) a board, including a city that issues an occupational license or government certification to an individual, shall issue an occupational license or government certification to an individual who applies in a manner prescribed by the board if the individual meets certain criteria; (2) if another state issued the individual a government certification without requiring an occupational license but an occupational license is required in Texas, a board shall issue an occupational license to the individual if the individual otherwise satisfies (1), above; (3) a board shall issue an occupational license or government certification to an individual who applies for an occupational license or government certification based on work experience in another state, if the individual: (a) worked in a state that does not require an occupational license or government certification to engage in a lawful occupation but an occupational license or government certification is required in Texas to engage in a lawful occupation with a similar scope of practice, as determined by the board; (b) worked for at least three years in the lawful occupation; and (c) satisfies (1), above; (4) a board may require an individual to pass a jurisprudential examination specific to relevant state laws that regulate the occupation if an occupational license or government certification in Texas requires an individual to pass a jurisprudential examination as a prerequisite to receiving an occupational license or government certification; (5) a board may charge a fee to an individual not to exceed \$100 for each application to cover the costs of administering the bill; and (6) the bill preempts the law of a city, county, or other political subdivision in Texas that regulates occupational licenses and government certification.

H.B. 3399 (Paul) – Economic Boycotts: would: (1) prohibit a governmental entity from engaging in an economic boycott of companies that: (a) engage in the exploration, production, utilization, transportation, sale or manufacturing on fossil-fuel based energy, timber, mining or agriculture that does not commit or pledge to meet environmental standards beyond those applicable under federal and state law; (b) do not commit or pledge to meet greenhouse gas emission reduction

environmental standards or disclosure criteria; (c) do not commit to pledge or meet corporate board or employee diversity, equity, and inclusion composition, compensation, or disclosure standards; or (d) does business with a company described in (1), above; (2) require that any governmental entity contract with a value of \$100,000 more and payable in whole or part from public funds contain a written verification from the contractor that it does not and will not engage in an economic boycott of companies described in (1), above; and (3) exempt a governmental entity from complying with (1) and (2), above, if it determines that compliance will prevent the entity from obtaining necessary goods and services in an economically practical manner.

H.B. 3485 (K. Bell) – Unsigned Change Orders: would: (1) allow a contractor or subcontractor performing work under a government contract to elect not to proceed with a request for additional work if: (a) the contractor or subcontractor has not received a written, fully-executed change order; or (b) the aggregate actual or anticipated value of the additional work requested without a change order exceeds 10% of the original contract amount; and (2) exempt a contractor or subcontractor for damages associated with (1), above.

H.B. 3538 (Troxclair) – 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. (Companion bill is **S.B. 175** by **Middleton**.)

H.B. 3563 (Cain) – Pet Stores: would: (1) provide that 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; (c) an animal rescue organization; or (d) a qualified breeder; (2) provide for the qualifications of a qualified breeder; (3) require a pet store to keep records documenting from which animal control agency, animal shelter, animal rescue organization, or qualified breeder the pet store obtained each dog or cat in the possession of the pet store for not less than one year following the date the pet store takes possession of the dog or cat; and (4) require the pet store to make the records under (3), above, reasonably available for inspection by an animal control agency or other governmental entity.

H.B. 3579 (Bumgarner) – Massage Establishments: would provide that the executive director of the Texas Department of Licensing and Regulation (TDLR) shall issue an emergency order halting the operation of a massage establishment if: (1) a law enforcement agency gives notice to TDLR or TDLR otherwise learns that the law enforcement agency is investigating the massage establishment for an offense for trafficking of persons; or (2) TDLR has reasonable cause to believe that an offense of trafficking of persons is being committed at the massage establishment.

H.B. 3587 (C. Morales) – Sterilization of Animals: would, among other things, provide that: (1) not later than the 30th day after the date a releasing agency (including a city-owned shelter)

releases an adult animal described to the animal's owner, the releasing agency shall provide to the owner written notice that: (a) if the animal is again seized while running at large and placed in the custody of the releasing agency, state law requires the owner to have the animal sterilized by a veterinarian; or (b) if the animal was previously seized while running at large and placed in the custody of the releasing agency, state law requires the owner to have the animal sterilized by a veterinarian not later than the 60th day after the date the notice is provided with certain exceptions; (2) not later than the 60th day after the date a releasing agency provides the notice required under (1)(b), above, to the owner of an unsterilized adult animal, the owner shall: (a) have the animal sterilized by a veterinarian; and (b) submit to the releasing agency a form provided by the releasing agency and signed by the veterinarian who performed the sterilization verifying the animal's sterilization; (3) if an unsterilized adult animal is seized while running at large and placed in the custody of a releasing agency a third time, the releasing agency may not release the animal to the animal's owner until: (a) a veterinarian employed or contracted by the releasing agency sterilizes the animal; and (b) the owner of the animal reimburses the releasing agency for the costs associated with the sterilization; and (4) the bill preempts an ordinance, order, or regulation relating to the sterilization of an adult animal unless the ordinance, order, or regulation: (a) is compatible with and at least as stringent as the bill; or (b) relates to an issue not specifically addressed by the bill.

H.B. 3609 (Cain) – Public Funds: would provide that a political subdivision, including a city, may not adopt or implement a policy or program that permits the use of public money to finance a political campaign, including a policy or program that permits: (1) the direct use of public money by the political subdivision to finance a political campaign; or (2) the indirect use of public money by the political subdivision through a voucher or similar program that provides a person with the public money to finance a political campaign.

H.B. 3714 (Harrison) – Occupational Licensing: would, among other things: (1) direct each licensing authority, including a city, by September 1, 2024, to conduct a comprehensive review of each occupational regulation applicable to a license issued by the authority, and: (a) specify the public health, safety, or welfare objective served by the regulation and reason the regulation is necessary to serve each objective; (b) analyze the effects of the regulation on: (i) worker opportunity; (ii) consumer choice and costs; (iii) general unemployment; (iv) market competition; (v) governmental costs; and (vi) other related measures; and (c) compare how other states regulate the applicable business or profession; (2) mandate that the licensing authority: (a) repeal or modify any regulation that it determines is not necessary and carefully tailored to fulfill the public health, safety, or welfare objectives identified under (1)(a), above; (3) recommend that the legislature repeal or modify the regulation or take any other action to modify the regulation to fulfill the public health, safety, or welfare objectives identified under (1)(a), above; (4) provide for enforcement of (1) and (2), above, including allowing a person to petition or file suit against a licensing authority seeking to repeal or modify a regulation that is not carefully tailored to fulfill the public health, safety, or welfare objectives under (1)(a), above; and (5) provide burdens of proof, applicable legal standards, and recovery available in a suit under (4), above.

H.B. 3727 (Anderson) – Hotel Occupancy Tax: would, among other things: (1) amend the definition of “convention center facilities” to include parking facilities only if the facility is located within 1,500 feet of the convention center; (2) define “tourist” to mean an individual who travels at least 50 miles, attends a meeting at a hotel, or spends the night in a hotel; (3) adds a definition

of “multiuse facility” to the chapter governing hotel occupancy tax; (4) change the date on which a city’s annual hotel occupancy tax report is due to the comptroller from February 20 to March 1 and add several reporting requirements; (5) provide that a city may use a portion of hotel occupancy tax revenue for the costs incurred in providing the report under (3), above; (6) prohibit a city from using hotel occupancy tax revenue on a visitor information center that is not exclusively used to distribute tourism-related information to tourists; (7) require that a shuttle system associated with a convention center project on which the city uses hotel occupancy tax revenue be used primarily by tourists; (8) require a city with a population of less than 200,000 to allocate for advertising at least the amount of revenue received from the hotel occupancy tax at a rate of one percent of the cost of a room; (9) require a city with a population of more than 1.6 million to allocate for advertising at least 23 percent of the hotel occupancy tax revenue the city collects; (10) repeal the authority of a city to adopt an ordinance to allocate 15 percent of its hotel occupancy tax revenue to historical restoration and preservation projects and provide a grandfather clause for cities with existing ordinances; (11) provide a recapture provision for a city to remit to the comptroller certain lost state sales and use tax and hotel occupancy tax revenue that a city is entitled to receive in association with a qualified hotel or convention center project; and (12) require the comptroller to prepare a report on qualified hotel and convention center projects. (Companion bill is **S.B. 1420** by **Birdwell**.)

H.B. 3802 (Plesa) – **Commercial Electric Vehicle Charging Station Tax**: would, among other things: (1) impose a tax on commercial electric vehicle charging services based on the amount of electricity transferred; (2) require the comptroller to adopt rules to administer this tax; and (3) require the comptroller to deposit the proceeds of the tax to the credit of the state highway fund.

H.B. 3823 (K. King) – **Universal Service Fund**: would: (1) allow the Public Utility Commission (PUC) to establish a statewide fixed amount uniform charge on each communication connection to ensure that the universal service fund (USF) and the programs established in connection with the USF are fully funded; (2) provide that the PUC may not prioritize providing USF funding for one USF-supported program over another; and (3) direct the PUC to adopt rules regarding the assessment of the charge in (1), above, by no later than March 1, 2024.

H.B. 3856 (Goldman) – **Ban on Regulation of Products for Emissions Reduction**: would prohibit political subdivisions, including cities, from adopting or enforcing any measure or entering a contract that prohibits or restricts the use or sale of a product that is otherwise permitted by state and federal law for the purpose of reducing greenhouse gas emissions or conserving natural resources. (Companion bill is **S.B. 1114** by **Hancock**.)

H.B. 3863 (Dutton) – **Conflicts**: would provide that: (1) a local public official or a business entity in which a local public official has a substantial interest may not enter into a real estate transaction with the local governmental entity of which the person is an official if the official would financially benefit from the transaction; and (2) a charitable contribution deduction from the Internal Revenue Service is not considered a financial benefit.

H.B. 3883 (Troxclair) – **Biological Sex**: would provide that a governmental entity that collects vital statistics information that identifies the biological sex of an individual for the purpose of

complying with antidiscrimination laws or for the purpose of gathering public health, crime, economic, or other data shall identify each individual as either male or female.

H.B. 3885 (Munoz) – State and Local Tax Penalties: would: (1) require the comptroller to apply a payment to the amount of tax due before applying any portion of the payment to penalties or interest unless the taxpayer provides written instructions for a different application; and (2) cap penalties for failure to pay tax or file a report at \$500 except in the case of fraud.

H.B. 4024 (Harrison) – Bond Elections: would provide that a political subdivision with at least 250 registered voters must, in the voter information document required for a debt election: (1) provide the financial information formatted as a table in both the aggregate and per student capita; (2) provide the estimated maximum annual increase in taxes for a residence homestead with an appraised value equal to the average taxable value in the jurisdiction and any underlying data used to develop the estimate; and (3) require a political subdivision that maintains an internet website to provide the required voter information document on the website's homepage or bond election information page, if it has one.

H.B. 4031 (Schofield) – Settlements: would, among other things, provide that: (1) a local government, including a city, may not enter into a settlement of a claim or action against the local government seeking any relief under any theory or recovery, including a mandamus action against a local officer or official that is brought or may be brought in or before any court, administrative agency, or other tribunal without the consent or approval of the legislature if the settlement: (a) requires or authorizes the local government to adopt any election standard, practice, or procedure not previously adopted by the local government; or (b) alters, limits, or invalidates a law or rule of this state related to the conduct of elections; (2) a settlement described by (1), above, entered into without the prior consent or approval of the legislature is void unless the settlement is expressly conditioned on obtaining subsequent approval by the legislature; and (3) not later than August 1 of each even-numbered year, a local government shall send to the attorney general a report in a manner prescribed by the attorney general that describes each claim or action: (a) to which (1), above, applies or may apply; (b) that is pending as of August 1 of that year; and (c) that has been settled or that in the opinion of the local government may be settled within the next 24 months. (Companion bill is **S.B. 1948** by **Bettencourt**.)

H.B. 4082 (Goldman) – Local Debt: would: (1) provide that certificates of obligation may be authorized by a city or county for the following public improvements: (a) streets, roads, highways, bridges, sidewalks, landfills, parking structures, or airports; (b) utility systems, water supply projects, water plants, wastewater plants, water and wastewater conveyance facilities, wharfs, docks, or flood control and drainage projects; (c) police stations, fire stations, or other public safety facilities, emergency shelters, jails, juvenile detention facilities, judicial facilities, animal shelters, libraries; (d) administrative office buildings for housing governmental functions of a city or county; or (e) parks and recreation facilities that are generally accessible to the public and are dedicated as part of the city or county park system; (2) prohibit a city or county from issuing a certificate of obligation for semi-professional or professional sports, stadia, arenas, civic centers, convention centers, hotels, or coliseums; and (3) provide that a tax anticipation note may be authorized by a city or county in accordance with (1) and (2), above.

H.B. 4189 (Paul) – General Obligation Bonds: would require a political subdivision to allocate the proceeds from the issuance of general obligation bonds authorized by the voters in the percentage or amount stated in the ballot proposition to authorize the issuance. (Companion bill is **S.B. 1939** by Bettencourt.)

H.B. 4129 (Slaton) – Erotic Performances: would, among other things: (1) allow the attorney general or district or county attorney to bring suit against a sexually oriented business that allows an erotic performance to take place in the presence of a child; (2) require each licensing authority to revoke the license of a business found to violate (1), above.

H.B. 4255 (Gerdes) – Airport Operator and Lease Agreements: would extend the term limits for: (1) a local government contract with a qualified person or entity to operate, or a lease involving, a local government-owned or controlled airport or air navigation facility from 40 years to 99 years; and (2) a local government lease for nonaeronautical property on an airport with active federal government aircraft operations on federal government property. (Companion bill is **S.B. 1716** by Zaffirini.)

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.)

H.J.R. 111 (Landgraf) – Texas STRONG Fund: would amend the Texas Constitution to provide for a reduction in the amount of revenue apportioned to the state economic stabilization fund, with the reapportioned funds going to the Texas severance tax revenue and oil and natural gas (Texas STRONG) defense fund, for the purpose of or the purpose of funding grants to certain entities, including cities, to address public health and safety concerns and supplement educational opportunities and workforce preparedness needs. (See **H.B. 2207**, above)

HJR 118 (Reynolds) – Medical Use Cannabis: would provide for a constitutional amendment that would authorize and regulate the possession, cultivation, and sale of cannabis for medical use.

H.J.R. 123 (Burns) – Unfunded Mandates: would amend the Texas Constitution to provide that a law enacted by the legislature on or after January 1, 2024 that requires a city or county to establish, expand, or modify a duty or activity that requires the expenditure of revenue by the city or county is not effective unless the legislature appropriates or otherwise provides, from a source other than the revenue of the city or county, for the payment or reimbursement of the costs incurred for the biennium by the city or county in complying with the requirement.

H.J.R. 163 (Harrison) – Recalling City and County Officers: would call for a constitutional amendment: (1) allowing qualified voters to recall: (a) any municipal or county officer elected by the entire municipality or county; (b) any member of a municipal governing body or county commissioners court or other municipal officer elected by voters of a territory less than the entire municipality or county; and (c) any elective officer of any special district created by state law; and (2) providing for recall election petition forms, signature requirements of at least 10 percent of all votes cast for the targeted office at the most recent regular election for that office, submission procedures, validity endorsements, and election timelines and protocols.

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. 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.B. 758 (West) – Texas Food System Security and Resiliency Council: would: (1) direct the Office of Food System Security and Resiliency within the Department of Agriculture, or if not created, the Food and Nutrition Division of the Department of Agriculture, to establish the Texas Food System Security and Resiliency Council (TFSSRC); (2) direct the TFSSRC to collaborate with state agencies to develop a state food system security plan to: (a) provide for the orderly development and management of food system security throughout the state, to ensure sufficient food is available at a reasonable cost; (b) account for times of severe drought conditions, natural disaster, man-made disaster, or other calamities; and (c) make legislative recommendations to facilitate the resiliency and availability of food in the state; (3) establish the Texas Food System Security Planning Fund to administer the TFSSRC; (4) establish the Texas Food System Security and Resiliency Grant program to award grants to eligible recipients, including cities, for projects related to food production, food system security, or food supply resiliency; and (5) establish the Texas Food System Security and Resiliency Grant Fund to administer the program and award grants under (4), above.

S.B. 759 (West) – Office of Food System Security and Resiliency: would: (1) establish the Office of Food System Security and Resiliency (OFSSR) with the Department of Agriculture to be responsible for food system security and resiliency in the state, and whose duties will include: (a) coordinating state resources and programs to help food access industry professionals meet the state's food needs; (b) ensuring that the state's food system is free from disruption; (c) promoting the growth, manufacture, and processing of agricultural products for farm-to-store and farm-to-

table consumption; and (d) developing regional food system security and resiliency planning with state agencies, counties, cities, school districts, and local governments; (2) direct the OFSSR to make recommendations to the legislature by December 1 of each even-numbered year to improve food system security and resiliency in the state; and (3) manage the Texas Food System Security and Resiliency Planning Council, if created.

S.B. 767 (Parker) – City Fees: would:

1. require a city, except those located in a county with a population of less than 30,000, to establish and maintain an email notification service to which any person may electronically subscribe to receive information regarding new or increased city fees, unless: (a) the city is located primarily in a county with a population of less than 30,000; or (b) the city does not maintain an email notification service for any purpose on January 1, 2023, in which case the city may post the notifications described in Number 2, below, on the city's Internet website so long as the notifications are accessible from a prominently displayed link on the home page of the city's website;
2. provide that the email notification service described in Number 1, above, must: (a) allow a subscriber to request notification of each: (i) new fee proposed to be adopted by the city; (ii) existing fee proposed to be increased by the city; (iii) proposed budget of the city that includes use of revenue from a new or increased fee; (iv) adopted budget of the city that includes use of revenue from a new or increased fee; and (v) public hearing scheduled to be held at which a fee or budget described by (i) through (iv) is scheduled to be discussed; (b) include a link in the notification to any webpage maintained by the city on which the fee or budget may be viewed; and (c) notify the subscriber by email not later than the day: (i) the city provides public notice of a public hearing at which a proposed new or increased fee or a proposed budget is scheduled to be discussed, for notification of a public hearing for a proposed fee or budget; (ii) the budget officer files a proposed budget with the city clerk, for notification of a proposed budget; or (iii) the city council files an adopted budget with the city clerk, for notification of an adopted budget;
3. provide that a city's proposed budget that includes estimated revenue from a new fee or the increase of an existing fee must contain a cover page with the following statement in 18-point or larger type: "This budget includes estimated revenue from the following new or increased fees: (include a description of each new or increased fee, the dollar amount of each new fee, and the dollar amount of and percentage of increase of each increased fee);
4. provide that adoption of a budget that includes estimated revenue from a new fee or the increase of an existing fee requires a separate vote of the governing body to ratify the use of that revenue, and the vote is in addition to and separate from the vote to adopt the budget or a vote to adopt or increase the fee; and
5. provide that a city's adopted budget contain a cover page that includes, if applicable, the following statement in 18-point or larger type: "This budget includes estimated revenue from the following new or increased fees: (include a description of each new or increased

fee, the dollar amount of each new fee, and the dollar amount of and percentage of increase of each increased fee).”

S.B. 782 (Birdwell) – 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. (Companion is **H.B. 984** by **Capriglione**.)

S.B. 785 (Birdwell) – 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. (Companion bill is **H.B. 1336** by **Darby**)

S.B. 797 (Middleton) – Business Relationships with Elected Officials: would, for the purposes of disclosure of a relationship between a local government officer and vendor: (1) broaden the term “agent” to also include a subcontractor; (2) eliminate the following exceptions from the term “business relationship”: (a) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity; (b) a transaction conducted at a price and subject to terms available to the public; or (c) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency; (3) expand the term “family member” to include a person related to another person within the third degree of consanguinity or the second degree by affinity; and (4) include dividends, capital gains, or interest generated from a trust in the definition of “investment income.”

S.B. 803 (Hughes) – Construction Contracts: would provide that a construction contract between a governmental entity and a contractor may not prohibit or limit the award of compensatory damages for a delay caused solely by the governmental entity, and that neither party may waive this prohibition. (Companion bill is **H.B. 2265** by **Leach**)

S.B. 812 (Zaffirini) – 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. (Companion bill is **H.B. 1445** by **Cortez**.)

S.B. 814 (Creighton) – Preemption: would: (1) prohibit a city or county from adopting or enforcing an ordinance, order, rule, or policy in a field occupied by a provision of the following codes, unless explicitly authorized by statute: (a) Agriculture Code; (b) Finance Code; (c) Insurance Code; (d) Labor Code; (e) Natural Resources Code; and (f) Occupations Code; (2) provide that any person adversely affected by a municipal or county ordinance, order, rule, or policy adopted or enforced in violation of the field preemption in (1), above, has standing to bring an action against a city, county, or city or county official; (3) provide that a claimant is entitled to

recover declaratory and injunctive relief and costs and reasonable attorney's fees in an action brought under (2), above; (4) waive governmental immunity, official immunity, and qualified immunity, as applicable, to the extent of liability in an action brought under (2), above, and provide that official and qualified immunity may not be asserted as a defense in such an action; and (5) provide that a claimant bringing an action under (2), above, may do so in any county in the state and the action may not be transferred to a different venue without the written consent of all parties. (Companion bill is **H.B. 2127** by **Burrows**.)

S.B. 829 (Kolkhorst) – Cottage Food: would, among other things: (1) add to the definition of "cottage food production operation" a nonprofit organization that produces at the individual's home or the home of an individual who is a director or officer of the nonprofit organization, as applicable; (2) provide that to be considered a cottage food production operation, an individual operating out of the individual's home would need to: (a) have an annual gross income of \$100,000 or less from the sale of certain foods; (b) sell the cottage foods directly to consumers or to a cottage food vendor; and (c) deliver products to the consumer or cottage food vendor at the point of sale or another location designated by the consumer or cottage food vendor; (3) provide that a local government authority, including a local health department, may not require a cottage food production operation to obtain any type of license or permit or pay any fee to sell cottage food directly to a consumer or cottage food vendor; (4) provide that a local government authority, including a local health department, may not employ or continue to employ a person who knowingly requires or attempts to require a cottage food production operation to obtain a license or permit in violation of (3), above; (5) require the label on cottage food to include: (a) the city and zip code instead of the address; and (b) at least one of the following for the cottage food production operation: (i) the phone number; (ii) the email address; or (iii) the mailing address; (6) provide that a cottage food production operation may only sell food to a cottage food vendor at wholesale; (7) provide that the operator of a cottage food production operation that sells a food at the individual's home is not required to include the information in (5)(b), above, before the operator accepts payment for the food but must provide it after accepting payment for the food; (8) provide that a cottage food vendor may sell food directly to consumers at a farmers' market, farm stand, food service establishment, or retail food store; and (9) provide that a cottage food vendor who sells food in (8), above, must display in a prominent place near the location where the food is offered for sale a sign with the following disclosure: "THIS PRODUCT WAS PRODUCED IN A PRIVATE RESIDENCE AND IS NOT SUBJECT TO GOVERNMENTAL LICENSING OR INSPECTION. THIS PRODUCT MAY CONTAIN ALLERGENS."

S.B. 917 (Hall) – 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. (Companion bill is **H.B. 1312** by **Vasut**.)

S.B. 943 (Kolkhorst) – Online Public Notices: would, among other things: (1) require newspapers that publish public notices, at no additional cost to a governmental entity, publish a public notice on one or more webpages on the newspaper's website clearly designed for public notices and accessible to the public at no cost, and deliver the same to the Texas Press Association

(TPA) for publication on a TPA-controlled website, if, the TPA maintains such a website as a statewide repository of public notices; (2) if the TPA maintains a website described in (1), above, it must ensure that the website: (a) is accessible to the public at no cost; (b) is updated as notices are received; (c) is searchable and sortable by subject matter and/or location; and (d) offers a subscription service to receive e-mail notification that a notice has been published; and (3) require that any entity required to publish a public notice online archive the notice on its website in its entirety, include the notice publication date. (Companion bill is **H.B. 2178** by **Hunter**.)

S.B. 969 (Zaffirini) – Tuition and Fees Exemption: would provide an exemption from the 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, including a city, as a correctional officer or jailer.

S.B. 986 (Creighton) – Evictions: would: (1) prohibit a city or county from adopting or enforcing an ordinance, order, or measure that prohibits, restricts, or delays delivery of a notice to vacate, the filing of a lawsuit to recover possession, or otherwise relates to an eviction suit; and (2) eliminate the requirement that a landlord issue a notice of proposed eviction and allow the tenant a reasonable time to respond before issuing a notice to vacate, except where required by the lease or federal law. (Companion bill is **H.B. 2035** by **Slawson**.)

S.B. 1009 (Parker) – Massage Establishments: would: (1) authorize a political subdivision to regulate a massage establishment through zoning requirements, including conditional use permits, and to regulate a massage establishment's hours of operation; and (2) provide that a regulation under (1), above, may be adopted: (a) under authority to regulate sexually oriented businesses; (b) if regulating the hours of operation of a massage therapist or massage establishment; or (c) if the regulation relates to the ownership or operation of a massage establishment, or the provision of massage therapy, by a person: (i) who has been arrested for on three or more occasions, or convicted of certain criminal offenses; (ii) against whom a sanction has been imposed for a violation of state law; or (iii) who has owned or operated a massage establishment against which a sanction has been imposed for a violation of state law. (Companion bill is **H.B. 2134** by **Thimesch**.)

S.B. 1014 (Hughes) – Prohibiting Disclosure of Genetic Information: would, among other things: (1) prohibit a person or entity from obtaining, using, or disclosing an individual's genetic material or information without the individual's or individual's authorized representative's express consent, subject to certain exceptions; (2) exempt from (1), above, material being obtained or otherwise necessary for use for law enforcement purposes, paternity testing, newborn screening, to comply with a court order, to provide emergency medical services, or to identify a deceased individual; (3) create a criminal offense for violating (1), above; (4) authorize the Office of Attorney General to bring suit seeking injunctive relief and civil penalties against persons or entities for violating (1), above; (5) establish a private cause of action to enjoin or restrain a person or entity from further violating (1), above, and recover resulting damages; and (6) waive sovereign and governmental immunity as applicable for claims under (4) and (5), above.

S.B. 1017 (Birdwell) – Engine and Energy Source Regulations: would provide that a political subdivision may not adopt or enforce an ordinance, order, regulation, or similar measure that: (1)

limits access to or effectively prohibits the use of, an energy source wholesaler, retailer, or producer, including a retail service station, that is necessary to provide to a specific energy source; or (2) directly or indirectly, prohibits or restricts the use, sale, or lease of an engine based on its fuel source, unless the action does not effectively prohibit or restrict, the use, sale, or lease of the engine and is not preempted by state or federal law. (Companion bill is **H.B. 2374** by **Landgraf**.)

S.B. 1025 (Kolkhorst) – Vaccine Passports: would, among other things: (1) prohibit any person or entity from issuing a written or electronic vaccine passport to facilitate the identification of an individual's vaccination status for a purpose other than health care, or using any information collected by a state or local governmental agency to certify an individual's vaccination status; and (2) prohibit a business from requiring that a customer provide documentation certifying the customer's vaccination status or post-transmission recovery from communicable disease to gain access or entry to, or to receive service from the business.

S.B. 1026 (Kolkhorst) – COVID-19 Vaccine Passports: would, among other things: (1) prohibit a political subdivision from issuing or adopting an order or ordinance or otherwise require an individual to be vaccinated against COVID-19; (2) prohibit a governmental entity or court of law from requiring an individual to provide certification of the individual's COVID-19 vaccination or post-transmission recovery to gain access or entry to, or receive service from the governmental entity, or a condition for jury service or appointment as counsel for an indigent defendant, but does not restrict a governmental entity or court of law's ability to implement COVID-19 screening and infection protocols in accordance with state and federal law; and (3) prohibit an employer, labor organization, or employment agency from discriminating against individual or members for not having been vaccinated against COVID-19.

S.B. 1029 (Hall) – Gender Modification Treatment: would, among other things, prohibit a governmental entity from using or providing public money for the provision or administration of a gender modification procedure or treatment.

S.B. 1034 (Middleton) – Public Nuisance Actions: would, among other things, eliminate a public nuisance cause of action for any claim seeking relief from: (1) an action or condition authorized, licensed, approved, or mandated by statute, ordinance, regulation, permit, order, rule or other similar measure adopted, promulgated, or approved by the federal government, state government, or political subdivision; (2) an action or condition that can be addressed through an existing statutory cause of action or administrative enforcement mechanism; or (3) a product or claim based on the manufacturing, distributing, selling, labeling, or marketing of a product.

S.B. 1082 (Hall) – Government Documents: would require that all government documents, policies, surveys, questionnaires, reports, publications, notices, or other written or electronic material reference only male or female when requesting or providing information regarding a person's sex.

S.B. 1097 (Parker) – Municipal Hospitals: would: (1) limit the total of all available damages in a breach of contract suit against a municipal hospital authority located in a county with a population under 70,000 involving the sale of an municipal hospital authority-owned hospital to the amount

due and owing under the contract; (2) allow the municipal hospital authority to indemnify the hospital purchaser under the contract; and (3) waive governmental immunity for (1), above.

S.B. 1105 (Birdwell) – Removal of City Officers: would, among other things: (1) authorize the governor by executive order to suspend a county or city officer for: (a) publicly declaring that they will not enforce the laws of this state; (b) willfully neglecting the duties of their office; or (c) being finally convicted of a felony; (2) establish the process by which the senate shall set a day and time to conduct a vote whether to remove the officer suspended under (1), above; and (3) establish the process by which the officer suspended under (1), above, may be permanently removed or reinstated based on the senate vote under (2), above. (See **S.J.R. 60**, below.)

S.B. 1110 (Schwertner) – Municipal Utility Fund Transfers: would: (1) prohibit a city from transferring revenue from the municipal utility to the city's general fund if the transfer would result in a rate increase or financial deficit for the utility; and (2) prohibit a municipal utility from including transfers of revenue from the utility to the general fund of the city in the utility's cost of service study.

S.B. 1142 (Paxton) – Personal Identification License Fee: would, among other things, increase the fee that a city or county can charge for providing driver's license and personal identification certificate services from \$5 to \$10, but prohibits charging such fee in connection with providing voter registration.

S.B. 1189 (Parker) – Contracts with Russia-Related Businesses: would, among other things: (1) direct the comptroller to add companies that enter into contracts with, or provide military equipment to, the government of the Russian Federation to the comptroller's list of scrutinized companies with whom public entities may not invest; (2) prohibit governmental entities from entering into contracts with a company with 10 or more full-time employees, and the contract has a value of \$100,000 or more unless the contract contains a written verification from the company that it is not a scrutinized business operations as described in (1), above; (3) exempt a governmental entity from (2), above, if it determines that the prohibition in (2), above, is inconsistent with its constitutional or statutory duties related to issuing, incurring, or managing debt obligations, deposits, custody, borrowing, or investment, of public funds; and (4) only apply to contracts entered into after September 1, 2023. (Companion bill is **H.B. 2823** by **Anchia**.)

S.B. 1204 (Paxton) – Information Technology Infrastructure: would, among other things, provide that: (1) the Department of Information Resources (DIR) may establish an interstate information sharing and analysis organization the provide a forum for states to share information regarding cybersecurity threats, best practices, and remediation strategies; (2) 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 24 hours after the discovery of the security incident, notify: (i) the 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 (3) 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.

S.B. 1205 (Paxton) – Information Technology Modernization: would, among other things: (1) provide that a state agency or local government that uses the state electronic Internet portal may use electronic payment methods, including the acceptance of peer-to-peer payments, credit cards, or debit cards; (2) provide that the Department of Information Resources (DIR) may use appropriated money to market to state agencies and local governments shared information resources technology services offered by the DIR, including data center, disaster recovery, and cybersecurity services; (3) provide that unless granted an exemption by the DIR, a state agency or local government shall use the top-level domain “.gov” or “.texas.gov” for the entity’s official Internet website; (4) require the DIR to assist state agencies and local governments in obtaining a “.gov” or “.texas.gov” domain for the entity’s official Internet website; (5) provide that the DIR may establish a grant program to assist state agencies’ and local governments’ transition to the “.gov” or “.texas.gov” domain; and (6) provide that if the DIR establishes a grant program, the DIR must enter into a contract that includes performance requirements with each grant recipient and shall monitor and enforce the terms of the contract.

S.B. 1238 (Nichols) – Broadband Service Funding: would, among other things: (1) define “broadband service” as: (a) service of at least 25 mbps for a download and 3 mbps for an upload, and; (b) network round-trip latency less than or equal to 100 milliseconds based on 95 percent of speed measurements; (2) authorize the comptroller to adopt FCC broadband speed standards by rule if different than (1), above; (3) define unserved areas, underserved areas, and served areas for the comptroller’s broadband development office’s (BDO) broadband development map for funding eligibility purposes; (4) authorize the BDO to award grants, low-income loans, and other financial incentives to applicants to deploy eligible broadband infrastructure projects in unserved and underserved areas, and certain parts of served areas; (5) authorize the BDO to award grants to applicants to deploy non-broadband infrastructure projects that expand the adoption, accessibility, or affordability, of broadband service, including education, training, community outreach, remote learning, telehealth facilities, equipment purchases, or other permitted uses; (6) prohibit the BDO from awarding grants, loans, or other financial incentives to applicants to deploy last-mile broadband service to a location already subject to a federal commitment to deploy qualifying broadband service, except under certain circumstances; and (7) direct the BDO to prioritize broadband infrastructure projects that connect each end-user location using end-to-end fiber optic cable.

S.B. 1243 (Huffman) – Franchise Tax: would provide that a taxable entity: (1) shall exclude from its total revenue certain broadband grant proceeds; (2) may include as a cost of goods sold any expense paid using qualifying broadband grant proceeds for the purposes of broadband deployment; and (3) may include as compensation any expense paid using qualifying broadband grant proceeds for the purpose of broadband deployment. (Companion bill is **H.B. 2859** by Ashby.)

S.B. 1247 (Hughes) – Cottage Food: would: (1) add to the definition of a “cottage food production operation” an individual, operating out of the individual’s home, who delivers products to the

consumer by mail; and (2) remove the requirement that, in order to sell cottage food, the consumer purchases the food through the Internet or by mail order from the operation and the operator personally delivers the food to the consumer. (Companion bill is **H.B. 2971** by **Hefner**.)

S.B. 1252 (**Bettencourt**) – **Tax Elections**: would require a ballot proposition for the imposition or increase of a tax to include the statement “THIS IS A TAX INCREASE.”

S.B. 1260 (**Creighton**) – **Airport Infrastructure Contracts**: would: (1) prohibit a city or a person operating an airport on a city’s behalf from entering into an airport infrastructure or equipment contract with an entity that a federal court has determined has misappropriated another entity’s intellectual property or trade secrets and is: (a) owned in whole or part by, is controlled by, or receives subsidies from a government of a priority foreign country under the Trade Secrets Act of 1974; (b) subject to monitoring by the Office of the U.S. Trade Representative; or (c) under common ownership with, or is a successor to an entity described in (1)(a) or (b), above; (2) require that any contract for airport infrastructure or equipment goods or services entered into by a city or city airport operator contain a written statement by the contractor verifying that it is not an entity described under (1)(a) - (c), above, and renders any contract without such verification or where such verification is found to be false voidable by the city or city airport operator; and (3) extend the possible term of an agreement between a city and city airport operator from 40 years to 99 years.

S.B. 1304 (**LaMantia**) – **Automated External Defibrillators**: would, among other things: (1) authorize a city require the installation and maintenance of automated external defibrillators (AEDs) in structures subject to city licensure or other emergency preparedness-related regulation by ordinance, including specifying the structures subject to the ordinance, the minimum number and position of required AEDs, compliance and inspection procedures, and variance request process; (2) direct the city to consult with the fire marshal, fire chief, or other local official with authority over emergency matters regarding the requirements under (1), above; (3) prohibit a city from applying or enforcing an ordinance under (1), above, to a premises with a occupancy limit of 30 or fewer persons or a health facility licensed under state law; (4) specify that all AEDs installed or maintained under (1), above, must comply with all other applicable AED-related state regulations; (5) specify that a county order does not apply to structures within a city or the city’s extraterritorial jurisdiction if the city has adopted an ordinance under (1), above; and (6) exempt a city and its elected or appointed officials, employees, and agents from liability for regulating or failing to regulate AEDs.

S.B. 1400 (**Springer**) – **Office of State-Federal Relations Sunset**: would, among other things, extend the operation of the Office of State-Federal Relations until September 1, 2035. (Companion bill is **H.B. 1550** by **Goldman**.)

S.B. 1420 (**Birdwell**) – **Hotel Occupancy Tax**: would make numerous changes to the statute governing local hotel occupancy taxes including, among other things: (1) amending the definition of “convention center facilities” to include parking facilities only if the facility is located within 1,500 feet of the convention center; (2) defining “tourist” to mean an individual who travels at least 50 miles, attends a meeting at a hotel, or spends the night in a hotel; (3) adding a definition of “multiuse facility” to the chapter governing hotel occupancy tax; (4) changing the date on which

a city's annual hotel occupancy tax report is due to the comptroller from February 20 to March 1 and add several reporting requirements; (5) providing that a city may use a portion of hotel occupancy tax revenue for the costs incurred in providing the report under (3), above; (6) prohibiting a city from using hotel occupancy tax revenue on a visitor information center that is not exclusively used to distribute tourism-related information to tourists; (7) requiring that a shuttle system associated with a convention center project on which the city uses hotel occupancy tax revenue be used primarily by tourists; (8) requiring a city with a population of less than 200,000 to allocate for advertising at least the amount of revenue received from the hotel occupancy tax at a rate of one percent of the cost of a room; (9) requiring a city with a population of more than 1.6 million to allocate for advertising at least 23 percent of the hotel occupancy tax revenue the city collects; (10) repealing the authority of a city to adopt an ordinance to allocate 15 percent of its hotel occupancy tax revenue to historical restoration and preservation projects and provide a grandfather clause for cities with existing ordinances; (11) providing a recapture provision for a city to remit to the comptroller certain lost state sales and use tax and hotel occupancy tax revenue that a city is entitled to receive in association with a qualified hotel or convention center project; and (12) requiring the comptroller to prepare a report on qualified hotel and convention center projects. (Companion bill is **H.B. 3727** by **Anderson**.)

S.B. 1425 (Perry) – **Small and Rural Incumbent Local Exchange Companies**: would extend monthly payments to small and rural local telephone exchange companies under the Small and Rural Incumbent Local Exchange Company Universal Service Plan through September 1, 2033.

S.B. 1426 (Flores) – **Ashe Juniper Trees**: would provide that a city may not prohibit the removal of or impose a tree mitigation fee for the removal of an Ashe juniper tree. (Companion bill is **H.B. 2239** by **Troxclair**.)

S.B. 1461 (Springer) – **Online Global Marketplaces**: would prohibit a city or county from regulating the operation of an online global marketplace (OGM) that directly or indirectly provides an internet platform for goods and services and is not directly regulated by the state, including prohibiting a county or city from requiring an OGM to provide personally identifiable information about its users without an administrative subpoena or court order.

S.B. 1466 (Hancock) – **Residential Amenity Rentals**: would:

1. define “residential amenity rental” as a feature or facility: (a) that is part of a property used or designed to be used as the home of a person, family, or household, including a single family dwelling; and (b) that is rented for a period of less than 15 hours and not for the purpose of providing sleeping accommodations to a tenant;
2. provide that a political subdivision may require a provider of a residential amenity rental to, before renting a residential amenity rental to another person: (a) register the rental as provided in Number 4, below; (b) designate an emergency contact responsible for responding to complaints regarding the rental; and (c) provide proof that written notice was given to each owner of property that shares a common boundary with the property where the rental is located of the provider’s intent to use the property as a residential amenity rental;

3. provide that a political subdivision may prohibit a provider from serving food to a tenant of a residential amenity rental unless serving food commercially at the rental is otherwise authorized by law;
4. provide that a political subdivision that adopts a registration requirement under Number 2(a), above: (a) shall approve a registration application unless the provider is in violation of a regulation authorized in Number 2, above; (b) may charge a nominal registration fee not to exceed the amount sufficient to cover the costs of administering the registration requirement; and (c) may maintain an Internet website or telephone hotline that enables a member of the public to file a complaint regarding a residential amenity rental;
5. require a political subdivision to approve or deny a registration application in accordance with Number 4(a), above, not later than the 30th day after the date the political subdivision receives the application and provide that if the political subdivision fails to respond, the registration is considered approved;
6. provide that if a political subdivision requires a provider to register, the registration must be valid for at least one year;
7. provide that a political subdivision may suspend a registration only in accordance with Number 15, below;
8. provide that a political subdivision may not adopt or enforce an ordinance, order, or rule that: (a) prohibits or limits the use of a property as a residential amenity rental; or (b) applies to residential amenity rental providers, residential amenity rental tenants, or other persons associated with residential amenity rentals in a manner that is more restrictive or otherwise inconsistent with the application of the law to other similarly situated persons;
9. provide that in a legal action challenging the adoption or enforcement of an ordinance, order, or rule under this chapter, the political subdivision has the burden of proving by clear and convincing evidence that the ordinance, order, or rule;
10. provide that to the extent of a conflict between any regulation adopted by a county and any regulation adopted under the bill by a political subdivision other than a county, the county regulation controls;
11. provide that to the extent of a conflict between any regulations adopted by two or more political subdivisions other than a county, the less stringent limitation or requirement controls;
12. provide that a political subdivision may assess a civil penalty against a provider for a violation of an ordinance, order, or rule adopted by the political subdivision that is the direct result of the operation of the residential amenity rental;
13. provide that a civil penalty issued under Number 12, above, must be in a reasonable amount, not to exceed \$200 per violation;

14. provide that a second violation that is the direct result of the operation of the residential amenity rental, a political subdivision may assess an increased civil penalty, not to exceed \$400;
15. provide that for a third violation that is the direct result of the operation of the residential amenity rental, a political subdivision may: (a) suspend the registration of a provider for a period not to exceed one year; or (b) prohibit the continued use of the property as a residential amenity rental by the same provider;
16. provide that to assess a civil penalty, suspend a registration, or prohibit the continued use of a property as a residential amenity rental under Number 15, above, the political subdivision has the burden of proof of demonstrating that the violation was a direct result of the residential amenity rental's operation; and
17. prohibit a political subdivision from assessing a penalty on a provider, suspending a registration, or prohibiting the continued use of a property as a residential amenity rental Number 15, above until the provider has exhausted all appeal rights for the underlying violation.

(Companion bill is **H.B. 2367** by **Lozano**.)

S.B. 1468 (Springer) – Wildlife: would, among other things, provide that: (1) an employee of the Texas Parks and Wildlife Department (TPWD) acting within the scope of the employee's authority may discharge a firearm on a public road or right-of-way if the wildlife is: (a) mortally injured; or (b) behaving in a manner consistent with the wildlife being diseased; and (2) a person or agent of the person, other than an employee of TPWD, may take wildlife on the person's property if the person: (a) has written authorization from the TPWD; and (b) is participating under the supervision of a TPWD employee in a program or event designated by the director as being conducted for the diagnosis, management, or prevention of a disease in wildlife. (Companion bill is **H.B. 3065** by **Bailes**.)

S.B. 1601 (Hughes) – Library Events: would prohibit a municipal library from receiving state funds if it hosts an event at which a man presenting as a woman or a woman presenting as a man reads a book or a story to a minor for entertainment, where the person being dressed as the opposite gender is a primary component of the entertainment.

S.B. 1608 (Sparks) – 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. (Companion bill is **H.B. 863** by **Schofield**.)

S.B. 1609 (Sparks) – 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. (Companion bill is **H.B. 187** by **Landgraf**.)

S.B. 1710 (Perry) – Universal Service Fund: would: (1) make Voice over Internet Protocol service providers subject to the universal service fund (USF) charge; and (2) provide that the Public Utility Commission assess the USF charge on a technology-neutral basis.

S.B. 1714 (Perry) – License Qualifications and Disciplinary Actions: would, among other things: (1) prohibit a licensing authority from suspending or revoking a license, disqualifying a person from receiving a license, or deny a person the opportunity to take a licensing examination on the grounds that the person has been convicted of an offense unless the offense is: (a) on a list of offenses prepared by a licensing authority that it has determined directly relate to the duties and responsibilities of each occupation licensed by the authority; and (b) the person applied for the license before the fifth anniversary of a conviction, or release from confinement for, such offense; (2) direct the licensing authority to create and publish a public list of offenses that would preclude the issuance or maintenance of a license and guidelines on the reasons why each offense appears on the list of offenses; (3) mandate that the licensing authority list specific offenses and not use nonspecific terms to describe an offense for (2), above; (4) provide factors that the licensing authority must consider when determining whether to include a specific offense under (2), above; (5) shorten the timeframe that the licensing authority must provide notice of the authority's determination of eligibility from 90 days to 30 days from receipt of the application; (6) apply only to licensing authority actions or proceedings began on or after January 1, 2024; and (7) direct the licensing authority to file and publish the list and guidelines for (2), above, by December 31, 2023.

S.B. 1716 (Zaffirini) – Airport Operator and Lease Agreements: would extend the term limits for: (1) a local government contract with a qualified person or entity to operate, or a lease involving, a local government-owned or controlled airport or air navigation facility from 40 years to 99 years; and (2) a local government lease for nonaeronautical property on an airport with active federal government aircraft operations on federal government property. (Companion bill is **H.B. 4255** by Gerdes.)

S.B. 1753 (Hall) – COVID-19 Mandates: would, among other things: (1) prohibit a governmental entity from adopting or enforcing an ordinance, order, or other measure that requires an individual to wear a face covering or be vaccinated against COVID-19; and (2) provide for certain exceptions related to: (a) requirements to provide the documentation necessary to administer a COVID-19 vaccination; and (b) state-owned or operated hospitals, supported living centers, and local, county, and state jails.

S.B. 1766 (Creighton) – Appraiser Indemnity: would: (1) mandate that a contract for appraiser services for real property (Appraiser Contract) require that a licensed appraiser perform the contract services: (a) with the professional skill and care ordinarily provided by competent appraisers under the same or similar circumstances and professional license; and (b) as expeditiously as is prudent considering the ordinary professional skill and care of a competent appraiser; (2) allow a governmental entity to require the reimbursement of its reasonable attorney's fees in proportion to an appraiser's liability, name the governmental agency as an additional insured on, and assert any defense provided by, the appraiser's liability insurance policy; (3) render a provision of or promise in connection with an Appraiser Contract void and unenforceable if: (a) the provision requires a licensed appraiser to indemnify or hold harmless the governmental agency harmless against liable for damage under such contract, except to the extent that the damages are

caused by or result from negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor, supplier, consultant, or other person or entity over which the appraiser exercises control; (b) the provision requires a licensed appraiser to defend a person against a claim based wholly or partly on the negligence or fault of, or breach of contract by the governmental agency or its employees, agents, or other persons or entities over whom the governmental entity exercises control outside of the appraiser; or (c) contains a different standard of care than that provided in (1), above; and (4) not apply to including in and enforcing a provision in an Appraiser Contract relating to project scope, fees, and scheduling. (Companion bill is **H.B. 2584** by **Paul**.)

S.B. 1810 (Sparks) – Local Debt: would: (1) prohibit the governing body of an issuer, including a city council, from authorizing an anticipation note to pay a contractual obligation to be incurred if: (a) a bond proposition to authorize bonds for the same purpose was submitted to the voters during the preceding five years and failed to be approved; (b) the total amount of the anticipation note exceeds five percent of the governing body’s total outstanding bonded indebtedness at the time of issuance, including the amount of principal and interest to be paid on the outstanding bonds until maturity; or (c) the city secretary receives a petition signed by at least five percent of the registered voters of the issuer that protests the issuance of the anticipation note before the later of the date tentatively set for the adoption of the order or ordinance to authorize the anticipation note or the date the order or ordinance is adopted; (2) provide an exception to (1), above, if: (a) the governing body of an issuer is issuing the note for: (i) a case of public calamity if it is necessary to act promptly to relieve the necessity of the residents or to preserve the property of the issuer; (ii) a case in which it is necessary to preserve or protect the public health of the residents of the issuer; or (iii) a case of unforeseen damage to public machinery, equipment, or other property; and (b) the governing body of an issuer is issuing the note to comply with a state or federal law, rule, or regulation if the issuer has been officially notified of noncompliance with the law, rule, or regulation; and (3) prohibit the governing body of an issuer, including a city council, from authorizing certificate of obligation 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.

S.B. 1814 (Bettencourt) – Debt Service Property Tax Rate: would provide that “current debt service” for the purpose of calculating the current debt rate of a taxing unit for property tax purposes means the minimum dollar amount required to be expended for debt service for the current year.

S.B. 1828 (Hinojosa) – Energy Savings Performance Contract Recodification: would, among many other things: (1) repeal the current enabling chapter related to energy savings performance contracts; (2) allow a city to enter a multiyear performance contract for the implementation of one or more conservation measures, if certain conditions are met, including a requirement that the savings or increased revenues generated by the conservation measures will equal or exceed the cost of the contract to the city; and (3) require annual compliance auditing and reporting by the service provider, a performance bond requirement, and other guarantees of performance.

S.B. 1879 (Middleton) – Separation of Church and State: would, among other things: (1) prohibit a governmental officer or employee from enforcing: (a) Article I, Section 7 and the third sentence of Article VII, Section 5 (Blaine Amendments) unless the U.S Supreme Court overrules

Carson v. Makin and *Espinoza v. Montana Dept. of Revenue*; (b) any restriction, or denial of a benefit, that purports to be justified on the grounds of separation of church and state, any element of the U.S. Supreme Court's decision in *Lemon v. Kurtzman*, or any restriction or denial of a benefit that purports to be justified by the Blaine Amendments (Separation of Church and State Doctrine); and (c) the Establishment Clause of the First Amendment to the U.S. Constitution against any person other than the federal government, its officers, or its instrumentalities; (2) prohibit a governmental officer or employee from adopting or enforcing a restriction on speech or expression, whether in the form of direct duties or conditions, that singles out churches or other religious organizations, or chill the speech of any person by publishing a statement that a restriction under (1), above, is the law or required by law; (3) exempt governmental officers or employees from (1)(b)-(c), above, if doing so is necessary to comply with a court order or a directly on-point ruling from the U.S. Supreme Court of Appeals for the Fifth Circuit whose facts or legal conclusions are not distinguishable from the governmental officer or employee's actions; (4) provide for standing, venue, available remedies, entitlement to a jury trial, and recovery of attorney's fees and costs by the prevailing party for a suit under (1), above; and (5) waive sovereign immunity, governmental immunity, official immunity, qualified immunity, or any other form of immunity in a suit under (1), above, except under certain circumstances. (Companion bill is **H.B. 5003** by Cain.)

S.B. 1893 (Birdwell) – **TikTok Ban**: would, among other things, require a governmental entity to adopt a policy prohibiting the installation or use, and requiring the removal of TikTok or any successor application, or any other social media application specified by the governor by executive order, on any entity-owned or leased electronic device, subject to certain exceptions for law enforcement or information security purposes.

S.B. 1912 (Bettencourt) – **Ballot Proposition Language**: would, for ballot proposition language not provided by a state statute: (1) require a political subdivision seeking to hold an election on a measure to submit to the attorney general: (a) the ballot proposition language; and (b) a brief statement on the purpose of the proposition; (2) require the attorney general, on receiving a submission under (1), above, to review the ballot language before the election may be held; (3) provide that if the attorney general finds the proposition is consistent with state law, the attorney general shall approve the language of the proposition for the ballot; (4) provide that if the attorney general finds the proposition is not consistent with state law, the attorney general shall disapprove the language of the proposition; (5) provide that if the attorney general does not approve or disapprove the language of a proposition before the 40th day after the proposition was submitted, the proposition is approved for use on the ballot; (6) provide that if a proposition is disapproved under (4), above, the political subdivision may submit alternate language in the same manner as the initial submission; and (7) prohibit a political subdivision from submitting a proposition or alternate language after the 120th day before the date of the election.

S.B. 1939 (Bettencourt) – **General Obligation Bonds**: would require a political subdivision to allocate the proceeds from the issuance of general obligation bonds authorized by the voters in the percentage or amount stated in the ballot proposition to authorize the issuance. (Companion bill is **H.B. 4189** by Paul.)

S.B. 1948 (Bettencourt) – **Settlements**: would, among other things, provide that: (1) a local government, including a city, may not enter into a settlement of a claim or action against the local

government seeking any relief under any theory or recovery, including a mandamus action against a local officer or official that is brought or may be brought in or before any court, administrative agency, or other tribunal without the consent or approval of the legislature if the settlement: (a) requires or authorizes the local government to adopt any election standard, practice, or procedure not previously adopted by the local government; or (b) alters, limits, or invalidates a law or rule of this state related to the conduct of elections; (2) a settlement described by (1), above, entered into without the prior consent or approval of the legislature is void unless the settlement is expressly conditioned on obtaining subsequent approval by the legislature; and (3) not later than August 1 of each even-numbered year, a local government shall send to the attorney general a report in a manner prescribed by the attorney general that describes each claim or action: (a) to which (1), above, applies or may apply; (b) that is pending as of August 1 of that year; and (c) that has been settled or that in the opinion of the local government may be settled within the next 24 months. (Companion bill is **H.B. 4031** by **Schofield**.)

S.B. 1984 (Alvarado) – Public Private Partnership Act: would create a new chapter of the Government Code which, among many other things, would: (1) allow for public-private partnerships in Texas for qualifying projects; (2) define qualifying projects to including projects involving the design, construction, financing, operation, and maintenance of a facility or system that provides a public service or benefit; (3) allow governmental entities, including cities, to enter into public-private partnerships for qualifying projects after taking certain steps, including a competitive bidding process; and (4) allow private entities to propose projects to cities for consideration.

S.B. 1989 (Whitmire) – 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. (Companion bill is **H.B. 870** by **Patterson**.)

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.)

S.J.R. 60 (Birdwell) – Removal of City Officers: would amend the Texas Constitution to, among other things: (1) authorize the governor by executive order to suspend a county or city officer for: (a) publicly declaring that they will not enforce the laws of this state; (b) willfully neglecting the duties of their office; or (c) being finally convicted of a felony; (2) establish the process by which the senate shall set a day and time to conduct a vote whether to remove the officer suspended under (1), above; and (3) establish the process by which the officer suspended under (1), above, may be

permanently removed or reinstated based on the senate vote under (2), above. (Companion bill is **S.B. 1105** by **Birdwell**.)

S.J.R. 70 (**Hughes**) – **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. (Companion resolutions are **H.J.R. 58** by **Frank** and **H.J.R. 85** by **Burrows**.)

S.J.R. 72 (**King**) – **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. (Companion bill is **H.J.R. 37** by **Vasut**.)

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, police 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, police 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 or 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. 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. 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.

H.B. 1999 (Julie Johnson) – Sexual Harassment: would provide that: (1) the protections against retaliation and discrimination in employment apply to a person who engages in the following acts in relation to a discriminatory practice based on sexual harassment: (a) opposes a discriminatory practice; (b) makes or files a charge; (c) files a complaint; or (d) testifies, assists, or participates in any manner in an investigation, proceeding, or hearing; (2) the definition of sexual harassment in employment includes an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature if the advance, request, or conduct has the purpose or effect of creating an intimidating, hostile, abusive or offensive working environment; (3) a person may bring a civil action for damages or other relief arising from an unlawful employment practice based on sexual harassment regardless of whether: (a) the person has filed a complaint with the Texas Workforce Commission (Commission) based on the grievance; or (b) if the person has filed a complaint with the Commission based on the grievance, the complaint is still pending or the person has not received a notice of the right to file a civil action; (4) a civil action arising from an unlawful employment practice based on sexual harassment filed without filing a complaint under (3), above, may not be brought later than the second anniversary of the date the conduct constituting an unlawful employment practice based on sexual harassment occurred; (5) the monetary caps placed on compensatory damages awarded for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses and the amount of punitive damages that apply to damages arising from an unlawful employment action do not apply to an unlawful employment action based on sexual harassment; and (6) a civil action for damages arising from an unlawful employment practice based on sexual harassment is subject to uncapped compensatory damages and exemplary damages that may not exceed an amount equal to the greater of: (a) two times the amount of economic damage plus an amount equal to any noneconomic damages found by the jury, not to exceed \$750,000; or (b) \$200,000.

H.B. 2034 (Campos) – Mental Health Leave: would provide that: (1) each employer, including a city, shall develop and adopt a policy allowing the use of mental health leave by the employer's fire fighters who experience a traumatic event in the scope of performing their duties as fire fighters for the employer; (2) the mental health leave policy adopted under (1), above, must: (a) provide clear and objective guidelines establishing the circumstances under which a fire fighter is granted mental health leave and may use mental health leave; (b) entitle a fire fighter to mental health leave without a deduction in salary or other compensation; (c) enumerate the number of mental health

leave days available to a fire fighter; and (d) detail the level of anonymity for a fire fighter who takes mental health leave; (3) the mental health leave policy adopted (1), above, may provide a list of mental health services available to fire fighters in the area where the employer is located; (4) each employer shall ensure that a mental health professional or peer support advisor performs an annual mental health evaluation of each of the employer's peace officers and fire fighters as part of the peace officer's or fire fighter's performance review; and (5) each employer shall provide a peace officer or fire fighter who experiences a traumatic event in the scope of performing their duties as a peace officer or fire fighter for the employer: (a) a mental health evaluation performed by a mental health professional or peer support advisor; and (b) an opportunity to receive mental health counseling.

H.B. 2298 (Talarico) – Family and Medical Leave: would provide, among other things, that: (1) an employer, including a city, shall pay a contribution on the wages of an employee to a family and medical leave fund that will be administered by the comptroller in accordance with the direction of the Texas Workforce Commission (TWC); (2) an employer may deduct all or a portion of the cost of contributions described in (1), above, from an employee's wage; and (3) for each calendar year, TWC shall establish a contribution rate for all employers.

H.B. 2315 (Canales) – Disease Presumption: would provide that: (1) disease presumption does not apply if the disease or illness for which benefits or compensation is sought is a cancer that originates at the stomach, colon, rectum, skin, prostate, testis, or brain, non-Hodgkin's lymphoma, multiple myeloma, malignant melanoma, and renal cell carcinoma and is known to be caused by the use of tobacco: (a) the firefighter or emergency medical technician has used a tobacco product in the five years preceding the diagnosis of the cancer; or (b) the firefighter's or emergency medical technician's spouse has, during the marriage, used a tobacco product that is consumed through smoking in the five years preceding the diagnosis of the cancer; and (2) would exclude a peace officer from the applicability of (1), above.

H.B. 2316 (Canales) – Injuries In the Scope of Duty: would, among other things, provide that: (1) an employer, including a city (but excluding a city that has adopted civil service for its fire fighters or peace officers), may not take an adverse employment action against a peace officer, detention officer, county jailer, or fire fighter who has sustained a compensable injury on the basis of the person's inability to perform the duties for which the person was elected, appointed, or employed before the person is certified as having reached maximum medical improvement, unless the person's treating doctor indicates that the person is permanently restricted from returning to perform the duties for which the person was elected, appointed, or employed; (2) an employer that violates (1), above, shall be liable for reasonable damages incurred by the person as a result of the violation in an amount not to exceed \$100,000; and (3) sovereign immunity to suit and from liability is waived, and a peace officer, detention officer, county jailer, or fire fighter may sue an employer for damages described in (2), above, and reinstatement to the person's former position of employment.

H.B. 2317 (Canales) – Disease Presumption: would, among other things, provide that: (1) 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) a detention officer, firefighter, peace officer, or emergency medical technician has used a tobacco product in the five years preceding the

diagnosis of the disease or illness; or (b) the detention officer's, firefighter's, peace officer's, or emergency medical technician's spouse has, during the marriage, used a tobacco product that is consumed through smoking in the five years preceding the diagnosis of the disease or illness; and (2) a detention officer, firefighter, peace officer, or emergency medical technician 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 detention officer, firefighter, peace officer, or emergency medical technician if: (a) while on duty, the detention officer, firefighter, peace officer, or emergency medical technician: (i) was engaged in a situation that involved stressful or strenuous physical activity involving law enforcement, supervision of inmates, fire suppression, rescue, hazardous material response, emergency medical services, or other emergency response activity; (ii) participated in a training exercise that involved stressful or strenuous physical activity; or (iii) was exposed to smoke, fumes, or toxic substances; and (b) the acute myocardial infarction or stroke occurred not later than 72 hours after the end of a shift in which the detention officer, firefighter, peace officer, or emergency medical technician was engaging in the activity described under (2)(a), above.

H.B. 2455 (King) – Medical Examination: would provide that: (1) a fire department shall offer an annual occupational medical evaluation to each fire fighter employed by the fire department at no cost to the fire fighter; (2) the annual occupational medical evaluation must be confidential and include: (a) fluid tests; (b) a pulmonary function test; (c) an electrocardiogram; (d) an infectious disease screening; (e) a cancer screening; and (f) a chest x-ray; (3) a fire fighter is eligible to receive a chest x-ray during an annual occupational medical examination described in (2), above, once every five years; (4) the Texas Commission on Fire Protection shall adopt rules establishing minimum standards for annual occupational medical examinations by using standards developed by the National Fire Protection Association; and (5) a fire department is not required to comply with (1), above, until July 1, 2024.

H.B. 2468 (Burrows) – Workers' Compensation: would, among other things, provide that, for purposes of workers' compensation, lifetime income benefits are paid until the death of the employee for: (1) a physically traumatic injury to the brain resulting in a permanent major neurocognitive disorder or a psychotic disorder; (2) third degree burns that cover at least 40 percent of the body and require grafting, or third degree burns covering the majority of: (a) both hands; (b) both feet; (c) one hand and one foot; or (d) one hand or foot and the face; or (3) 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. (Companion bill is **S.B. 1033** by **Perry**.)

H.B. 2470 (Kuempel) – Mental Illness: would provide that: (1) an employer of a first responder (peace officer, fire fighter, or EMS personnel) may not suspend, terminate, or take any other adverse employment action, including a demotion in rank or reduction of pay or benefits, against a first responder solely because the employer knows or believes that the first responder has certain mental illness, except that the employer may take an appropriate adverse employment action that is necessary to ensure public safety; (2) a person may assert a violation of (1), above, against an employer, or as a defense, in a judicial or administrative proceeding and may seek: (a) compensatory damages; (b) reasonable attorney's fees and court costs; and (c) any other appropriate relief; and (3) sovereign immunity to suit is waived.

H.B. 2539 (Noble) – Workers’ Compensation: would provide that for purposes of workers’ compensation, an injury is not compensable if the injury arises while the employee performs job duties for an employer at: (1) the employee’s home; or (2) a location: (a) that is not owned, operated, or controlled by the employer; or (b) at which the employee is not specifically required to be to perform the employee’s job duties.

H.B. 2600 (Frazier) – Law Enforcement Termination: would provide that a law enforcement agency may not terminate the employment of a peace officer solely because the peace officer has sought or received mental health care.

H.B. 2604 (Morales Shaw) – Paid Parental Leave: would, among things, provide that: (1) the Texas Workforce Commission (Commission) shall establish the Texas Family Fund Program (Program) to administer, distribute payments for, and assess contributions for paid parental leave; (2) an employee who has worked for an employer, including a city, for not less than 540 hours during the preceding six months or on a full-time basis during the preceding three months shall be entitled to 12 weeks of paid leave funded by the Program for the: (a) birth of a child; (b) birth of a child by the employee’s spouse; (c) birth of a child by a gestational surrogate; or (d) adoption of a child; (3) an employee who takes paid leave under (2), above, is entitled to: (a) paid leave for each week of paid leave taken in an amount equal to: (i) 100 percent of the employee’s weekly wage if the employee is paid an hourly rate that is not greater than \$15 an hour; or (ii) an annual salary as a full-time employee that is not greater than \$31,200; (b) 95 percent of the employee’s weekly wage if the employee is paid: (i) an hourly rate that is more than \$15 an hour and not greater than \$20 an hour; or (ii) an annual salary as a full-time employee that is more than \$31,200 and not greater than \$41,600; or (c) 80 percent of the employee’s weekly wage or \$1,000, whichever amount is less, if the employee is paid: (i) an hourly rate that is more than \$20 an hour; or (ii) an annual salary as a full-time employee that is more than \$41,600; (4) an employee is not entitled to paid leave under (2), above, in addition to any leave the employee is entitled to under the federal Family and Medical Leave Act or for any period during which the employee is taking other paid leave; (5) except for an employer who maintains a self-funded paid leave policy, an employer shall pay a contribution on wages paid during a calendar year to the Commission in an amount equal to 0.15 percent of all wages paid by the employer during the calendar year, and may not deduct any part of a contribution from the wages of an individual; and (6) on receipt of contributions under (5), above, the Commission shall forward the contributions to the comptroller and the comptroller shall immediately deposit contributions in the Texas Family Fund for the payment of paid leave in accordance with (2), above. (Companion by **S.B. 1079** by **Zaffirini**.)

H.B. 2782 (Shine) – Firefighter Age Limit: would provide that, in a civil service city, the maximum age for a beginning position as a firefighter in a fire department, shall be 45 years instead of 36 years.

H.B. 2925 (A. Martinez) – Civil Service: would provide that: (1) an election is not required for a city to adopt or repeal civil service; and (2) civil service applies only to a city that has a population of 25,000 or more and has a paid fire department or police department.

H.B. 2957 (Bumgarner) – Cancer Screenings: would provide that: (1) a political subdivision, including a city, that employs firefighters shall offer an occupational cancer screening to each

firefighter at no cost to the firefighter in the seventh year of the firefighter's employment, and once every three years following the initial screening; and (2) the occupational cancer screening must be confidential and test for each type of cancer, including prostate cancer, if applicable, lung cancer, and brain cancer.

H.B. 3017 (Harrison) – Employee Salaries: would: (1) require a governmental entity to publish all employment contracts, and the total compensation paid to each employee on its website; (2) require a governmental entity to update the information in (1), above at least annually; (3) exempt information excepted from disclosure under the Public Information Act from (1), above; (4) authorize the comptroller to enforce (1) and (2), above, including rendering a governmental entity ineligible to receive state grant funds for two years; and (5) provide that all governmental entities comply with (1) and (2), above, by no later than January 1, 2024.

H.B. 3246 (Manuel) – Criminal History Inquiries: would: (1) prohibit an employer, including a city, from including a question regarding an applicant's criminal history record information on an initial employment application form; (2) provide that an employer may inquire into or consider an applicant's criminal history record information after the employer has determined that the applicant is otherwise qualified and has conditionally offered the applicant employment or has invited the applicant to an interview; and (3) provide that the provisions of this bill do not apply to an applicant for a position for which consideration of criminal history record information is required by law.

H.B. 3335 (Canales) – Emergency Response Personnel: would provide that for purposes of workers' compensation, the travel of a firefighter, peace officer, or emergency medical personnel en route to or from an emergency call is considered to be in the course and scope of the employment of the firefighter, peace officer, or emergency medical personnel.

H.B. 3428 (Bryant) – Former City Officer Employment: would: (1) prohibit a former county or city officer or employee who participated in procuring or negotiating a county or city contract with another person or entity (Contractor) from accepting employment with that Contractor for at least two years from contract execution or the procurement was terminated or withdrawn; and (2) apply only to former city or county officers or employees whose employment ended after September 1, 2023.

H.B. 3430 (Cain) – Unpaid Wages: would provide that: (1) a political subdivision, including a city, may not adopt or enforce an ordinance, rule, regulation, or policy providing for the reporting, filing, investigation, or enforcement of claims for unpaid wages, failure to pay wages, wage theft, or other claims regarding the payment of wages by an employer, including an ordinance, rule, regulation, or policy that: (a) provides for the creation of a list or database of employers who are: (i) reported, investigated, or assessed a penalty for unpaid wages; (ii) ordered to pay wages by a final order of the Texas Workforce Commission (Commission); or (iii) convicted of an offense relating to unpaid wages; or (b) allows a person who is not eligible to file a wage claim to file, report, investigate, or enforce a wage claim against an employer; and (2) on request of the Commission, a political subdivision may assist the Commission in investigating a wage claim.

H.B. 3456 (Ashby) – Health Care Provider Participation Program: would, among other things, authorize: (1) a qualifying local government, including a city, to require mandatory payments to be assessed against each institutional health care provider located in the qualifying local government using a specific assessment basis; (2) a qualifying local government that is unable to assess mandatory payments under federal law using information reported to the governing body by an institutional health care provider to require the institutional health care provider to submit additional information to the governing body as necessary to ensure mandatory payments are assessed in a manner consistent with those requirements; (3) the governing body of a qualifying local government to request certain federal relief for purposes of assuring the qualifying local government's health care provider participation program is administered efficiently, transparently, and in a manner that complies with federal law; and (4) a qualifying local government to impose and collect interest and penalties on delinquent mandatory payments assessed under the health care provider participation program it administers in any amount that does not exceed the maximum amount authorized for other payments that are owed to the qualifying local government and delinquent.

H.B. 3441 (Hunter) – Texas Municipal Retirement System: would authorize a city that participates in the Texas Municipal Retirement System to designate the rate of member contributions for employees at eight percent.

H.B. 3475 (Leach) – Vaccinations: would, among other things, provide that: (1) a law, policy, or other measure requiring an individual in Texas to be vaccinated against COVID-19 to enter or gain access to, receive a service from, or be employed by an establishment must allow the individual to claim an exemption from the vaccination requirement based on: (a) the individual's acquired immunity against COVID-19 through post-transmission recovery; (b) a medical condition; or (c) reasons of conscience, including a religious belief; (2) an establishment that fails to comply with (1), above, is not eligible to receive a grant or enter into a contract payable with state money; and (3) an employer, including a city, commits an unlawful employment practice if the employer fails or refuses to hire, discharges, or otherwise discriminates against an individual with respect to the compensation or the terms, conditions, or privileges of employment because the individual claims an exemption described by (1), above.

H.B. 3483 (Turner) – Veterans Benefits: would provide that: (1) the Texas Workforce Commission shall, in consultation with the Texas Veterans Commission, create and distribute to each employer employing more than 50 employees in this state a veterans benefits and services poster; and (2) each employer described in (1), above, shall display the veterans benefits and services poster in a conspicuous place in the employer's place of business that is accessible to all employees.

H.B. 3491 (Romero) – Whistleblowers: would provide that for purposes of whistleblowing, a state or local governmental entity may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports a violation of law by the employing governmental entity or another public employee to: (1) the chief administrative officer of the employing governmental entity; (2) the inspector general's office of the employing governmental entity, if any; or (3) the reporting employee's immediate supervisor or the supervisor of the reporting employee's immediate supervisor at the employing governmental entity.

H.B. 3678 (Jones) – Peace Officer Misconduct Complaints: would provide that a law enforcement agency must permanently maintain in a peace officer’s personnel file the complete record of an internal investigation of the officer conducted by the agency in response to a complaint of misconduct.

H.B. 3682 (Tepper) – Affirmative Action: would provide that: (1) a government agency, including a city and any agency of the city, may not consider race, color or any other protected characteristic under applicable state or federal law of a person as a factor in making an employment decision regarding the person; and (2) a person may seek an appropriate remedy available under state or federal law for a violation of (1), above.

H.B. 3799 (Morales Shaw) – Leave for Miscarriage: would provide that: (1) an employee who is not entitled to any leave under the federal Family and Medical Leave Act and who experiences a miscarriage is entitled to ten consecutive days of unpaid leave immediately following the miscarriage; (2) an employer, including a city, may not require an employee to use any applicable sick or vacation leave before the employee may take leave under (1), above; and (3) an employer who violates the provisions of this bill commits an unlawful employment action.

H.B. 3846 (Toth) – E-Verify: would, among other things, provide that: (1) a political subdivision, including a city, shall register and participate in the E-Verify program to verify the information of all new employees; and (2) 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. (Companion bill is **S.B. 1621** by **Kolkhorst**.)

H.B. 3977 (Neave Criado) – Sexual Assault: would provide that an employee who is the victim of sexual assault may bring a cause of action against an employer if the employee’s injuries arose from the employer’s negligence.

H.B. 4114 (Harrison) – Discrimination: would provide that an employer, including a city, commits an unlawful employment practice if the employer retaliates or discriminates against a person who engages in lawful conduct involving the exercise of civil rights guaranteed by the Texas Constitution or the Constitution of the United States: (1) during a period of time that is not during the person's assigned working hours; and (2) in a location that is not the person's work site or on the premises of the employer, unless such work site or premises is also the person’s place of residence.

H.B. 4227 (Goldman) – Civil Service: would provide that only a city with a population of less than one million may, after receiving a petition by a certain number of residents of the city, order an election to repeal civil service for police officers and firefighters of the city.

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**.)

S.B. 799 (Springer) – Public Safety Employee Benefits: would, among other things, provide that:

1. a county or city shall provide to a firefighter, police officer, or emergency medical services personnel a leave of absence for an illness or injury related to the person's line of duty;
2. the line of duty leave shall be with 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 under Number 2, above, the county's or city's governing body may extend the leave of absence at full or reduced pay;
4. if the firefighter's, police officer's, or emergency medical services 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 emergency medical services 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 emergency medical services personnel is placed on temporary leave;
7. a firefighter, police officer, or emergency medical services 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 emergency medical services 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 emergency medical services 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 emergency medical services personnel shall be reinstated at the same rank and with the same seniority the person had before going on temporary leave and another firefighter, police officer, or emergency medical services personnel may voluntarily do the work of an injured firefighter, police officer, or emergency medical services personnel until the person returns to duty;
10. a collective bargaining, meet and confer, or other similar agreement that provides a benefit for an ill or injured employee must provide a benefit that, at a minimum, complies with Numbers 1-9, above;
11. for purposes of workers' compensation, lifetime income benefits shall be paid until the death of the employee for: (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) 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. a person is eligible for critical illness benefits if the person: (a) retired from employment as a firefighter or peace officer on or after January 1, 2024; and (b) not later than the fifth anniversary of the date of the person's retirement: (i) is diagnosed with cancer that originates at the stomach, colon, rectum, skin, prostate, testis, or brain, non-Hodgkin's lymphoma, multiple myeloma, malignant melanoma, and renal cell carcinoma; or (ii) suffers an acute myocardial infarction or stroke;
13. the amount of critical illness benefits to which a person is entitled under Number 12, above, is an amount equal to the greater of: (a) the person's annual salary in the final year of the person's employment as a firefighter or peace officer; or (b) \$150,000;
14. beginning January 1 of each 10-year period beginning January 1, 2034, the commissioner of insurance shall adjust the amount of critical illness benefits to which a person may be entitled under Number 13(b), above, for a retirement occurring on or after that date, by the percentage change, if any, in the Consumer Price Index for all urban consumers published by the United States Bureau of Labor Statistics of the United States Department of Labor for the preceding 10-year period;
15. an insurance carrier shall pay required critical illness benefits to a person in a lump sum;
16. 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 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 emergency medical technician'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

17. a firefighter, peace officer, or emergency medical technician 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 emergency medical technician if: (a) while on duty, the firefighter, peace officer, or emergency medical technician: (i) was engaged in a situation that involved stressful or strenuous physical activity involving fire suppression, rescue, hazardous material response, emergency medical services, or other emergency response activity; or (ii) 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 Number 17(a), above.

S.B. 909 (Johnson) – Civil Service: would, among other things, provide that in a civil service city:

1. a police chief may appoint to the position of assistant police chief a person who is not a sworn police officer employed by the police department if the police chief: (a) requests and is granted approval for the appointment from the city council; and (b) provides a justification for hiring outside of the department to the Civil Service Commission (Commission) and the Commission determines that: (i) the justification is valid; and (ii) the appointment will improve the department's operations;
2. except for a decision by the Commission to suspend a police officer for not more than 15 calendar days, a firefighter or police officer may appeal any Commission decision by filing a petition in district court asking that the decision be set aside;
3. if the district court determines that a petition filed by a police officer under Number 2, above, was arbitrary, unreasonable, not in accordance with Commission rules, or not in accordance with applicable law, the district court shall dismiss the petition;
4. a firefighter or police officer commits a Class C misdemeanor if the person: (a) fails to respond to a subpoena issued by the Commission; (b) takes part in political activities while in uniform or on active duty; or (c) engages in a strike against the governmental agency that employs the person;
5. Except for appointment to the position of fire chief, assistant fire chief, police chief or assistant police chief, a firefighter or police officer, as applicable, is eligible for promotion if the firefighter or police officer has continuously held a position in the classification that

is immediately below, in salary, the classification for which the examination is to be held for at least two years before the examination date;

6. a firefighter is not eligible for promotion to the rank of captain or its equivalent unless the firefighter has at least four years of actual service in the fire department for which the firefighter would serve as that rank;
7. if a police officer is serving in a beginning position in a police department, the two-year service period described in Number 5, above, begins on completion of the police officer's probationary period;
8. if a firefighter or police officer is recalled on active military duty for not more than 60 months, the two-year service required for a promotion under Number 5, above, does not apply and the firefighter or police officer is entitled to have time spent on active military duty considered as duty in the department;
9. a demoted police officer is not eligible for promotion unless the police officer has served continuously in the next lower position for at least two years after the demotion;
10. a Commission rule prescribing cause for removal, suspension, or demotion of a police officer is valid only if it involves one or more of the following grounds: (a) acts of incompetency, neglect, or failure to perform a job function deemed essential to the position as set forth in the police department's job description for the position; (b) acts showing lack of good moral character, including: (i) discourtesy to the public or to a fellow employee while the police officer is in the line of duty; (ii) intoxication while on duty or excessive intoxication while off duty; (iii) conduct prejudicial to good order; (iv) refusal or neglect to pay just debts; (v) absence without leave; (vi) excessive use of force; or (vii) making a false statement or substantive omission during the employment application process, a police department hearing, or a police department investigation;; (c) violation of a municipal charter provision; (d) violation of an applicable police department rule or special order; (d) a plea of guilty or nolo contendere, an adjudication of guilt, a probated sentence, a deferred adjudication or a verdict of guilty after a criminal trial of any felony offense or certain misdemeanor offenses; or (e) acts constituting an offense under Number 10(d), above, regardless of criminal prosecution, including any act in any jurisdiction other than this state, which if committed in this state would constitute such an offense unless a court has held the offense as unconstitutional;
11. other than in a city that has a population of more than 1.5 million, if the police chief determines that a police officer under the chief's supervision or jurisdiction violated a civil service rule, the police chief may: (a) suspend the police officer for a period not to exceed 15 calendar days; (b) suspend the police officer indefinitely, which is equivalent to dismissal from the department; or (c) recommend to the Commission to demote the police officer to any lower rank in the classified civil service;
12. a police officer has the right to appeal a suspension or recommended demotion made under Number 11, above, unless: (a) if offered by the police chief, the police officer agrees in

writing to voluntarily accept a demotion or suspension of up to 90 calendar days; or (b) the police chief is requesting to demote a police officer who has been promoted in the last six months to the police officer's previous civil service rank on the certain grounds relating to the new position;

13. in an appeal described in Number 12, above, the Commission, in its decision, shall state whether the police officer is: (a) permanently dismissed from the police department; (b) temporarily suspended from the police department for a definite period; (c) demoted to the position requested by the police chief; (d) demoted to a position between the police officer's current position and the position requested by the police chief; or (e) restored to the police officer's former position or status in the police department's classified service;
14. a decision by the Commission of an appeal described in Number 12, above, to suspend a police officer for not more than 15 calendar days is final and may not be appealed to the district court;
15. a police officer may not appeal an indefinite suspension, a suspension, a promotional bypass or a recommended demotion to an independent third-party examiner;
16. a person who is 45 years of age or older may be certified for a beginning position as a police officer in a police department; and
17. the civil service director or the director's designee may not release any information contained in a firefighter's or police officer's personnel file unless the release of the information is: (a) required by law; or (b) requested by a local, state, or federal law enforcement agency conducting a criminal history check on a current or former police officer.

S.B. 1033 (Perry) – Workers' Compensation: would, among other things, provide that, for purposes of workers' compensation, lifetime income benefits are paid until the death of the employee for: (1) a physically traumatic injury to the brain resulting in a permanent major neurocognitive disorder or a psychotic disorder; (2) third degree burns that cover at least 40 percent of the body and require grafting, or third degree burns covering the majority of: (a) both hands; (b) both feet; (c) one hand and one foot; or (d) one hand or foot and the face; or (3) 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. (Companion bill is **H.B. 2468** by **Burrows**.)

S.B. 1041 (Hughes) – Sexual Harassment: would provide that: (1) the protections against retaliation and discrimination in employment apply to a person who engages in the following acts in relation to a discriminatory practice based on sexual harassment: (a) opposes a discriminatory practice; (b) makes or files a charge; (c) files a complaint; or (d) testifies, assists, or participates in any manner in an investigation, proceeding, or hearing; (2) the definition of sexual harassment in employment includes an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature if the advance, request, or conduct has the purpose or effect of creating an intimidating, hostile, abusive or offensive working environment; (3) a

person may bring a civil action for damages or other relief arising from an unlawful employment practice based on sexual harassment regardless of whether: (a) the person has filed a complaint with the Texas Workforce Commission (Commission) based on the grievance; or (b) if the person has filed a complaint with the Commission based on the grievance, the complaint is still pending or the person has not received a notice of the right to file a civil action; (4) a civil action arising from an unlawful employment practice based on sexual harassment filed without filing a complaint under (3), above, may not be brought later than the second anniversary of the date the conduct constituting an unlawful employment practice based on sexual harassment occurred; (5) the monetary caps placed on compensatory damages awarded for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses and the amount of punitive damages that apply to damages arising from an unlawful employment action do not apply to an unlawful employment action based on sexual harassment; and (6) a civil action for damages arising from an unlawful employment practice based on sexual harassment is subject to uncapped compensatory damages and exemplary damages that may not exceed an amount equal to the greater of: (a) two times the amount of economic damage plus an amount equal to any noneconomic damages found by the jury, not to exceed \$750,000; or (b) \$200,000. (Companion bill is **H.B. 1999** by **Julie Johnson**.)

SB 1079 (Zaffirini) – Paid Parental Leave: would, among things, provide that: (1) the Texas Workforce Commission shall establish the Texas Family Fund Program (Program) to administer, distribute payments for, and assess contributions for paid parental leave; (2) an employee who has worked for an employer, including a city, for not less than 540 hours during the preceding six months or on a full-time basis during the preceding three months shall be entitled to 12 weeks of paid leave funded by the Program for the: (a) birth of a child; (b) birth of a child by the employee's spouse; (c) birth of a child by a gestational surrogate; or (d) adoption of a child; (3) an employee who takes paid leave under (2), above, is entitled to: (a) paid leave for each week of paid leave taken in an amount equal to: (i) 100 percent of the employee's weekly wage if the employee is paid an hourly rate that is not greater than \$15 an hour; or (ii) an annual salary as a full-time employee that is not greater than \$31,200; (b) 95 percent of the employee's weekly wage if the employee is paid: (i) an hourly rate that is more than \$15 an hour and not greater than \$20 an hour; or (ii) an annual salary as a full-time employee that is more than \$31,200 and not greater than \$41,600; or (c) 80 percent of the employee's weekly wage or \$1,000, whichever amount is less, if the employee is paid: (i) an hourly rate that is more than \$20 an hour; or (ii) an annual salary as a full-time employee that is more than \$41,600; (4) an employee is not entitled to paid leave under (2), above, in addition to any leave the employee is entitled to under the federal Family and Medical Leave Act or for any period during which the employee is taking other paid leave; (5) except for an employer who maintains a self-funded paid leave policy, an employer shall pay a contribution on wages paid during a calendar year to the Commission in an amount equal to 0.15 percent of all wages paid by the employer during the calendar year, and may not deduct any part of a contribution from the wages of an individual; and (6) on receipt of contributions under (5), above, the Commission shall forward the contributions to the comptroller and the comptroller shall immediately deposit contributions in the Texas Family Fund for the payment of paid leave in accordance with (2), above. (Companion bill is **H.B. 2604** by **Morales Shaw**.)

S.B. 1388 (Parker) – Supervised Drug Consumption Site: would provide that a person commits a second degree felony if the person: (1) knowingly operates a supervised drug consumption site;

or (2) either as an owner, lessee, agent, employee, occupant, or mortgagee, knowingly and intentionally opens, leases, rents, profits from, maintains, or makes available for use, with or without compensation, any premises for the purpose of operating a supervised drug consumption site.

S.B. 1436 (Hinojosa) – Investigation of Firefighters: 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. (Companion bill is **H.B. 1579** by **Canales**.)

S.B. 1621 (Kolkhorst) – E-Verify: would, among other things, provide that: (1) a political subdivision, including a city, shall register and participate in the E-Verify program to verify the information of all new employees; and (2) 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. (Companion bill is **H.B. 3846** by **Toth**.)

S.B. 1626 (LaMantia) – Medical Examination: would provide that: (1) a fire department shall offer an annual occupational medical evaluation to each fire fighter employed by the fire department at no cost to the fire fighter; (2) the annual occupational medical evaluation must be confidential and include: (a) fluid tests; (b) a pulmonary function test; (c) an electrocardiogram; (d) an infectious disease screening; (e) a cancer screening; and (f) a chest x-ray; (3) a fire fighter is eligible to receive a chest x-ray during an annual occupational medical examination described in (2), above, once every five years; (4) the Texas Commission on Fire Protection shall adopt rules establishing minimum standards for annual occupational medical examinations by using standards developed by the National Fire Protection Association; and (5) a fire department is not required to comply with (1), above, until July 1, 2024. (Companion bill is **H.B. 2455** by **T. King**.)

S.B. 1693 (Blanco) – Veterans Benefits: would provide that: (1) the Texas Workforce Commission shall, in consultation with the Texas Veterans Commission, create and distribute to each employer employing more than 50 employees in Texas a veterans benefits and services poster; and (2) each employer described in (1), above, shall display the veterans benefits and services poster in a conspicuous place in the employer's place of business that is accessible to all employees. (Companion bill is **H.B. 3483** by **Turner**.)

S.B. 1738 (Gutierrez) – Automatic Suspension: would provide that: (1) a law enforcement officer who is involved in a shooting with a child shall be immediately placed on administrative leave or suspended from active duty until an investigation is conducted; (2) the investigation of the shooting involving a child shall be conducted by an independent law enforcement agency or investigator; (3) the suspended officer or officers are prohibited from communicating with

potential witnesses or suspects during the investigation; and (4) if the investigation determines that the use of force was unjustified or that the law enforcement officer failed to intervene to prevent the death of a child, the suspended officer or officers may be terminated, suspended, or subject to any other disciplinary action.

S.B. 1878 (Middleton) – Infertility: would provide that for purposes of workers' compensation, a firefighter or emergency medical technician who suffers from infertility is presumed to have developed infertility during the course and scope of employment as a firefighter or emergency medical technician if the firefighter or emergency medical technician: (1) regularly responded on the scene to calls involving fires or firefighting; or (2) regularly responded to events involving the documented release of radiation or a known or suspected carcinogen while the person was employed as a firefighter or emergency medical technician.

S.B. 1976 (Miles) – Criminal History: would provide that: (1) a local government, including a city, may not include a question regarding an applicant's criminal history record information on an initial employment application form; (2) a local government may inquire into or consider an applicant's criminal history record information after the local government has determined that the applicant is otherwise qualified and has conditionally offered the applicant employment; (3) an applicant's criminal history record information collected by a local government under as part of the application review process, if any, is confidential and may not be disclosed by the local government; (4) a local government may not disqualify an applicant from employment because of a prior criminal conviction unless: (a) the criminal conviction directly relates to the employment position sought by the applicant; or (b) other law prohibits the applicant from employment because of the type of criminal conviction; (5) a local government may not consider in the criminal history record information or disqualify an applicant based on: (a) an arrest that is not followed by an information or indictment; (b) a conviction that has been sealed or expunged; or (c) a class C misdemeanor or other misdemeanor punishable by fine only; (6) before denying an applicant employment based on the applicant's criminal history record information, a local government must notify the applicant in writing of the local government's intent to deny the applicant employment because of the applicant's criminal history; (7) in determining whether a criminal conviction directly relates to an employment position, a local government shall consider certain factors; (8) a local government may not initially disqualify an applicant from an employment position because of a criminal conviction directly relating to the employment position if, not later than the 10th day after the date the local government notified the applicant of the local government's intent to deny employment, the applicant provides to the local government evidence of the applicant's rehabilitation; (9) a local government that denies an applicant employment after considering the information submitted by the applicant under (8), above, and the factors under (7), above, shall notify the applicant in writing of: (a) the final denial or disqualification; (b) the appeals process established by the Texas Workforce Commission; (c) potential eligibility of the applicant for other employment; and (d) the earliest date on which the applicant may reapply for employment; (10) a local government shall retain application forms, records of employment, communications with applicants, and any other related records until at least the third anniversary of the date of filling an employment position; and (11) the bill does not apply to an applicant for a position that: (a) involves the provision of services to or care of children; (b) that requires direct interaction with children; or (c) for which consideration of criminal history record information is otherwise required by law.

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 10th business day after the date the business entity receives the written notice in (1), above.

H.B. 2007 (Martinez) – Certificate of Merit: would provide that a third-party plaintiff that is a design-builder is not required to file a certificate of merit in connection with filing a third-party claim or cross-claim against a licensed or registered professional if the action or arbitration proceeding arises out of a design-build project in which a governmental entity contracts with a single entity to provide both design and construction services for the construction, expansion, extension rehabilitation, alteration, or repair of a facility, a building or associated structure, a civil works project, or a highway project.

H.B. 2182 (González) – Historically Underutilized Businesses: would expand the definition of an “economically disadvantaged person” to include: (1) persons with a disability as defined by the federal Americans with Disabilities Act; and (2) persons who identify with certain sexual orientations or gender identities for purposes of inclusion in the state’s list of historically underutilized businesses. (Companion bill is **S.B. 877** by **Eckhardt**.)

H.B. 2518 (Bell) – Public Work Contracts: would provide, among other things, that: (1) a governmental entity that enters into a public work contract with a prime contractor or authorizes a nongovernmental entity leasing public property from the governmental entity to enter into a public work contract with a prime contractor, shall require the contractor, at least 10 days before beginning the work, to execute to the governmental entity a performance bond and a payment bond in certain circumstances; (2) a nongovernmental entity leasing public property from a governmental entity that enters into a public work contract with a prime contractor shall require the contractor, at least 10 days before beginning the work, to submit to the governmental entity a notice of commencement that: (a) identifies the contract; (b) identifies the specific leasehold at which the work will be performed; (c) describes the work to be performed; and (d) states the total cost of the work to be performed; and (3) a governmental entity is not liable as a surety if a prime contractor of a nongovernmental entity leasing property from the governmental entity fails to submit to the governmental entity the notice of commencement required in (2), above.

H.B. 2753 (Smithee) – Public Work Contracts: would provide that a governmental entity awarding a public work contract funded in whole or in part with state or local governmental money or governmentally administered financial assistance, including the issuance of debt guaranteed by this state or a local governmental entity, money from ratepayers, or money from user fees may not: (1) prohibit, require, discourage, or encourage a person bidding on the public work contract, including a contractor or subcontractor, from entering into or adhering to an agreement with a collective bargaining organization relating to the project; or (2) discriminate against a person based on the person’s involvement in the agreement, including the person’s status or lack of status as a party to the agreement or willingness or refusal to enter into the agreement. (Companion is **S.B. 936** by **Hancock**.)

H.B. 2854 (Gervin-Hawkins) – Construction Contract Change Orders: would provide that: (1) certain construction contracts with an original contract price of \$5 million or more may not be increased by more than 25 percent; (2) if a change order for a contract with an original contract price of less than \$5 million increases the contract amount to \$5 million or more, subsequent change orders may not increase the revised contract amount by more than 25 percent; (3) a contract with an original contract price of less than \$5 million may not be increased in the aggregate by more than the greater of: (a) 50 percent; or (b) \$1 million; and (4) a governing body may grant

authority to an official or employee responsible for purchasing or for administering a contract to approve a change order that involves an increase or decrease of \$250,000 or less.

H.B. 2965 (Vasut) – Construction Liability Waiver: would: (1) provide that the state law governing certain claims for damages arising from damage to, or loss of, real or personal property caused by an alleged construction defect that is a public building or public work does not apply to certain civil works projects; and (2) prohibit the waiver of this process when contracting between governmental entities and contractors, subcontractors, suppliers, or design professionals. (Companion is **S.B. 1336** by **Creighton**.)

H.B. 3069 (Cunningham) – Public Retirement Systems: would, with regard to the prohibition on investing in companies that boycott Israel, redefine the term “Boycott Israel,” limiting it to refusing to deal with or terminating business activities with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory.

H.B. 3245 (Manuel) – Competitive Bidding Considerations: would allow a city to enter into a contract for construction services or other purchases in an amount of less than \$500,000 in certain circumstances with a bidder whose principal place of business is in the municipality and whose bid is within five percent of the lowest bid price received from a bidder who is not a resident of the municipality.

H.B. 3406 (Spiller) – Small Municipal Construction Projects: would provide that: (1) for a construction project for an amount that is less than one percent of the total amount of a municipality’s most recently adopted budget, the municipality is not required to: (a) ensure that the contractor is covered by workers’ compensation insurance coverage; or (b) require the contractor to obtain a performance bond; (2) for the purpose of determining the contracted amount of a construction project under (1), above, a municipality may not aggregate work from more than one project; and (3) a project in (1), above, includes all work to be completed on a construction project for a municipality at one location within 12 months of the date the work begins.

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.

S.B. 877 (Eckhardt) – Historically Underutilized Businesses: would expand the definition of an “economically disadvantaged person” to include: (1) persons with a disability as defined by the federal Americans with Disabilities Act; and (2) persons who identify with certain sexual

orientations or gender identities for purposes of inclusion in the state's list of historically underutilized businesses. (Companion bill is **H.B. 2182** by **González**).

S.B. 936 (Hancock) – Public Work Contracts: would provide that a governmental entity awarding a public work contract funded in whole or in part with state or local governmental money or governmentally administered financial assistance, including the issuance of debt guaranteed by this state or a local governmental entity, money from ratepayers, or money from user fees may not: (1) prohibit, require, discourage, or encourage a person bidding on the public work contract, including a contractor or subcontractor, from entering into or adhering to an agreement with a collective bargaining organization relating to the project; or (2) discriminate against a person based on the person's involvement in the agreement, including the person's status or lack of status as a party to the agreement or willingness or refusal to enter into the agreement.

S.B. 949 (West) – Historically Underutilized Businesses Loan Program: would, among other things, require the comptroller to establish a revolving loan program to provide loans to historically underutilized businesses to assist in the purchase of performance and payment bonds required for public work contracts with governmental entities.

S.B. 1125 (Johnson) – Information Technology Commodity Items: would define “technology services” under the commodity items definition to mean services, regardless of how the fees for those services are generally charged, that: (1) relate to the development, configuration, review, assessment, acquisition, implementation, or maintenance of information technology hardware, software, or services; or (2) consist of other routine technology services not described in (1), above.

S.B. 1159 (Johnson) – Department of Information Resources: would, among other things, provide that if the executive director of the Department of Information Resources (DIR) determines that participation is in the best interest of this state, cities, volunteer fire departments, and public hospitals owned or operated by a city, among other entities, are eligible customers for services DIR provides including: (1) network security services; (2) regional cybersecurity support and network security services; (3) the availability of commodity items for purchase; and (4) consolidated telecommunication systems.

S.B. 1203 (Kolkhorst) – Public Work Contracts: would include the option to determine the general prevailing rate of per diem wages in the locality in which the public work is to be performed for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work, as required by law for a contract for a public work awarded by a political subdivision, including a city, if each county in which the public work is located has a population of less than one million, by using the most recent data, as of the time when the political subdivision submitted the public work for bids or requested proposals, compiled by the Texas Workforce Commission's Labor Market and Career Information Department, including occupational employment statistics wage data for: (1) the local workforce development area or metropolitan statistical area relating to the locality in which the public work is performed; or (2) the state, but only if there is no data available for the relevant local workforce development area or the metropolitan statistical area for the specific occupation, as classified by the United States Office of Management and Budget in the North American Industry Classification System, for which data is sought.

S.B. 1336 (Creighton) – Construction Liability Waiver: would: (1) provide that the state law governing certain claims for damages arising from damage to, or loss of, real or personal property caused by an alleged construction defect that is a public building or public work does not apply to certain civil works projects; and (2) prohibit the waiver of this process when contracting between governmental entities and contractors, subcontractors, suppliers, or design professionals. (Companion is **H.B. 2965** by Vasut.)

S.B. 1561 (Zaffirini) – Job Order Contracts: would provide that the job order contracts method does not apply to a building or structure if the work under the job order contract does not involve engineering or architectural services that constitute the practice of engineering or the practice of architecture.

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.B. 2027 (Dean) – Electric Vehicle Tax: would provide, among other things, that: (1) a \$1,200 tax would be imposed on every retail sale of an electric vehicle; and (2) part of the tax proceeds would be used to support transportation projects.

H.B. 2028 (Dean) – Electric Vehicle Fuel Tax Recovery Fee: would provide, among other things, that: (1) at the time of application for registration or renewal of registration of an electric vehicle, the applicant shall pay a motor fuel tax recovery fee; (2) the amount of the fee imposed by section (1), above, will be set annually by the comptroller and shall be no lower than \$300; and (3) part of the proceeds would be used to support transportation projects.

H.B. 2199 (Canales) - 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. (Companion is **S.B. 505** by **Nichols**.)

H.B. 2224 (Hernandez) – City Speed Limits: would provide that a city is not required to perform an engineering or traffic investigation to declare a lower speed on a city street in a residential area under certain conditions.

H.B. 2399 (Thierry) – Automated Traffic Control in School Zones: would provide that a municipality may implement or operate an automated traffic control system on a city street for the purpose of enforcing compliance with posted speed limits in a school crossing zone.

H.B. 2678 (Cook) – Advanced Air Mobility Committee: would, among other things: (1) create an advisory committee including representatives from various industries, local government, and the general public, to assess state law and make recommendations for implementing advanced air mobility technology in Texas; and (2) require the Texas Department of Transportation to: (a) review aviation standards and guidelines to ensure they are applicable to the new technology; (b) develop a statewide plan for vertiports and associated infrastructure; and (c) provide resources and assistance to local governments and industry.

H.B. 2832 (Reynolds) – Loans for Multimodal Projects: would provide for the creation of a multimodal project revolving fund in the state’s general revenue fund to enhance connectivity between marine ports, airports, inland ports, and the state highway system by providing loans for qualified projects to local governmental entities, including cities.

H.B. 2934 (Romero) – TxDOT Study of Roadway Impact Fees: would provide that: (1) the Texas Department of Transportation would conduct a study to determine the feasibility of using municipal impact fees to pay for roadway facilities necessary due to municipal development; and (2) the study in section (1), above, will consider, among other things, roadway facility needs, municipal debt, impact fee imposition and collection costs, the use of the fees, and effects on local transportation needs.

H.B. 3155 (Ca. Harris) – 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. (Companion bill is **S.B. 41** by **Zaffirini**.)

H.B. 3234 (Troxclair) – Withdrawal from Metropolitan Rapid Transit Authorities: would, among other things: (1) amend several sections of the Transportation Code related to the process for holding elections to withdraw a “unit of election,” including a city, from a mass transit authority; (2) provide that an election on the withdrawal of a unit of election may be held no sooner than one year after a previous election to withdraw from the same authority; and (3) modify the

apportionment of the debts and assets of the mass transit authority following a successful election to leave an authority, including additional credits to the unit of election leaving the authority and limitation on certain debts attributable to the unit of election leaving the authority, as determined by the comptroller.

H.B. 3281 (Leo-Wilson) – **Prohibited Roadway Projects**: would: (1) prohibit a local governmental entity from implementing a roadway project that: (a) converts a four-lane undivided laned roadway to a three-lane undivided laned roadway consisting of two through lanes and a center two-way left turn lane and reallocate roadway space for another use, including a bike lane, pedestrian refuge island, transit stop, or parking; or (b) narrows existing marked lanes on an undivided laned roadway to reallocate roadway space for a use other than the creation of an additional traffic lane; (2) allow the public to submit a complaint about (1), above, to the Texas Department of Transportation (TxDOT); (3) require TxDOT to investigate any complaints under (2), above, and report the investigation results to the local governmental entity and the Texas Transportation Commission (TTC); (4) authorize TTC to review TxDOT’s report to determine whether the local governmental entity violated (1), above, and deliver its determination to the local governmental entity and the Texas Department of Housing and Community Affairs (TDHCA); and (5) prohibit TDHCA from providing financial assistance to a local governmental entity that TTC determined violated (1), above, through the end of the following fiscal year. (Companion bill is **S.B. 1293** by Hall.)

H.B. 3899 (Troxclair) – **Bond Election**: would provide that a local government corporation created by a city to promote and develop public transportation facilities may not issue bonds to be paid from property taxes approved by the voters of a city at an election to exceed the voter-approval tax rate unless the issuance is first approved by the voters of the city. (Companion bill is **S.B. 1791** by Bettencourt.)

H.B. 4192 (Burns) – **Parking in Residential Areas**: would extend certain overnight commercial vehicle parking restrictions in certain residential subdivisions to cities located in counties with a population greater than 175,000.

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.

H.J.R. 106 (Schaefer) – **Freedom from Autonomous Vehicles**: would provide that a person has the right to travel in a vehicle using human decision-making to operate the vehicle and that any regulation abridging this right is void.

H.J.R. 144 (Canales) – **Use of State Highway Funds**: would, among other things, authorize the use of money in the state highway fund for acquiring rights-of-way, constructing, and maintaining roadways for seaports, airports, spaceports, land ports of entry, and international bridges.

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.B. 848 (Blanco) – Transportation Projects: would expand the definition of “transportation project” 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. (Companion bill is **H.B. 1379** by Ortega.)

S.B. 1023 (Nichols) – Notice of Maximum Bridge Load Capacity: would provide that if the Department of Transportation inspects a city bridge and determines that the bridge qualifies for a lower maximum load than is currently posted, the department may post notice on the road or highway approaching the bridge stating the maximum load permitted, if the department is required or authorized to do so under federal law.

S.B. 1293 (Hall) – Prohibited Roadway Projects: would: (1) prohibit a local governmental entity from implementing a roadway project that: (a) converts a four-lane undivided laned roadway to a three-lane undivided laned roadway consisting of two through lanes and a center two-way left turn lane and reallocate roadway space for another use, including a bike lane, pedestrian refuge island, transit stop, or parking; or (b) narrows existing marked lanes on an undivided laned roadway to reallocate roadway space for a use other than the creation of an additional traffic lane; (2) allow the public to submit a complaint about (1), above, to the Texas Department of Transportation (TxDOT); (3) require TxDOT to investigate any complaints under (2), above, and report the investigation results to the local governmental entity and the Texas Transportation Commission (TTC); (4) authorize TTC to review TxDOT’s report to determine whether the local governmental entity violated (1), above, and deliver its determination to the local governmental entity and the Texas Department of Housing and Community Affairs (TDHCA); (5) prohibit TDHCA from providing financial assistance to a local governmental entity that TTC determined violated (1), above, through the end of the following fiscal year. (Companion bill is **H.B. 3291** by Leo-Wilson.)

S.B. 1387 (Hughes) – Alert System: would: (1) require the Texas Department of Transportation (TxDOT) to enter into an agreement with a private entity to provide information necessary for certain statewide alert systems through a system of dynamic message signs that are: (a) located across the state; and (b) capable of displaying digital images useful in locating the missing individual; (2) require that the agreement in (1), above, generate net revenue to the state, and prohibit tax revenue from being used to fund the installation and operation of the dynamic message signs; and (3) provide that TxDOT does not have to comply with (1), above, if it would result in the loss of federal highway funding or other punitive action would be taken against the state due to noncompliance with federal law, regulation, or policy.

S.B. 1663 (Alvarado) – City Speed Limits: would allow a city to declare a lower speed limit of not less than 20 miles per hour on certain residential roadways without having to perform an engineering or traffic study.

S.B. 1791 (Bettencourt) – Bond Election: would provide that a local government corporation created by a city to promote and develop public transportation facilities may not issue bonds to be paid from ad valorem taxes approved by the voters of a city at an election to exceed the voter-approval tax rate unless the issuance is first approved by the voters of the city. (Companion bill is **H.B. 3899** by Troxclair.)

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. 10 (T. King) – Water Supply Financial Assistance: would: (1) create a new water supply for Texas fund (the water supply fund); (2) require the Texas Water Development Board (TWDB) by rule to undertake to finance projects through the water supply fund that will lead to the acquisition or creation of seven million acre-feet of new water supplies by December 31, 2033; (3) provide that the water supply fund may be used only to provide low-interest loans to political subdivisions and wholesale water providers to develop water supply projects that create new water sources for the state including: (a) the acquisition of water from other states; (b) the development of infrastructure to transport water from other states; (c) desalination projects, including marine and brackish water desalination; (d) produced water treatment projects; and (e) research into new technology that may lead to the development of significant new water supply sources, as determined by the TWDB based on the amount of water the technology may produce; (4) provide that the water supply fund may be used to provide zero interest loans, negative interest loans, or loan forgiveness for any purpose described by (3), above, under criteria developed by the TWDB; (5) create a Texas water fund (water fund); (6) provide that the TWDB may only use the water fund to disburse money to: (a) the water assistance fund; (b) the State Water Implementation Fund for Texas; (c) the water supply fund; (d) a revolving fund; (e) the rural water assistance fund; and (f) the Texas Water Development Fund; (7) provide that the TWDB shall ensure that a portion of the money disbursed from the water fund is used for: (a) water infrastructure projects, prioritized by risk or need, for: (i) rural political subdivisions; and (ii) cities with a population of less than 150,000; (b) permit-ready water infrastructure projects; and (c) water conservation awareness

programs; (8) provide that money disbursed from the water fund for the purposes described by (7), above, may be disbursed to funds described by (6), above, to be used to provide zero interest loans, negative interest loans, loan forgiveness, or grants for any purpose described by (7), above, under criteria developed by the TWDB; (9) require the TWDB to adopt rules to establish a program to provide technical assistance to retail public utilities in conducting water audits required by state law and in applying for financial assistance from the board to mitigate the utility system's water loss; and (10) require the TWDB to submit to the legislature a water loss report every fifth year. (Companion bill is **S.B. 28** by **Perry**.) (See **H.J.R. 130**, below.)

H.B. 26 (**Ordaz Perez**) – **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. 1264 (Stucky) – Electric Municipally Owned Utilities: would provide that a municipally owned electric utility is not required to designate a transmission operator for compliance with load shedding duties and related obligations established by ERCOT if the municipally owned utility: (1) is owned by a city with a population of less than 25,000; (2) has an annual peak demand of 25 megawatts or less; and (3) operates 10 or fewer distribution feeder circuits. (Companion bill is **S.B. 771** by **Parker**.)

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. 1500 (Holland) – Public Utility Commission: this is the Public Utility Commission (PUC) sunset bill. The bill, among other things, would:

1. continue the PUC until 2029;
2. provide that the PUC may prohibit public comment at a regular PUC meeting on a meeting agenda item related to a contested case;
3. require the PUC to prepare a written report on the scope of competition in the electric and telecommunications markets;
4. provide that the PUC, in consultation with the independent organization for the ERCOT power region, shall prepare and submit to the legislature an electric industry report not later than January 15 of each odd-numbered year;
5. repeal the provisions requiring the PUC to prepare a report including a statement of: (a) the number of telephone numbers included on the Texas no-call list; (b) the number of no-call lists distributed; and (c) the amount collected for requests to place telephone numbers and renew entries on the list and for distribution of the list; and
6. repeal the provision that requires the PUC to prepare a report, after consultation with each appropriate independent organization, electric reliability council, or regional transmission organization, to be filed with the legislature not later than December 31 of each even-numbered year, which must include: (a) an evaluation of the PUC’s implementation of competitive renewable energy zones; (b) the estimated cost of transmission service improvements needed for each competitive renewable energy zone; and (c) an evaluation of the effects that additional renewable generation has on system reliability and on the cost of alternatives to mitigate the effects.

(Companion bill is **S.B. 1368** by **Schwertner**.)

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. 1505 (Bell) – Texas Commission on Environmental Quality: this is the Texas Commission on Environmental Quality (TCEQ) sunset bill. The bill, among other things, would:

1. continue TCEQ until 2035;
2. create a new standard permit for temporary concrete plants that provides that TCEQ shall issue a temporary concrete plant that performs wet batching, dry batching, or central mixing to support a public works project;
3. provide that a plant operating under Number 2, above: (a) may not support a project that is not related to the public works project; (b) must be located in or contiguous to the right-of-way of the public works project; and (c) must meet the requirements of a standard permit for concrete plants that perform wet batching, dry batching, or central mixing;
4. require TCEQ to establish an enforcement diversion program for small businesses and local governments that must include, among others: (a) compliance assistance training; and (b) on-site technical assistance and training performed by TCEQ staff;
5. provide that before TCEQ initiates an enforcement action for a violation committed by a small business or local government, TCEQ may enroll the business or government into the enforcement diversion program in Number 4, above;
6. provide that TCEQ may not initiate against a small business or local government an enforcement action for a violation that prompted enrollment in the enforcement diversion program after the business or government has successfully completed the program;
7. provide that a small business or local government is not eligible to enroll in the enforcement diversion program if the small business or local government: (a) committed a violation that: (i) resulted in an imminent threat to public health; or (ii) was a major violation; or (b) was enrolled in the program in the two years preceding the date of the violation;
8. provide that if TCEQ holds a public meeting for a permit application in certain circumstances, TCEQ shall hold open the public comment period for the permit application for at least 36 hours after the end of the meeting;
9. provide that TCEQ by rule shall provide for each public notice issued or published by TCEQ or by a person under the jurisdiction of TCEQ as required by law or by TCEQ rule to include to the extent applicable, the name of the permit applicant, the type of permit applied for, and the address of each proposed or existing site subject to the proposed permit;

10. require TCEQ to post on its website at the time a permit application becomes administratively complete: (a) the permit application and any associated materials; and (b) for a permit application for a permit to use state water, any map accompanying the permit application;
11. provide that TCEQ shall require each applicant for a permit, permit amendment, or permit renewal that requires notice be published to include in the notice the address of the website where the public can access information about the permit as described by Number 10, above;
12. set requirements for programs and permits arising under the air, waste, or water programs within TCEQ's jurisdiction, including: (a) TCEQ may publish notice of a permit application by electronic means instead of by printed means; (b) if TCEQ publishes notice of a permit application by electronic means, TCEQ shall post the notice on TCEQ's website and may provide additional electronic notice through other means, including direct email; and (c) TCEQ may hold a public meeting virtually through the Internet provided that members of the general public are able to participate in the meeting;
13. provide that periodically, the environmental flows advisory group shall review the environmental flow standards for each river basin and bay system adopted by TCEQ; and
14. repeal the provisions requiring an applicant for certain permits to emit air contaminants to make a copy of the application available for review and copying at a public place in the county in which the facility or federal source is located or proposed to be located.

(Companion bill is **S.B. 1397** by **Schwertner**.)

H.B. 1565 (Canales) – **Texas Water Development Board**: this is the Texas Water Development Board (TWDB) sunset bill. The bill, among other things, would:

1. continue the TWDB until 2035;
2. require the executive administrator to evaluate the feasibility of certain projects under the state water plan every five years; and
3. provide that the TWDB may adopt procedures allowing the use of different standards of review and approval of design criteria for plans and specifications for sewerage collection, treatment, and disposal systems that require an individualized assessment that applies risk-based considerations to each project associated with the plans and specifications.

(Companion bill is **S.B. 1351** by **Perry**.)

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**.)

H.B. 2073 (Price) – Electricity Costs: would, among other things: (1) require the Public Utility Commission (PUC) to adopt rules to provide for the timely adjustment of an electric utility's fuel factor without a hearing that ensures that: (a) the utility collects as contemporaneously as reasonably possible the electric fuel and purchased power costs that the utility incurs; and (b) the utility's under-collected or over-collected balance of electric fuel and purchased power costs is collected from or refunded to customers through adjustment of the utility's fuel factor not later than the 90th day after the date the balance is accrued; (2) provide that the PUC is not required to hold a hearing on the adjustment of an electric utility's fuel factor under the bill; and (3) provide that a customer of the electric utility, a municipality with original jurisdiction over the utility, or the office may protest a fuel factor established under the bill and the sole issue of the protest that may be considered is whether the factor reasonably reflects costs the electric utility has incurred or will incur so that the utility is not substantially over-collecting or under-collecting the utility's

reasonably stated fuel and purchased power costs on an ongoing basis, including the true-up of any over- or under-collected balance. (Companion bill is **S.B. 1095** by **Schwertner**.)

H.B. 2211 (Landgraf) – Greenhouse Gases: would: (1) provide that to the extent not preempted by federal law, the state has exclusive jurisdiction over the regulation of greenhouse gas emissions in Texas; and (2) preempt a city or other political subdivision from enacting or enforcing an ordinance or other measure that directly or indirectly regulates greenhouse gas emissions. (Companion bill is **S.B. 784** by **Birdwell**.)

H.B. 2214 (Landgraf) – Emissions Reduction Plan: would adjust the percentages for which money in the Texas Emissions Reduction Plan Fund and Account can be spent as follows: (1) increase the percentage to eight percent for use for the new technology implementation grant program; (2) increase the percentage to 7.5 percent for use for the Texas clean fleet program; (3) decrease the percentage to five percent for use for the Texas natural gas vehicle grant program; and (4) decrease the percentage to 2.5 percent for use for the light-duty motor vehicle purchase or lease incentive program.

H.B. 2263 (Darby) – Natural Gas Energy Conservation Programs: would, among other things: (1) provide that a local distribution company may offer to customers and prospective customers and provide to customers an energy conservation program; (2) provide that the Railroad Commission (RRC) has exclusive original jurisdiction over energy conservation programs implemented by local distribution companies; (3) provide that a political subdivision served by a local distribution company that implements an energy conservation program approved by the RRC under the bill may not limit, restrict, or otherwise prevent an eligible customer from participating in the energy conservation program based on the type or source of energy delivered to the customer; (4) provide that a local distribution company may recover costs prudently incurred to implement one or more energy conservation programs under certain circumstances; and (5) require the RRC to adopt rules that require local distribution company that implements an energy conservation program under the bill to submit to the railroad commission an annual report.

H.B. 2288 (Patterson) – Non-Dispatchable Generation: would, among other things: (1) provide that the Public Utility Commission (PUC) shall prohibit the sale of electric energy from a non-dispatchable generation facility at wholesale in the ERCOT power region after January 1, 2030 but that the bill does not prohibit a sale of electricity as credit for surplus solar generation by public schools, interconnected distributed renewable generation, or another sale of electricity from distributed renewable generation; (2) repeal the provision that requires the PUC to require an electric utility or a transmission and distribution utility to construct or enlarge transmission or transmission-related facilities for the purpose of meeting the goal for generating capacity from renewable energy technologies; (3) repeal the provision that requires the PUC to establish a target of 10,000 megawatts of installed renewable capacity by January 1, 2025; and (4) provide that before January 1, 2023, the PUC shall: (a) suspend the goal for renewable energy to protect the reliability and operation of the grid; and (b) abolish all programs and terminate any payments or credits required for the goal for renewable energy in state law.

H.B. 2391 (Thompson) – 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. (Companion bill is **S.B. 705** by **Miles**.)

H.B. 2437 (Zwiener) – TCEQ Penalties: would, among other things: (1) increase the penalties for violations of: (a) water occupational licensing and registration requirements; (b) on-site sewage disposal systems requirements; (c) used oil collection, management, and recycling requirements; (d) environmental performance standards for plumbing fixtures requirements; and (e) irrigators requirements; (2) provide that the amount of a penalty assessed for a violation of the Manufacturing Facility Community Right-to-Know Act must be tripled if a first responder who is not employed at the facility that is the subject of the penalty, or who does not participate in a shared service agreement with another facility, is injured as a result of exposure to hazardous material while responding to an incident at the facility; and (3) provide that the civil penalty must be tripled for a person who knowingly discloses false information or negligently fails to disclose a hazard as required by the Public Employer Community Right to Know Act or the Manufacturing Facility Community Right to Know Act if a first responder who is not employed at the facility that is the subject of the penalty, or who does not participate in a shared service agreement with another facility, is injured as a result of exposure to hazardous material while responding to an incident at the facility.

H.B. 2442 (Guillen) – Certificates of Convenience and Necessity: would, among other things, provide that, for a municipally owned utility (MOU) that applies to obtain a certificate of convenience and necessity for newly incorporated or annexed areas, on the day a MOU submits an application for single certification to the Public Utility Commission, the MOU shall send, via certified mail or hand-delivery, a copy of the application to the retail public utility that provides water or sewer service to all or part of the area pursuant to a certificate of convenience and necessity.

H.B. 2460 (T. King) – Water Availability Models: would provide that not later than December 1, 2026, the Texas Commission on Environmental Quality shall obtain or develop updated water availability models for the Guadalupe, Lavaca, Nueces, San Antonio, San Jacinto, and Trinity River basins. (Companion bill is **S.B. 296** by **Perry**.)

H.B. 2483 (T. King) – TWDB Financial Assistance: would, among other things: (1) establish the water for Texas fund (Fund); (2) provide that the Texas Water Development Board (TWDB) may make disbursements from the Fund to another fund or account administered by the board, including a fund or account established by the bill, in the amounts the board determines necessary; (3) provide that the TWDB shall ensure that a portion of the money disbursed from the Fund is used for: (a) water infrastructure projects for rural political subdivisions and cities with a population of less than 150,000; and (b) projects to develop new water supply sources; (4) require the TWDB to adopt rules to establish a program to provide technical assistance to retail public utilities in conducting required water audits required and in applying for financial assistance from the board to mitigate the utility system's water loss; and (5) require the TWDB to submit to the legislature a water loss report every fifth year. (Companion bill is **S.B. 837** by **Perry**.) (See **H.J.R. 116**, below.)

H.B. 2073 (Price) – Electricity Costs: would, among other things: (1) require the Public Utility Commission (PUC) to adopt rules to provide for the timely adjustment of an electric utility's fuel factor without a hearing that ensures that: (a) the utility collects as contemporaneously as reasonably possible the electric fuel and purchased power costs that the utility incurs; and (b) the utility's under-collected or over-collected balance of electric fuel and purchased power costs is collected from or refunded to customers through adjustment of the utility's fuel factor not later than the 90th day after the date the balance is accrued; (2) provide that the PUC is not required to hold a hearing on the adjustment of an electric utility's fuel factor under the bill; and (3) provide that a customer of the electric utility, a city with original jurisdiction over the utility, or the office may protest a fuel factor established under the bill and the sole issue of the protest that may be considered is whether the factor reasonably reflects costs the electric utility has incurred or will incur so that the utility is not substantially over-collecting or under-collecting the utility's reasonably stated fuel and purchased power costs on an ongoing basis, including the true-up of any over- or under-collected balance. (Companion bill is **S.B. 1095** by **Schwertner**.)

H.B. 2524 (Thierry) – Public Utility Commission/Energy Blackouts: would require: (1) the Public Utility Commission to adopt rules to develop a process for obtaining emergency reserve power generation capacity as appropriate to prevent blackout conditions caused by shortages of generated power in the ERCOT power region; (2) the rules in (1), above, to provide: (a) parameters for estimating the amount of emergency reserve power generation capacity necessary to prevent blackout conditions; and (b) mechanisms for equitably sharing the costs of making the reserve capacity available and the costs of generated power provided to prevent blackout conditions; (3) the independent organization for the ERCOT power region to adopt procedures and enter contracts as necessary to ensure the availability of a defined amount of emergency reserve power generation capacity the organization may call on to prevent blackouts caused by shortages of generated power; and (4) the independent organization for the ERCOT power region to use all other sources of power and demand reduction available before the independent organization calls on the emergency reserve power generation capacity to prevent blackout conditions.

H.B. 2531 (Plesa) – Water and Electricity Shutoffs: would provide that: (1) not later than three hours after an electric utility intentionally shuts off electric power to a customer in response to an emergency event, the utility, or the customer's retail electric provider, as appropriate, shall notify the customer of the shutoff by e-mail or text message, which must include the following information: (a) the estimated time and date that the utility will restore electric power to the customer; and (b) whether the shutoff is part of an involuntary load shedding event; (2) not later than three hours after a municipally owned utility intentionally shuts off electric power to a customer in response to an emergency event, the utility shall notify the customer of the shutoff by e-mail or text message, which must include the following information: (a) the estimated time and date that the utility will restore electric power to the customer; and (b) whether the shutoff is part of an involuntary load shedding event; (3) not later than three hours after an electric cooperative intentionally shuts off electric power to a customer in response to an emergency event, the utility shall notify the customer of the shutoff by e-mail or text message, which must include the following information: (a) the estimated time and date that the utility will restore electric power to the customer; and (b) whether the shutoff is part of an involuntary load shedding event; and (4) not later than three hours after a retail public utility intentionally shuts off water service to a customer in response to an emergency event, the utility shall notify the customer of the shutoff by

e-mail or text message, which must include the estimated time and date that the utility will restore water service to the customer.

H.B. 2555 (Metcalf) – Electricity Resiliency Planning and Cost Recovery: would, among other things, provide that: (1) an electric utility may file, in a manner authorized by Public Utility Commission rule, a plan to enhance the resiliency of the utility’s transmission and distribution system through at least one of the following methods: (a) hardening electrical transmission and distribution facilities; (b) undergrounding certain electrical distribution lines; (c) lightning mitigation measures; (d) flood mitigation measures; (e) information technology and cybersecurity measures; (f) vegetation management; or (g) wildfire mitigation and response; (2) an electric utility may file with a plan an application for a rider to recover all or a portion of the estimated costs relating to the electric utility’s implementation of the plan; (3) if the PUC approves the plan in (1), above, the PUC shall determine the appropriate terms of the rider in the approval order; (4) a rider approved under the bill must allow the electric utility to begin recovering the levelized cost of implementing the approved plan at the time the plan is first implemented; (5) if an electric utility that files a plan with the PUC does not apply for a rider under (2), above, the utility may defer all or a portion of the costs relating to the implementation of the plan for future recovery as a regulatory asset, including carrying costs at the utility’s weighted average cost of capital established in the PUC’s final order in the utility’s most recent base rate proceeding, and use PUC authorized cost recovery alternatives or another general rate or proceeding; and (6) plan costs considered by the PUC to be reasonable and prudent may not include costs recovered through the electric utility’s base rates and must be allocated to customer classes pursuant to the rate design most recently approved by the PUC. (Companion bill is **S.B. 1111** by **Schwertner**.)

H.B. 2663 (Tepper) – Customer Choice: would, among other things: (1) provide that a municipally owned utility that opts for customer choice and does not sell electric energy to retail customers is not required to bill directly for distribution, transmission, and generation services provided to retail electric customers located in its certificated service area and a retail electric provider may provide billing services for distribution, transmission, and generation services provided to those customers; (2) repeal existing law that authorizes certain municipal owned utility customers to opt into being billed directly by each service provider or to receive a single bill for distribution, transmission, and generation services (3) provide that on its initiation of customer choice, a municipally owned utility may designate itself or one or more other entities as the provider or providers of last resort for customers within the municipally owned utility’s certificated service area as that area existed on the date of the utility’s initiation of customer choice; (4) provide that the municipally owned utility shall fulfill the role of default provider of last resort in the event no other entity is available to act in that capacity if the municipally owned utility continues to sell electric energy to retail customers after the initiation of customer choice; and (5) provide that if customer is unable to obtain service from a retail electric provider or a municipally owned utility or electric cooperative offering customer choice, on request by the customer, the applicable provider of last resort shall offer the customer the standard retail service package for the appropriate customer class, with no interruption of service, at a fixed, nondiscountable rate that is at least sufficient to cover the reasonable costs of providing that service, as approved by the governing body of the municipally owned utility that has the authority to set rates. (Companion bill is **S.B. 1170** by **Perry**.)

H.B. 2664 (Tepper) – Customer Information: would provide that a government-operated utility may disclose personal information in a customer’s account record to: (1) another entity as necessary to facilitate the transition of customers among retail electric providers or to comply with rules, guidelines, and procedures established by an independent organization certified for the ERCOT power region; or (2) a retail electric provider. (Companion bill is **S.B. 1171** by **Perry**.)

H.B. 2701 (Guillen) – Powers of Public Utility Entities: would, among other things, provide that: (1) each public entity that cooperates with one or more public entities to engage in, among other things, the disposal of sewage may: (a) make an acquisition of land, easements, and property through a purchase from a public or private entity; and (b) for the use and benefit of each participating public entity, acquire by purchase a public utility, other than an affected county; and (2) a participating public entity may withdraw from a public utility agency by providing an ordinance or resolution of the governing body of the participating public entity to the agency not later than the 180th day before the proposed date of withdrawal; (3) a participating public entity may not withdraw from a public utility agency under (2), above, if bonds, notes, or other obligations of the agency are secured by the revenues of the participating public entity, unless the agency adopts a resolution approving the withdrawal; (4) upon withdrawal, a participating public entity assumes the outstanding debt attributable to that entity from the agency on a prorated basis equal to that entity’s benefit and has, without compensation from the agency, no further rights, duties, or obligations relating to the agency or ability to receive service from the facilities of the agency; (5) a public utility agency may enter into an interlocal contract; (6) except as limited by a concurrent ordinance under which the public utility agency is created, an agency may exercise any right or power granted by general law to a county or city or a district or authority to accomplish the purposes of the agency, including issuing bonds payable from special assessments but that the bill does not authorize a public utility agency to impose a tax; and (7) liability for the facilities and management of the agency must be transferred to the agency on ownership of the facilities by the agency.

H.B. 2713 (Dean) – Electric Utility Rates: would: (1) define “employee compensation and benefits” to include base salaries, wages, incentive compensation, and benefits, but not pension, other postemployment benefits, or incentive compensation; and (2) provide that, when establishing an electric utility’s rates, the regulatory authority, including a city, shall presume that employee compensation and benefits expenses are reasonable and necessary if the expenses are consistent with recent market compensation studies not earlier than three years before the initiation of the proceedings to establish the rates. (Companion bill is **S.B. 1016** by **King**.)

H.B. 2761 (Landgraf) – Public Works Air Contaminants: would, among other things: (1) define “public work project” as a project to construct, alter, or repair a civil engineering project, including a road, street, bridge, underground utility, water supply project, water plant, wastewater plant, or airport runway or taxiway, under a contract entered into by a governmental entity under the state law governing contracting and delivery procedures for construction projects; and (2) provide that the Texas Commission on Environmental Quality (TCEQ) shall issue a standard permit, if the TCEQ finds that the permit is enforceable, for a facility that: (a) is dedicated solely to the provision of material for a public work project conducted under: (i) a single contract; or (ii) one of multiple contracts for related project segments by the same contractor; (b) is not covered by an individual permit; (c) is located in or contiguous to the right-of-way of public work project; (d) can adequately

monitor compliance with the terms of the standard permit; and (e) will use certain control technology.

H.B. 2762 (Guillen) – Public Drinking Water Supply Systems: would: (1) require the Texas Commission on Environmental Quality to adopt rules establishing 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; (2) require the rules in (1), above, to establish that eight recreational vehicle or cabin sites at a recreational vehicle park, whether occupied or not, are equivalent to one residential metered connection; and (3) provide that a retail public utility, other than a municipally owned utility, providing water or sewer service to a recreational vehicle park shall ensure that billing for the service is based on actual water usage recorded by the retail public utility.

H.B. 2774 (E. Thompson) – Water Rate Proceedings: would, among other things, provide that for the purposes of rate proceedings for water and sewer utilities: (1) if an expense is allowed to be included in utility rates or an investment is included in the utility rate base, the related income tax benefit must be included in the computation of income tax expense to reduce the rates; (2) if an expense is not allowed to be included in utility rates or an investment is not included in the utility rate base, the related income tax benefit may not be included in the computation of income tax expense to reduce the rates; and (3) the amount of income tax that a consolidated group of which a utility is a member saves, because the consolidated return eliminates the intercompany profit on purchases by the utility from an affiliate, shall be applied to reduce the cost of the property or service purchased from the affiliate.

H.B. 2787 (Gates) – Municipally Owned Water Utilities: would provide that: (1) a city may not charge a late payment fee that is more than the greater of \$5 or two percent of the amount past due, not to exceed \$500; (2) notwithstanding the provisions of a resolution or ordinance, a customer charged a late fee may appeal the charge by filing a petition with the Public Utility Commission (PUC); and (3) the PUC shall hear the appeal described in (2), above, de novo and the city charging the fee has the burden of proof to establish the fee complies with (1), above.

H.B. 2793 (Anchia) – Distributed Energy Resources: would, among other things, provide that: (1) an owner or operator of a distributed energy resource may provide energy or ancillary services in the wholesale market in the ERCOT power region through generating electricity and providing that electricity onto a distribution system only if: (a) the owner or operator is registered with the Public Utility Commission (PUC) as a power generation company; or (b) the distributed energy resource is part of an aggregated distributed energy resource and: (i) the aggregated distributed energy resource is registered in its own corporate capacity as a power generation company with the PUC, the independent organization for the ERCOT power region, and the interconnecting transmission and distribution utility; or (ii) the owner is not registered separately as a power generation company, but the distributed energy resource is operated by, and included in the registration of, a power generation company that is registered with the PUC, the independent organization for the ERCOT power region, and the interconnecting transmission and distribution utility; (2) a transmission and distribution utility may allow interconnection to a transmission and distribution utility's distribution system in the ERCOT power region only if: (a) the distributed energy resource meets applicable safety, technical, and operational performance and cybersecurity

standards; and (b) the owner or operator of the distributed energy resource meets any applicable qualifications and testing requirements of the independent organization for the ERCOT power region; (3) an interconnecting transmission and distribution utility or retail electric provider providing service to a distributed energy resource to which the bill applies is not liable for: (a) a violation of reliability or service metrics caused by distributed energy resource operations; (b) damage, injury, or loss caused by distributed energy resource operations; or (c) a distributed energy resource's inability or failure to provide services or a penalty for such inability or failure; and (4) an owner or operator of a distributed energy resource may provide energy or ancillary services in the wholesale market in the ERCOT power region through generating electricity and providing that electricity onto a distribution system in an area in which customer choice has been introduced. (Companion bill is **S.B. 1212** by **Johnson**.)

H.B. 2815 (Jetton) – **Water Districts**: would, among other things: (1) provide that the board of a water district, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed real property in the district, may adopt an order dividing the district; (2) provide that city consent to the creation of the district and to the inclusion of land in the district acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district; (3) provide that water control and improvement districts, fresh water supply districts, and municipal utility districts may not exercise the power of eminent domain outside the district boundaries to acquire: (a) a site for a water treatment plant or a wastewater treatment plant, unless the engineer for the district makes a recommendation, based on the engineer's professional judgment, to acquire the site; (b) a site for a park or recreational facility; (c) an exclusive easement through a county regional park; or (d) a site, right of way, or easement for a road project; (4) provide that the governing body of a city after notice and hearing may remove a director of a municipal management district appointed by that city for misconduct or failure to carry out the director's duties on petition by a majority of the remaining directors; (5) repeal the hearing requirement for the creation of a municipal management district; and (6) repeal the provision that states that a municipal utility district may not exercise the power of eminent domain outside the district boundaries to acquire: (a) a site for a water treatment plant, water storage facility, wastewater treatment plant, or wastewater disposal plant; (b) a site for a park, swimming pool, or other recreational facility; (c) an exclusive easement through a county regional park; or (d) a site or easement for a road project.

H.B. 2905 (Goodwin) – **Concrete Plants**: would, among other things, provide that: (1) the Texas Commission on Environmental Quality (TCEQ) shall accept written questions about the facility from the public until the 15th day before the date of the hearing or meeting; (2) not later than the 14th day before the date of the hearing or meeting, the TCEQ shall notify each city and county in which the facility is located or proposed to be located, among others, of the date, time, and place of the hearing or meeting; (3) a person authorized to use a standard permit for the production of aggregates or the operation of a concrete plant must, among other things, install equipment to monitor noise levels and emissions of air contaminants, including particulate matter with a diameter equal to or less than 2.5 microns and equal to or less than 10 microns, from the facility at three points on the perimeter of the property on which the facility is located that are as equidistant as possible, provided that: (a) one point must be at the point on the perimeter that is closest to the nearest building in use as a single-family or multifamily residence, school, place of worship, licensed day-care facility, or commercial enterprise; (b) one point must be at a point on

the perimeter of the property on which the facility is located that is upwind, based on the predominant wind direction, from the facility; and (c) the TCEQ may authorize one monitoring location to be used to satisfy the requirements of (4)(a) and (b), above; (4) a person authorized to use a standard permit for the production of aggregates or the operation of a concrete plant shall ensure that noise created by the permitted facility does not exceed: (a) 70 decibels at the points at which monitors are installed under (3), above; or (b) 65 decibels at the perimeter of a property that is: (i) a single-family or multifamily residence, school, place of worship, licensed day-care facility, or commercial enterprise; and (ii) located within 880 yards of the permitted facility; and (5) only a representative of a place of worship, licensed day-care center, licensed nursing facility, licensed assisted living facility, licensed intermediate care facility, hospital, or medical facility or a person or a person residing within 440 yards of a proposed concrete plant may request a public hearing from the TCEQ regarding the construction of a concrete plant.

H.B. 2997 (Hunter) – Criminal Offense for Damaging Critical Infrastructure: would: (1) create a criminal offense if, without the effective consent of the owner or operator of a critical infrastructure facility, the person: (a) intentionally or knowingly damages, destroys, vandalizes, or impairs the function of any critical infrastructure facility; and (b) as a result of the conduct described by (1)(a), above, causes an extended power outage; (2) provide that an offense under (1), above, is a felony of the second degree, except that the offense is a felony of the first degree if: (a) the amount of pecuniary damage to the critical infrastructure facility is \$100,000 or more; or (b) the actor uses a firearm or explosive weapon in the commission of the offense; and (3) provide that it is a felony of the first degree for manslaughter if it is shown on the trial of the offense that the defendant committed an offense under (1), above, and that conduct caused the death of an individual. (Companion bill is **S.B. 947** by **King**.)

H.B. 3010 (Zwiener) – Energy Devices: would, among other things: (1) require a city with a population of 150,000 or more, or a county with a population of 150,000 or more to implement an online and automated permitting system for residential solar energy systems that have a nameplate rating of not more than 40 kilowatts of alternating current and residential energy storage systems paired with residential solar energy systems that have a nameplate rating of not more than 40 kilowatts of alternating current; (2) provide that municipally owned utility or electric cooperative that provides interconnections for on-site small distributed generation must provide an interconnection not later than the 42nd day after the date the utility or cooperative receives a complete application for the interconnection; (3) provide that if the interconnection of on-site small distributed generation will require substantial capital upgrades to the system of a municipally owned utility or electric cooperative, the utility or cooperative shall: (a) provide to the interconnection applicant an estimate of the applicant's costs for the upgrades and a proposed schedule for the upgrades; and (b) offer to provide the upgrades under a contract with the interconnection applicant; and (4) provide that a municipally owned utility or electric cooperative may not charge an owner or operator of on-site small distributed generation that exports energy to the utility's or cooperative's system: (a) a charge for the operation and maintenance of the utility's or cooperative's facilities; (b) a distribution line charge; or (c) a transmission access or line charge, a transformation charge, or a transmission line loss charge.

H.B. 3015 (Kuempel) – Exclusive Solid Waste Franchise Agreements: would, among other things, provide that: (1) public agencies, including cities, entering into an exclusive contract or

franchise for solid waste services may limit the scope of services for the contract or franchise; (2) the right of residents or property owners to contract with private operators for services not covered by the exclusive contract in section (1), above, is preserved; and (3) if the city chooses to expand the scope of an exclusive contract or franchise it must: (a) allow private operators to continue operating under existing contracts until the end of a contract term or for two years, whichever is shorter; or (b) provide 60-days' notice to a private operator providing solid waste services without a contract that their services will be displaced by the exclusive local contractor or franchisee.

H.B. 3042 (Spiller) – Electric Utilities: would provide that: (1) when establishing an electric utility's rates, the regulatory authority, including a city, shall calculate the return on invested capital using the utility's actual proportion of long-term debt and equity capitalization as reported on the utility's most recent financial statement issued before the initiation of the applicable rate proceeding; and (2) if the electric utility's actual proportion of equity capitalization exceeds 60 percent, the regulatory authority, including a city, shall calculate the return on invested capital using an equity capitalization of 60 percent.

H.B. 3043 (Spiller) – Electric Utility Rates: would, among other things, remove regulatory authorities, including cities, from the electricity rate-making process. (Companion bill is **S.B. 1015** by **King**.)

H.B. 3047 (Thierry) – Electric Grid Resilience Study: would require the Public Utility Commission to conduct a study on electric grid resilience and emergency response in electric power generation.

H.B. 3060 (Thompson) – Recycling: would, among other things, provide that the Texas Commission on Environmental Quality (TCEQ) or another political subdivision of Texas that establishes goals or requirements for recycling or the use of recycled material must base those goals or requirements on the definitions and principles established as a waste reduction program and does not apply to a computer equipment recycling program or a television equipment recycling program.

H.B. 3061 (Zwiener) – Energy Efficiency Programs: would, among other things, provide that: (1) the comptroller and the State Energy Conservation Office by rule shall establish and administer a program to issue or guarantee loans for energy audits, upgrades, or retrofits to increase the energy efficiency of commercial buildings and residences that are not newly constructed; (2) the comptroller and the State Energy Conservation Office shall establish a home rebate program for whole-house energy savings retrofit programs that will make rebates available to eligible third-party aggregators and households, including single-family and multifamily residences, to make existing residences more energy efficient; (3) the State Energy Conservation Office may coordinate with the Public Utility Commission of Texas and electric utility providers, including electric cooperatives and municipally owned utilities, to maximize the benefits of the program established under (2), above, by combining the benefits of the program with other programs; (4) the comptroller and the State Energy Conservation Office shall establish a high-efficiency electric home rebate program for electric appliances that have an overall energy benefit to the state when installed in households, including single-family and multifamily residences; and (5) the comptroller and the State Energy Conservation Office shall establish a program to foster sustained,

cost-effective implementation of international codes, including the International Energy Conservation Code and its subsequent revisions, to the extent allowed by state law.

H.B. 3071 (Thierry) – Electricity Demand Response Program: would, among other things, require the Public Utility Commission (PUC) to adopt rules to: (1) require the independent organization for the ERCOT power region to provide the PUC not less frequently than December 1 of each odd-numbered year with an analysis of the potential demand response opportunity and penetration in the ERCOT power region; (2) promote development of demand response participation by customers in all customer classes; (3) remove barriers to demand response participation for demand response providers and for customers in all customer classes; (4) ensure that customers in all customer classes have the option to contract for participation in demand response either directly with one or more demand response providers, including retail electric providers, with scheduling entities qualified by the independent system operator, or with a combination of entities consisting of the independent system operator and one or more demand response providers; (5) establish and encourage markets, products, programs, or services for reliability demand response and other forms of demand response in wholesale and retail markets; and (6) provide opportunities for demand response providers and customers to participate in wholesale energy markets and ancillary services markets on a comparable basis with other resources, while accommodating differences in operational capabilities of various customer loads among customer classes, including but not limited to differences related to availability, dispatch notification timelines, curtailment response times, ramp rates, curtailment duration, and times required to return to service following an outage.

H.B. 3128 (Kitzman) – On-Site Sewage Disposal Systems: would, among other things: (1) provide that a person who pumps an on-site sewage disposal system or any part of an on-site sewage disposal system for compensation must hold a license or registration; and (2) provide that certain permitting requirements do not apply to an on-site sewage disposal system of a single residence that is located on a land tract that is: (a) 10 acres or larger in which the field line or sewage disposal line is not closer than 100 feet of the property line; and (b) in a county with a population of less than 40,000. (Companion bill is **S.B. 1091** by **Parker**.)

H.B. 3165 (Holland) – Land and Water Conservation Fund: would: (1) create the land and water conservation fund to award grants for farm, ranch, wildlife, or water resources conservation projects and water, wildlife, or park restoration projects; (2) provide for the transfer of certain oil and gas production tax revenue to the fund; and (3) adjust the allocations to the economic stabilization fund and the state highway fund. (See **H.J.R. 138**, below.)

H.B. 3177 (Rosenthal) – 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. 3178 (Rosenthal) – Public Utility Commission/Energy Blackouts: would require: (1) the Public Utility Commission to adopt rules to develop a process for obtaining emergency reserve power generation capacity as appropriate to prevent blackout conditions caused by shortages of generated power in the ERCOT power region; (2) the rules in (1), above, to provide: (a) parameters for estimating the amount of emergency reserve power generation capacity necessary to prevent blackout conditions; and (b) mechanisms for equitably sharing the costs of making the reserve capacity available and the costs of generated power provided to prevent blackout conditions; (3) the independent organization for the ERCOT power region to adopt procedures and enter contracts as necessary to ensure the availability of a defined amount of emergency reserve power generation capacity the organization may call on to prevent blackouts caused by shortages of generated power; and (4) the independent organization for the ERCOT power region to use all other sources of power and demand reduction available before the independent organization calls on the emergency reserve power generation capacity to prevent blackout conditions.

H.B. 3181 (Rosenthal) – Natural Gas and Weather Emergencies: would: (1) require the rules adopted by the Railroad Commission (RRC) for a gas supply chain facility operator and a gas pipeline operator to implement measures to prepare to operate during a weather emergency to include a process that allows the RRC to require a gas supply chain facility operator to implement measures recommended by the RRC in a weather emergency preparedness report; and (2) progressively increase the penalties for violations of weather emergency preparedness for gas supply chain facility operators and gas pipeline operators.

H.B. 3352 (Gerdes) – Scrap Tires: would authorize a county commissioners court in a county with a population of 150,000 or less to establish and enforce a program requiring a fleet operator, automotive dismantler, tire recapper or retreader, or tire retailer, wholesaler, or manufacturer to: (1) mark any used or scrap tires it uses as part of its operation with a unique identifying mark; (2) keep a record of a customer's retention of a used or scrap tire from the customer's vehicle when purchasing a tire for a retailer; and (3) allow for county inspection for compliance with (1) and (2), above.

H.B. 3387 (Hunter) – Distributed Energy Resources: would, among other things: (1) provide that a retail electric provider may aggregate distributed energy resources; and (2) a person may generate electricity if the person is aggregating distributed energy resources.

H.B. 3390 (Hunter) – Distributed Generation Resources: would, among other things, provide that: (1) the independent organization for the ERCOT power region may require an owner or operator of a distributed generation facility operating in the power region served by the independent organization to provide information about the distributed generation facility, as specified by the independent organization, to the owner's or operator's interconnecting electric cooperative, municipally owned utility, or transmission and distribution utility; (2) the independent organization for the ERCOT power region may require each electric cooperative, municipally owned utility, and transmission and distribution utility operating in the power region served by the independent organization to provide to the independent organization any information about distributed generation facilities or distribution-connected loads in the service territory of the electric cooperative, municipally owned utility, or transmission and distribution utility that the independent organization identifies as necessary for maintaining system reliability; and (3) the

Public Utility Commission may require an owner or operator of a distributed generation facility or an electric cooperative, municipally owned utility, or transmission and distribution utility to provide the information described by (1) and (2), above. (Companion bill is **S.B. 1295** by **Schwertner**.)

H.B. 3417 (Rogers) – Water and Sewer Service: would provide that a retail public utility, including a municipally owned utility, may initiate, transfer, or terminate a customer’s retail water or sewer service on receipt of a customer request by mail, by telephone, through an Internet website, or through another electronic transmission.

H.B. 3479 (Leach) – Broadband Funding for Public Safety and Utility Services: would direct the comptroller’s broadband development office to evaluate making funding awards to expand statewide broadband service access to facilitate communications with critical water or wastewater facilities, public safety answering points, and public safety agencies.

H.B. 3522 (M. Gonzalez) – Economically Distressed Areas Account: would provide that the total amount of financial assistance provided by the Texas Water Development Board to political subdivisions for assistance to economically distressed areas for water supply and sewer services from state-issued bonds for which repayment is not required may not exceed at any time 90 percent of the total principal amount of issued and unissued bonds plus outstanding interest on those bonds.

H.B. 3523 (M. Gonzalez) – Texas Water Development Board Bonds: would provide that the Texas Water Development Board may not issue more than \$100 million in bonds during a fiscal year for economically distressed areas for water supply and sewer service projects.

H.B. 3582 (Cody Harris) – Flood Infrastructure Fund: would: (1) provide that with certain exceptions, after the adoption of the initial state flood plan, the Texas Water Development Board may use the infrastructure fund to provide financing only for flood projects included in the state flood plan; (2) provide that money from the infrastructure fund may be awarded to several eligible political subdivisions for a single flood project; and (3) provide that the remaining balance in the Hurricane Harvey Account on September 2, 2031 is transferred to the flood infrastructure fund. (Companion bill is **S.B. 1627** by **Perry**.)

H.B. 3624 (Isaac) – Concrete Plants: would require the Texas Commission on Environmental Quality (TCEQ) to give priority when processing applications for an authorization to use a standard permit for a rock or concrete crushing facility to an operator who the TCEQ determines: (1) has previously been authorized to use a standard permit for a rock or concrete crushing facility; and (2) reclaimed the land disturbed by the rock or concrete crushing facility before the 180th day after the date the facility ceased operating. (Companion bill is **S.B. 1416** by **Johnson**.)

H.B. 3637 (Goodwin) – Load Shedding: would, among other things, require: (1) electric cooperatives, municipally owned utilities, and transmission and distribution utilities providing transmission service in the ERCOT power region to submit to each county and city in which the cooperative or utility provides service, the Public Utility Commission (PUC), and the independent organization for the ERCOT power region: (a) customers or circuits the cooperative or utility has designated as critical load; and (b) a plan for participating in load shedding in response to an

involuntary load shedding event; (2) each transmission and distribution utility, municipally owned utility, and electric cooperative to make upgrades to the distribution system operated by the utility or cooperative for the purpose of more evenly distributing involuntary load shedding; and (3) the PUC to adopt rules requiring electric cooperatives, municipally owned utilities, and transmission and distribution utilities to designate the following types of facilities as critical load public safety customers, as defined by PUC rule: (a) long-term care facilities; (b) food pantries; (c) homeless shelters; (d) temporary shelters identified by the county; (e) critical telecommunications facilities; (f) critical water or wastewater facilities; and (g) hospital facilities.

H.B. 3658 (Isaac) – Air Contaminants: would provide that the Texas Commission on Environmental Quality by rule shall require a person holding a permit for the operation of a facility used for the production of aggregates or concrete crushing, or for the operation of a concrete plant that performs wet batching, dry batching, or central mixing to conduct fence-line or property-line monitoring of emissions of air contaminants from the permitted facility.

H.B. 3707 (Patterson) – 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 Utility 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 city 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. (Companion bill is **S.B. 624** by **Kolkhorst**.)

H.B. 3737 (Metcalf) – Electricity Supply Chain: would: (1) require each electric utility and municipally owned utility to provide the utility’s service area boundary map in a geographic information system format to the Public Utility Commission; (2) add to the definition of “electricity supply chain” roads necessary to access facilities in the electricity supply chain; (3) provide that a reference in the bill to the “electricity supply chain” includes water and wastewater treatment plants; (4) add the executive director of the Texas Department of Transportation to the Texas Electricity Supply Chain Security and Mapping Committee (Committee); and (5) provide that, on request, the Committee shall provide view-only access to the electricity supply chain map to: (a) an electric utility, a transmission and distribution utility, an electric cooperative, or a municipally owned utility; (b) an operator of a gas supply chain facility; or (c) an operator of a gas pipeline facility. (Companion bill is **S.B. 1093** by **Schwertner**.)

H.B. 3810 (Landgraf) – Public Water Systems: would provide that if the event may negatively impact the production or delivery of safe and adequate drinking water, an owner, agent, manager, operator, or other person in charge of a public water supply system that furnishes water for public or private use or a wastewater system that provides wastewater services for public or private use shall maintain internal procedures to notify the Texas Commission on Environmental Quality immediately of a condition that has caused or could cause a public water supply outage or a public water supply system to issue a boil water notice, a do-not-use advisory, or a do-not-consume advisory.

H.B. 3812 (Jetton) – Texas Infrastructure Fund: would, among other things: (1) establish the Texas Infrastructure Fund (TIF); (2) provide for use of TIF funds to award grants to public or private entities for infrastructure projects involving water, ports, marine infrastructure, broadband, highways, toll road, bridges, aviation, rail, or transit; (3) direct the comptroller to establish a TIF oversight committee consisting of certain statewide officials; (4) direct the comptroller to award TIF grants in a manner that: (a) take into account oversight committee recommendations; (b) ensure the amount of TIF grants awarded for a specific type of infrastructure project does not exceed 50% of TIF fund; (c) promote and support financially viable and diverse infrastructure financing options; and (d) reduce reliance on the issuance of general obligation bonds supported with state general revenue; and (5) direct the comptroller to adopt TIF funding rules, including eligibility, application procedures, evaluation and award criteria, grant amounts, matching fund conditions, and monitoring use of grant funds and ensuring compliance with required conditions.

H.B. 3941 (Goodwin) – Infrastructure Improvements: would provide that: (1) not later than May 1 of each year, each municipally owned utility shall submit to the Public Utility Commission a report describing the utility’s activities related to: (a) identifying areas that are susceptible to damage during severe weather and hardening transmission and distribution facilities in those areas; (b) vegetation management; and (c) inspecting distribution poles; and (2) the municipally owned utility shall include in the report in (1), above, a summary of the utility’s activities related to preparing for emergency operations.

H.B. 3943 (Goodwin) – Third Party Outage Auditor: would, among other things: (1) define “extended power outage” as a power outage lasting five days or more; (2) provide that the resiliency of a municipally owned electric utility system or an electric cooperative must be audited by an professionally certified independent third party auditor if an extended power outage affects 10 percent or more of its retail customers; and (3) provide that after an audit under the bill is completed, the city that owns the utility shall make the audit report publicly available.

H.B. 3953 (Zwiener) – County Water Conservation Program: would, among other things: (1) provide that a county may adopt a water conservation program that applies to the unincorporated area of the county or areas within the extraterritorial jurisdiction of a city only: (a) rules for residential water use restrictions; and (b) water conservation standards applicable to the residential development of a subdivision of a tract of land, the development of which begins after August 31, 2023; and (2) provide that to the extent of a conflict between a county order adopted under (1), above, and a municipal ordinance regulating the same conduct, the ordinance prevails.

H.B. 4118 (Turner) – Gas Utilities: would provide that: (1) a regulatory authority (including a city) shall require gas utilities that serve residential customers to provide an adequate amount of pipeline pressure in distribution gas pipeline facilities that serve those customers during an extreme weather emergency; (2) if a gas utility violates (1), above, for at least six consecutive hours, the regulatory authority shall require the gas utility to provide to each affected residential customer a \$100 rebate for each consecutive six-hour period in which the violation continued; (3) a civil penalty shall be in the amount of \$1 million for each violation of (1), above; and (4) a city may file a suit to recover the civil penalty if the gas utility or affiliate in violation of (1), above, is regulated by the city.

H.B. 4207 (Troxclair) – Municipally Owned Utility Vegetation Management: would: (1) provide that a city may not transfer revenue from a municipal utility that provides electric service to the general fund of the city in a fiscal year if the Public Utility Commission (PUC) determines under (3), below, that the utility’s vegetation management activities are insufficient to ensure reliable service in that year; (2) require each municipally owned utility to submit to the PUC a report describing the utility’s activities related to: (a) identifying areas that are susceptible to damage during severe weather and hardening transmission and distribution facilities in those areas; (b) vegetation management; and (c) inspecting distribution poles; and (3) require the PUC to evaluate each report submitted by a municipally owned utility under (2), above, and notify the utility if the PUC determines that the utility’s vegetation management activities are insufficient to ensure reliable service.

H.B. 4211 (Troxclair) – Municipally Owned Utility Wholesale Electricity: would provide that a municipally owned utility may not sell electric energy at wholesale if the utility has, during the preceding five municipal fiscal years, earned less revenue from wholesale sales in the electricity market than the utility has spent.

H.B. 4217 (Troxclair) – Public Utility Agencies: would provide that: (1) in a county with fewer than one million utility connections, a public utility agency may: (a) own, hold, lease, or otherwise acquire water; (b) build, operate, or maintain pipelines to transport water or wastewater; (c) build and operate plants and equipment necessary to distribute water or to treat and dispose of wastewater; (d) sell water or provide wastewater services to a political subdivision, a private corporation, or an individual; (e) establish and enforce reasonable customer water conservation practices and prohibit excessive or wasteful customer uses of potable water; and (f) acquire, for the use and benefit of the agency, land, easements, and property by purchase; (2) in a county with fewer than one million utility connections, a public utility agency has the power of eminent domain to acquire by condemnation, for the use and benefit of the agency, land, easements, and property inside or outside the boundaries of the certificated service area of the public utility agency, necessary for water, sanitary sewer, storm drainage, or flood drainage or control purposes or for any other of its projects or purposes; and (3) the power of eminent domain shall be exercised in the manner provided for in state law except that the public utility agency is not required to: (a) give bond for appeal or bond for costs in any condemnation suit or other suit to which it is a party; or (b) deposit more than the amount of any award in any suit.

H.J.R. 116 (T. King) – Water Project Funding: would amend the Texas Constitution to create the water for Texas fund to be administered by the Texas Water Development Board to assist in financing water projects in this state. (See **H.B. 2483**, above.)

H.J.R. 119 (Goodwin) – Right to Clean and Healthy Environment: would amend the Texas Constitution to provide that: (1) the public, individually and collectively, has the right to a clean and healthy environment, including clean water, clean air, healthy soil, and diverse and abundant native flora and fauna, and to the preservation of the natural, cultural, scenic, recreational, and healthful qualities of the environment; (2) the right to a clean and healthy environment is inherent, inalienable, indefeasible, and equal with other protected inalienable rights of liberty reserved to the public and the state shall equitably protect this right for the public and may not take any action to infringe on this right; (3) the public natural resources of Texas are the common property of all

persons, including future generations; and (4) the state, including the legislative, judicial, and executive branches and each state agency and political subdivision, shall conserve, protect, and maintain the state's public natural resources for the benefit of the public, including future generations.

H.J.R. 138 (Holland) – **Land and Water Conservation Fund**: would amend the Texas Constitution to: (1) establish the land and water conservation fund; (2) provide for the transfer of certain oil and gas production tax revenue to the fund; and (3) adjust the allocations to the economic stabilization fund and the state highway fund. (See **H.B. 3165**, above.)

H.J.R. 125 (Ashby) – **Broadband Funding**: would call for a constitutional amendment to: (1) establish the Broadband Infrastructure Fund (BIF) to be administered by the comptroller to provide financing for projects to develop and improve broadband and telecommunications services, including the construction, reconstruction, and expansion of broadband and telecommunications infrastructure or services, the operation of broadband and telecommunications infrastructure, and the provision of such services, as determined by the comptroller and the Public Utility Commission; (2) direct the appropriation of up to \$5 billion from the economic stabilization fund to the BIF; and (3) expire on January 1, 2025. (Companion bill is **H.B. 9** by Ashby.)

H.J.R. 130 (T. King) – **Water Supply Financial Assistance**: would amend the Texas Constitution to create the Texas water fund to be administered by the Texas Water Development Board. (See **H.B. 10**, above.)

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 Perez**.)

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. (Companion bill is **H.B. 1412** by **Schaefer**.)

S.B. 296 (Perry) – Water Availability Models: would provide that not later than December 1, 2026, the Texas Commission on Environmental Quality shall obtain or develop updated water availability models for the Guadalupe, Lavaca, Nueces, San Antonio, San Jacinto, and Trinity River basins. (Companion bill is **H.B. 2460** by **T. King**.)

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.

S.B. 771 (Parker) – Electric Municipally Owned Utilities: would provide that a municipally owned electric utility is not required to designate a transmission operator for compliance with load shedding duties and related obligations established by ERCOT if the municipally owned utility: (1) is owned by a city with a population of less than 25,000; (2) has an annual peak demand of 25 megawatts or less; and (3) operates 10 or fewer distribution feeder circuits. (Companion bill is **H.B. 1264 by Stucky.**)

S.B. 784 (Birdwell) – Greenhouse Gas: would: (1) provide that to the extent not preempted by federal law, the state has exclusive jurisdiction over the regulation of greenhouse gas emissions in Texas; and (2) preempt a city or other political subdivision from enacting or enforcing an ordinance or other measure that directly or indirectly regulates greenhouse gas emissions. (Companion bill is **H.B. 2211 by Landgraf.**)

S.B. 788 (Eckhardt) – Environmental Justice Commission: would, among other things: (1) provide that when Texas Commission on Environmental Quality (TCEQ) is considering a permit within three miles of an environmental justice community, that the Office of Environmental Justice (OEJ) shall provide a recommendation not later than the 7th day after the last day of the public comment period applicable to the permit to TCEQ on whether the permit should be issued and shall, in making its recommendation, consider: (a) whether the cumulative effects of pollution from the proposed permitted facility or change to an existing facility on the affected environmental justice community exceed the statewide average; and (b) any existing or anticipated vulnerabilities in the affected environmental justice community; and (2) provide that TCEQ shall consider the

recommendation of the OEJ in making its determination about whether to issue a permit in addition to other factors required by law.

S.B. 816 (Alvarado) – 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. (Companion bill is **H.B. 759** by **Walle**.)

S.B. 817 (Alvarado) – Concrete Plants: would provide that the Texas Commission on Environmental Quality 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. (Companion bill is **H.B. 758** by **Walle**.)

S.B. 837 (Perry) – TWDB Financial Assistance: would, among other things: (1) establish the water for Texas fund (Fund); (2) provide that the Texas Water Development Board (TWDB) may make disbursements from the Fund to another fund or account administered by the board, including a fund or account established by the bill, in the amounts the board determines necessary; (3) provide that the TWDB shall ensure that a portion of the money disbursed from the Fund is used for: (a) water infrastructure projects for rural political subdivisions and cities with a population of less than 150,000; and (b) projects to develop new water supply sources; (4) require the TWDB to adopt rules to establish a program to provide technical assistance to retail public utilities in conducting required water audits required and in applying for financial assistance from the board to mitigate the utility system’s water loss; and (5) require the TWDB to submit to the legislature a water loss report every fifth year. (See **S.J.R. 43**, below.)

S.B. 845 (Blanco) – Affirmative Defenses: would repeal the following provisions providing for affirmative defenses under Clean Air Act for emissions events: (1) the Texas Commission on Environmental Quality (TCEQ) by rule may establish an affirmative defense to a TCEQ enforcement action if the emissions event meets criteria defined by TCEQ rule, which must include the following factors: (a) the frequency of the facility’s emissions events; (b) the cause of the emissions event; (c) the quantity and impact on human health or the environment of the emissions event; (d) the duration of the emissions event; (e) the percentage of a facility’s total annual operating hours during which emissions events occur; and (f) the need for startup, shutdown, and maintenance activities; and (2) a person may not claim an affirmative defense to a TCEQ enforcement action if the person failed to take corrective action under a corrective action plan approved by TCEQ within the time prescribed by TCEQ and an emissions event recurs because of that failure.

S.B. 893 (Zaffirini) – Water CCN: would provide that: (1) the executive director of the Public Utility Commission (PUC), at the discretion of the executive director or at the request of the certificate holder, may make a correction to a certificate of public convenience and necessity, without observing formal amendment procedures, by reissuing the certificate or issuing an endorsement to the certificate; (2) the executive director shall notify the certificate holder that the correction has been made and ensure that the reissued certificate or endorsement is recorded in the

PUC's records; (3) the executive director may make a correction under (1), above, only: (a) to correct a clerical or typographical error; (b) to change the mailing address of the certificate holder to match updated contact information provided by the certificate holder; (c) to change the name of an incorporated certificate holder on a certificate if: (i) an amendment to the certificate holder's articles of incorporation or certificate of formation, as applicable, is filed with the secretary of state that only changes the name of the certificate holder; and (ii) the certificate holder provides verification from the secretary of state to the PUC that the amendment only changed the name of the certificate holder; (d) to describe accurately the boundaries of the certificated area; (e) to correct a mapping error in a certificate to reflect the metes and bounds of the certificated area; or (f) to correct another similar nonsubstantive error or matter if authorized by the PUC by rule; and (4) the notice and hearing requirements to not apply to a correction under (1), above.

S.B. 894 (Zaffirini) – 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. (Companion bill is **H.B. 874** by **Bowers**.)

S.B. 947 (King) – Criminal Offense for Damaging Critical Infrastructure: would: (1) create a criminal offense if, without the effective consent of the owner or operator of a critical infrastructure facility, the person: (a) intentionally or knowingly damages, destroys, vandalizes, or impairs the function of any critical infrastructure facility; and (b) as a result of the conduct described by (1)(a), above, causes an extended power outage; (2) provide that an offense under (1), above, is a felony of the second degree, except that the offense is a felony of the first degree if: (a) the amount of pecuniary damage to the critical infrastructure facility is \$100,000 or more; or (b) the actor uses a firearm or explosive weapon in the commission of the offense; and (3) provide that it is a felony of the first degree for manslaughter if it is shown on the trial of the offense that the defendant committed an offense under (1), above, and that conduct caused the death of an individual.

S.B. 973 (West) – Criminal Offense for Damaging Gas Meters: would provide that: (1) it is a state jail felony for criminal mischief if the amount of pecuniary loss is less than \$2,500, if: (a) the property damaged or destroyed is a meter installed by a gas utility on the property of a residence, including a meter installed on the property of an apartment, a leased or owner-occupied condominium, or a building that receives gas utility service that is master metered; and (b) the damage or destruction is caused by discharging a firearm; (2) it is a felony of the third degree for criminal mischief if the offense is punishable under (1), above, and as a direct result of the commission of the offense an individual suffered serious bodily injury or death; and (3) it is a felony of the third degree for criminal mischief if the offense is punishable under (1), above, and as a direct result of the commission of the offense an individual suffered serious bodily injury or death.

S.B. 1015 (King) – Electric Utility Rates: would, among other things, remove regulatory authorities (including cities) from the electricity rate-making process.

S.B. 1016 (King) – Electric Utility Rates: would: (1) define “employee compensation and benefits” to include base salaries, wages, incentive compensation, and benefits, but not pension, other postemployment benefits, or incentive compensation; and (2) provide that, when establishing an electric utility’s rates, the regulatory authority (including a city) shall presume that employee compensation and benefits expenses are reasonable and necessary, if the expenses are consistent with recent market compensation studies not earlier than three years before the initiation of the proceedings to establish the rates.

S.B. 1050 (Hughes) – Natural Gas Energy Conservation Programs: would, among other things: (1) provide that a local distribution company may offer to customers and prospective customers and provide to customers an energy conservation program; (2) provide that the Railroad Commission (RRC) has exclusive original jurisdiction over energy conservation programs implemented by local distribution companies; (3) provide that a political subdivision served by a local distribution company that implements an energy conservation program approved by the RRC under the bill may not limit, restrict, or otherwise prevent an eligible customer from participating in the energy conservation program based on the type or source of energy delivered to the customer; (4) provide that a local distribution company may recover costs prudently incurred to implement one or more energy conservation programs under certain circumstances; and (5) require the RRC to adopt rules that require local distribution company that implements an energy conservation program under the bill to submit to the RRC an annual report. (Companion bill is **H.B. 2263** by Darby.)

S.B. 1091 (Parker) – On-Site Sewage Disposal Systems: would, among other things: (1) provide that a person who pumps an on-site sewage disposal system or any part of an on-site sewage disposal system for compensation must hold a license or registration; and (2) provide that certain permitting requirements do not apply to an on-site sewage disposal system of a single residence that is located on a land tract that is: (a) 10 acres or larger in which the field line or sewage disposal line is not closer than 100 feet of the property line; and (b) in a county with a population of less than 40,000.

S.B. 1093 (Schwertner) – Electricity Supply Chain: would: (1) require each electric utility and municipally owned utility to provide the utility’s service area boundary map in a geographic information system format to the Public Utility Commission; (2) add to the definition of “electricity supply chain” roads necessary to access facilities in the electricity supply chain; (3) provide that a reference in the bill to the “electricity supply chain” includes water and wastewater treatment plants; (4) add the executive director of the Texas Department of Transportation to the Texas Electricity Supply Chain Security and Mapping Committee (Committee); and (5) provide that, on request, the Committee shall provide view-only access to the electricity supply chain map to: (a) an electric utility, a transmission and distribution utility, an electric cooperative, or a municipally owned utility; (b) an operator of a gas supply chain facility; or (c) an operator of a gas pipeline facility.

S.B. 1095 (Schwertner) – Electricity Costs: would, among other things: (1) require the Public Utility Commission (PUC) to adopt rules to provide for the timely adjustment of an electric utility’s fuel factor without a hearing that ensures that: (a) the utility collects as contemporaneously as reasonably possible the electric fuel and purchased power costs that the utility incurs; and (b)

the utility's under-collected or over-collected balance of electric fuel and purchased power costs is collected from or refunded to customers through adjustment of the utility's fuel factor not later than the 90th day after the date the balance is accrued; (2) provide that the PUC is not required to hold a hearing on the adjustment of an electric utility's fuel factor under the bill; and (3) provide that a customer of the electric utility, a city with original jurisdiction over the utility, or the office may protest a fuel factor established under the bill and the sole issue of the protest that may be considered is whether the factor reasonably reflects costs the electric utility has incurred or will incur so that the utility is not substantially over-collecting or under-collecting the utility's reasonably stated fuel and purchased power costs on an ongoing basis, including the true-up of any over- or under-collected balance. (Companion bill is **H.B. 2073** by **Price**.)

S.B. 1111 (Schwertner) – Electricity Resiliency Planning and Cost Recovery: would, among other things, provide that: (1) an electric utility may file, in a manner authorized by Public Utility Commission rule, a plan to enhance the resiliency of the utility's transmission and distribution system through at least one of the following methods: (a) hardening electrical transmission and distribution facilities; (b) undergrounding certain electrical distribution lines; (c) lightning mitigation measures; (d) flood mitigation measures; (e) information technology and cyber security measures; (f) vegetation management; or (g) wildfire mitigation and response; (2) an electric utility may file with a plan an application for a rider to recover all or a portion of the estimated costs relating to the electric utility's implementation of the plan; (3) if the PUC approves the plan in (1), above, the PUC shall determine the appropriate terms of the rider in the approval order; (4) a rider approved under the bill must allow the electric utility to begin recovering the levelized cost of implementing the approved plan at the time the plan is first implemented; (5) if an electric utility that files a plan with the PUC does not apply for a rider under (2), above, the utility may defer all or a portion of the costs relating to the implementation of the plan for future recovery as a regulatory asset, including carrying costs at the utility's weighted average cost of capital established in the PUC's final order in the utility's most recent base rate proceeding, and use PUC authorized cost recovery alternatives or another general rate or proceeding; and (6) plan costs considered by the PUC to be reasonable and prudent may not include costs recovered through the electric utility's base rates and must be allocated to customer classes pursuant to the rate design most recently approved by the PUC. (Companion bill is **H.B. 2555** by **Metcalf**.)

S.B. 1114 (Hancock) – Ban on Regulation of Products for Emissions Reduction: would prohibit political subdivisions, including cities, from adopting or enforcing any measure or entering a contract that prohibits or restricts the use or sale of a product that is otherwise permitted by state and federal law for the purpose of reducing greenhouse gas emissions or conserving natural resources.

S.B. 1117 (Hancock) – 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. (Companion bill is **H.B. 1303** by **Geren**.)

S.B. 1170 (Perry) – Customer Choice: would, among other things: (1) provide that a municipally owned utility that opts for customer choice and does not sell electric energy to retail customers is not required to bill directly for distribution, transmission, and generation services provided to retail electric customers located in its certificated service area and a retail electric provider may provide billing services for distribution, transmission, and generation services provided to those customers; (2) repeal existing law that authorizes certain municipal owned utility customers to opt into being billed directly by each service provider or to receive a single bill for distribution, transmission, and generation services; (3) provide that on its initiation of customer choice, a municipally owned utility may designate itself or one or more other entities as the provider or providers of last resort for customers within the municipally owned utility’s certificated service area as that area existed on the date of the utility’s initiation of customer choice; (4) provide that the municipally owned utility shall fulfill the role of default provider of last resort in the event no other entity is available to act in that capacity if the municipally owned utility continues to sell electric energy to retail customers after the initiation of customer choice; and (5) provide that if customer is unable to obtain service from a retail electric provider or a municipally owned utility or electric cooperative offering customer choice, on request by the customer, the applicable provider of last resort shall offer the customer the standard retail service package for the appropriate customer class, with no interruption of service, at a fixed, nondiscountable rate that is at least sufficient to cover the reasonable costs of providing that service, as approved by the governing body of the municipally owned utility that has the authority to set rates. (Companion bill is **H.B. 2663** by **Tepper**.)

S.B. 1171 (Perry) – Customer Information: would provide that a government-operated utility may disclose personal information in a customer’s account record to: (1) another entity as necessary to facilitate the transition of customers among retail electric providers or to comply with rules, guidelines, and procedures established by an independent organization certified for the ERCOT power region; or (2) a retail electric provider. (Companion bill is **H.B. 2264** by **Tepper**.)

S.B. 1175 (Eckhardt) – Concrete Plants: would provide that a representative of a school, place of worship, licensed day-care center, hospital, nursing facility, 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.

S.B. 1212 (Johnson) – Distributed Energy Resources: would, among other things, provide that: (1) an owner or operator of a distributed energy resource may provide energy or ancillary services in the wholesale market in the ERCOT power region through generating electricity and providing that electricity onto a distribution system only if: (a) the owner or operator is registered with the Public Utility Commission (PUC) as a power generation company; or (b) the distributed energy resource is part of an aggregated distributed energy resource and: (i) the aggregated distributed energy resource is registered in its own corporate capacity as a power generation company with the PUC, the independent organization for the ERCOT power region, and the interconnecting transmission and distribution utility; or (ii) the owner is not registered separately as a power generation company, but the distributed energy resource is operated by, and included in the registration of, a power generation company that is registered with the PUC, the independent organization for the ERCOT power region, and the interconnecting transmission and distribution utility; (2) a transmission and distribution utility may allow interconnection to a transmission and distribution utility’s distribution system in the ERCOT power region only if: (a) the distributed

energy resource meets applicable safety, technical, and operational performance and cybersecurity standards; and (b) the owner or operator of the distributed energy resource meets any applicable qualifications and testing requirements of the independent organization for the ERCOT power region; (3) an interconnecting transmission and distribution utility or retail electric provider providing service to a distributed energy resource to which the bill applies is not liable for: (a) a violation of reliability or service metrics caused by distributed energy resource operations; (b) damage, injury, or loss caused by distributed energy resource operations; or (c) a distributed energy resource's inability or failure to provide services or a penalty for such inability or failure; and (4) an owner or operator of a distributed energy resource may provide energy or ancillary services in the wholesale market in the ERCOT power region through generating electricity and providing that electricity onto a distribution system in an area in which customer choice has been introduced. (Companion bill is **H.B. 2793** by **Anchia**.)

S.B. 1291 (King) – **Electric or Gas Ratemaking**: would repeal the provisions providing that a gas utility or an electric utility in a ratemaking proceeding shall reimburse the governing body of the city for the reasonable cost of the services for consultants, accountants, auditors, attorneys, and engineers.

S.B. 1295 (Schwertner) – **Distributed Generation Resources**: would, among other things, provide that: (1) the independent organization for the ERCOT power region may require an owner or operator of a distributed generation facility operating in the power region served by the independent organization to provide information about the distributed generation facility, as specified by the independent organization, to the owner's or operator's interconnecting electric cooperative, municipally owned utility, or transmission and distribution utility; (2) the independent organization for the ERCOT power region may require each electric cooperative, municipally owned utility, and transmission and distribution utility operating in the power region served by the independent organization to provide to the independent organization any information about distributed generation facilities or distribution-connected loads in the service territory of the electric cooperative, municipally owned utility, or transmission and distribution utility that the independent organization identifies as necessary for maintaining system reliability; and (3) the Public Utility Commission may require an owner or operator of a distributed generation facility or an electric cooperative, municipally owned utility, or transmission and distribution utility to provide the information described by (1) and (2), above. (Companion bill is **H.B. 3390** by **Hunter**.)

S.B. 1328 (Blanco) – **Scrap Tires**: would, among other things: (1) authorize the Texas Commission on Environmental Quality (TCEQ) to register storage sites containing more than 200 used or scrap tires; (2) prohibit a person from storing more than 200 used or scrap tires for any period on any property unless the person registers the storage site with TCEQ; (3) prohibit a person from storing more than 200 used or scrap tires or dispose of any quantity of scrap tires unless the tires are shredded, split, or quartered as provided by TCEQ rule; (4) provide that storing scrap tires, without registering with or obtaining a TCEQ permit, or in conditions that release or threaten to release a hazardous substance, or cause or threaten to cause air or water pollution or a substantial diminution in value of nearby real property, constitutes a common nuisance; (5) exempt storage of used or scrap tires for the production or protection of agricultural commodities, or by certain energy recovery, and city or county-licensed recycling and landfill facilities; and (6) exempt

temporary storage of scrap and used tires in violation of (2) and (3), above, under certain circumstances.

S.B. 1334 (Creighton) – Municipal Rate Discrimination: would prohibit a city from establishing a higher rate for water or sewer utilities that applies only to entities that qualify for a sales tax or property tax exemption.

S.B. 1351 (Perry) – Texas Water Development Board: this is the Texas Water Development Board (TWDB) sunset bill. The bill, among other things, would:

1. continue the TWDB until 2035;
2. require the executive administrator to evaluate the feasibility of certain projects under the state water plan every five years; and
3. provide that the TWDB may adopt procedures allowing the use of different standards of review and approval of design criteria for plans and specifications for sewerage collection, treatment, and disposal systems that require an individualized assessment that applies risk-based considerations to each project associated with the plans and specifications.

(Companion bill is **H.B. 1565** by Canales.)

S.B. 1366 (Creighton) – Flood Infrastructure Fund: would provide that: (1) each time the comptroller reduces an amount to be transferred to the economic stabilization fund, the comptroller shall transfer to the credit of the flood infrastructure fund an amount of general revenue equal to the amount by which the comptroller reduced the amount of the transfer to the economic stabilization fund; and (2) each time the comptroller credits an amount to general revenue under certain circumstances, the comptroller shall transfer an equal amount of general revenue to the credit of the flood infrastructure fund.

S.B. 1368 (Schwertner) – Public Utility Commission: this is the Public Utility Commission (PUC) sunset bill. The bill, among other things, would:

1. continue the PUC until 2029;
2. provide that the PUC may prohibit public comment at a regular PUC meeting on a meeting agenda item related to a contested case;
3. require the PUC to prepare a written report on the scope of competition in the electric and telecommunications markets;
4. provide that the PUC, in consultation with the independent organization for the ERCOT power region, shall prepare and submit to the legislature an electric industry report not later than January 15 of each odd-numbered year;

5. repeal the provisions requiring the PUC to prepare a report including a statement of: (a) the number of telephone numbers included on the Texas no-call list; (b) the number of no-call lists distributed; and (c) the amount collected for requests to place telephone numbers and renew entries on the list and for distribution of the list; and
6. repeal the provision that requires the PUC to prepare a report, after consultation with each appropriate independent organization, electric reliability council, or regional transmission organization, to be filed with the legislature not later than December 31 of each even-numbered year, which must include: (a) an evaluation of the PUC's implementation of competitive renewable energy zones; (b) the estimated cost of transmission service improvements needed for each competitive renewable energy zone; and (c) an evaluation of the effects that additional renewable generation has on system reliability and on the cost of alternatives to mitigate the effects.

(Companion bill is **H.B. 1500** by **Holland**.)

S.B. 1378 (Parker) – Backup Generation: would, among other things: (1) establish a program to allow the comptroller, in consultation with the Public Utility Commission, to contract with entities for the construction and operation of at least 5,000 megawatts of generating capacity powered by nuclear energy or natural gas for the ERCOT power region; and (2) provide that the comptroller may contract with one or more entities to construct or operate backup generation facilities.

S.B. 1397 (Schwertner) – Texas Commission on Environmental Quality: this is the Texas Commission on Environmental Quality (TCEQ) sunset bill. The bill, among other things, would:

1. continue TCEQ until 2035;
2. create a new standard permit for temporary concrete plants that provides that TCEQ shall issue a temporary concrete plant that performs wet batching, dry batching, or central mixing to support a public works project;
3. provide that a plant operating under Number 2, above: (a) may not support a project that is not related to the public works project; (b) must be located in or contiguous to the right-of-way of the public works project; and (c) must meet the requirements of a standard permit for concrete plants that perform wet batching, dry batching, or central mixing;
4. require TCEQ to establish an enforcement diversion program for small businesses and local governments that must include, among others: (a) compliance assistance training; and (b) on-site technical assistance and training performed by TCEQ staff;
5. provide that before TCEQ initiates an enforcement action for a violation committed by a small business or local government, TCEQ may enroll the business or government into the enforcement diversion program in Number 4, above;

6. provide that TCEQ may not initiate against a small business or local government an enforcement action for a violation that prompted enrollment in the enforcement diversion program after the business or government has successfully completed the program;
7. provide that a small business or local government is not eligible to enroll in the enforcement diversion program if the small business or local government: (a) committed a violation that: (i) resulted in an imminent threat to public health; or (ii) was a major violation; or (b) was enrolled in the program in the two years preceding the date of the violation;
8. provide that if TCEQ holds a public meeting for a permit application in certain circumstances, TCEQ shall hold open the public comment period for the permit application for at least 36 hours after the end of the meeting;
9. provide that TCEQ by rule shall provide for each public notice issued or published by TCEQ or by a person under the jurisdiction of TCEQ as required by law or by TCEQ rule to include to the extent applicable, the name of the permit applicant, the type of permit applied for, and the address of each proposed or existing site subject to the proposed permit;
10. require TCEQ to post on its website at the time a permit application becomes administratively complete: (a) the permit application and any associated materials; and (b) for a permit application for a permit to use state water, any map accompanying the permit application;
11. provide that TCEQ shall require each applicant for a permit, permit amendment, or permit renewal that requires notice be published to include in the notice the address of the website where the public can access information about the permit as described by Number 10, above;
12. set requirements for programs and permits arising under the air, waste, or water programs within TCEQ's jurisdiction, including: (a) TCEQ may publish notice of a permit application by electronic means instead of by printed means; (b) if TCEQ publishes notice of a permit application by electronic means, TCEQ shall post the notice on TCEQ's website and may provide additional electronic notice through other means, including direct e-mail; and (c) TCEQ may hold a public meeting virtually through the Internet provided that members of the general public are able to participate in the meeting;
13. provide that periodically, the environmental flows advisory group shall review the environmental flow standards for each river basin and bay system adopted by TCEQ; and
14. repeal the provisions requiring an applicant for certain permits to emit air contaminants to make a copy of the application available for review and copying at a public place in the county in which the facility or federal source is located or proposed to be located.

(Companion bill is **H.B. 1505** by Bell.)

S.B. 1398 (Schwertner) – Concrete Plants: would: (1) require the Texas Commission on Environmental Quality (TCEQ) to adopt rules requiring as a condition of issuing or approving the use of a permit for concrete batch plants and standard permits under the Clean Air Act that the applicant: (a) submit with the application a plan for: (i) reclaiming the land disturbed by the operation of the facility; (ii) maintaining safe lanes for ingress to and egress from the facility; and (iii) monitoring and mitigating sound created by the operation of the facility; and (b) comply with the plan submitted under (1)(a), above; (2) require TCEQ to establish a system to track complaints received about a facility with a standard permit or standard permit for certain concrete plants; and (3) provide that if TCEQ receives a significant number of complaints about noise or dust emitted from the facility under (2), above, TCEQ may require the operator of the facility to, as applicable: (a) mitigate sound emitted from the facility; or (b) minimize dust emissions by spraying vehicles leaving the facility with water or dust-suppressant chemicals or implementing other dust control measures as necessary.

S.B. 1416 (Johnson) – Concrete Plants: would require the Texas Commission on Environmental Quality (TCEQ) to give priority when processing applications for an authorization to use a standard permit for a rock or concrete crushing facility to an operator who the TCEQ determines: (a) has previously been authorized to use a standard permit for a rock or concrete crushing facility; and (b) reclaimed the land disturbed by the rock or concrete crushing facility before the 180th day after the date the facility ceased operating.

S.B. 1519 (King) – Weather Emergency Preparedness: would require the Public Utility Commission to allow a transmission and distribution utility to design and operate a load management program for customers to be used where the independent organization for the ERCOT power region has declared a Level 2 Emergency or a higher level of emergency or has otherwise directed the transmission and distribution utility to shed load.

S.B. 1530 (Miles) – Flammable Storage Tank Blast Radius Reports: would require anyone who operates an above-ground tank that can hold more than 5,000 gallons and is being used to store a flammable liquid to submit a blast radius report to the city and county fire marshal that describes the maximum blast radius that would result from an explosion for any such tank.

S.B. 1552 (Miles) – Clean Air Act Affirmative Defenses: would repeal provisions allowing the Texas Commission on Environmental Quality to establish affirmative defenses for enforcement actions if a facility has an emission event that results in the unauthorized emissions of air contaminants from one or more emissions points at a regulated entity.

S.B. 1554 (Miles) – Concrete Plants: would, among other things, provide that for a concrete crushing facility or a concrete plant that performs wet batching, dry batching, or central mixing facility: (1) the Texas Commission on Environmental Quality by rule shall prohibit a facility within 440 yards of the following types of buildings or facilities: (a) a building in use as a single or multifamily residence, school, or place of worship; (b) a place of business where employees of the business perform outdoor work near the facility; or (c) a park or other outdoor recreational area, including a playing field; and (2) the measurement of distance for purposes of (1), above, is the

shortest distance between the facility and a building, place of business, or outdoor recreational area described by (1), above.

S.B. 1555 (Miles) – Concrete Plants: would, among other things: (1) provide that the Texas Commission on Environmental Quality (TCEQ) shall accept written questions about the facility requesting a standard permit for the production of aggregates or the operation of a concrete plant that performs wet batching, dry batching, or central mixing from the public until the 15th day before the date of the hearing or meeting; (2) require TCEQ to not later than the 14th day before the date of the hearing or meeting in (1), above, notify each city and county in which the facility is located or proposed to be located, among others, of the date, time, and place of the hearing or meeting; (3) provide that a person authorized to use a standard permit for the production of aggregates or the operation of a concrete plant that performs wet batching, dry batching, or central mixing must: (a) install equipment to monitor noise levels and emissions of air contaminants from the facility: (i) at the point on the perimeter of the property on which the facility is located that is closest to the nearest building in use as a single-family or multifamily residence, school, place of worship, or commercial enterprise; and (ii) at two other points on the perimeter of the property on which the facility is located equidistant from the point described by (3)(a)(i), above; (b) ensure that outdoor lighting installed at the facility complies with standards adopted by the Illuminating Engineering Society; (c) obtain computer-controlled blasting technology to minimize the effect of seismic forces on adjacent property caused by blasting at the facility; (d) either: (i) use water for the facility only from a metered source or under a permit from a groundwater conservation district; or (ii) implement TCEQ-approved methods of water recirculation to ensure efficient use of groundwater for the facility; (e) provide to TCEQ a plan to ensure that the area on which the facility operates will be safe and useful after operations cease, including a description of how the person will: (i) resolve potential safety and environmental problems; (ii) minimize fugitive dust from areas the person does not plan to revegetate; (iii) control erosion by revegetating barren areas; and (iv) remove equipment; and (f) provide to TCEQ a performance bond or other form of financial assurance to ensure payment of the costs of executing the plan required (3)(d), above; and (4) provide that a person authorized to use a standard permit for the production of aggregates or the operation of a concrete that performs wet batching, dry batching, or central mixing plant shall ensure that noise created by the permitted facility does not exceed: (a) 70 decibels at the points at which monitors are installed under (3), above; or (b) 65 decibels at the perimeter of a property that is: (i) used as a residence; and (ii) located within 880 yards of the permitted facility.

S.B. 1593 (LaMantia) – Certificates of Convenience and Necessity: would provide that: (1) for the purposes of a streamlined expedited release initiated by a landowner, on the day a petition submits a petition to the Public Utility Commission (PUC), the petitioner shall send, via certified mail, a copy of the petition to the certificate holder, who may submit information to the PUC to controvert information submitted by the petitioner; and (2) for the purposes of a single certification in incorporated or annexed areas, on the day a city submits an application for single certification to the PUC, the city shall send, via certified mail or hand-deliver, a copy of the application to the retail public utility.

S.B. 28 (Perry) – Water Supply Financial Assistance: would: (1) create a new water supply for Texas fund (the water supply fund); (2) require the Texas Water Development Board (TWDB) by rule to undertake to finance projects through the water supply fund that will lead to the acquisition

or creation of seven million acre-feet of new water supplies by December 31, 2033; (3) provide that the water supply fund may be used only to provide low-interest loans to political subdivisions and wholesale water providers to develop water supply projects that create new water sources for the state including: (a) the acquisition of water from other states; (b) the development of infrastructure to transport water from other states; (c) desalination projects, including marine and brackish water desalination; (d) produced water treatment projects; and (e) research into new technology that may lead to the development of significant new water supply sources, as determined by the TWDB based on the amount of water the technology may produce; (4) provide that the water supply fund may be used to provide zero interest loans, negative interest loans, or loan forgiveness for any purpose described by (3), above, under criteria developed by the TWDB; (5) create a Texas water fund (water fund); (6) provide that the TWDB may only use the water fund to disburse money to: (a) the water assistance fund; (b) the State Water Implementation Fund for Texas; (c) the water supply fund; (d) a revolving fund; (e) the rural water assistance fund; and (f) the Texas Water Development Fund; (7) provide that the TWDB shall ensure that a portion of the money disbursed from the water fund is used for: (a) water infrastructure projects, prioritized by risk or need, for: (i) rural political subdivisions; and (ii) cities with a population of less than 150,000; (b) permit-ready water infrastructure projects; and (c) water conservation awareness programs; (8) provide that money disbursed from the water fund for the purposes described by (7), above, may be disbursed to funds described by (6), above, to be used to provide zero interest loans, negative interest loans, loan forgiveness, or grants for any purpose described by (7), above, under criteria developed by the TWDB; (9) require the TWDB to adopt rules to establish a program to provide technical assistance to retail public utilities in conducting water audits required by state law and in applying for financial assistance from the board to mitigate the utility system's water loss; and (10) require the TWDB to submit to the legislature a water loss report every fifth year. (Companion bill is **H.B. 10** by T. King.) (See **S.J.R. 75**, below.)

S.B. 1627 (Perry) – Flood Infrastructure Fund: would: (1) provide that with certain exceptions, after the adoption of the initial state flood plan, the Texas Water Development Board may use the infrastructure fund to provide financing only for flood projects included in the state flood plan; (2) provide that money from the infrastructure fund may be awarded to several eligible political subdivisions for a single flood project; and (3) provide that the remaining balance in the Hurricane Harvey Account on September 2, 2031 is transferred to the flood infrastructure fund. (Companion bill is **H.B. 3582** by C. Harris.)

S.B. 1699 (Johnson) – Distributed Energy Resources: would, among other things: (1) provide that a retail electric provider may aggregate distributed energy resources; and (2) a person may generate electricity if the person is aggregating distributed energy resources. (Companion bill is **H.B. 3387** by Hunter.)

S.B. 1719 (Zaffirini) – Solid Waste Permits: would, among other things: (1) require the Texas Commission on Environmental Quality (TCEQ) to impose reasonable fees for filing amendments to permits for solid waste, except that the first amendment filed for the same application shall not have any associated filing fees; (2) repeal the provision providing that before denying a permit under the Solid Waste Disposal Act, TCEQ must find: (a) that the applicant or permit holder has a compliance history that is classified as unsatisfactory according to TCEQ standards and associated rules adopted and procedures; or (b) that the permit holder or applicant is indebted to

the state for fees, payment of penalties, or taxes imposed by state law or by a rule of TCEQ; and (3) require TCEQ to deny an original or renewal permit: (a) if the permit holder or applicant files more than three amendments to the same application; or (b) five years after the day the application for a permit is submitted if the application is not administratively complete.

S.B. 1751 (Kolkhorst) – Bitcoin and ERCOT: would: (1) require the Public Utility Commission (PUC) to require the independent organization for the ERCOT power region to ensure that any demand response program operated by the independent organization to respond to emergencies that provides compensation for load reductions is open to participation by a virtual currency mining facility that is registered as a large flexible load only if the anticipated demand for all facilities of that type participating in the program is less than 10 percent of the total load required by all loads in the program; (2) require the PUC to adopt rules requiring a person who enters into an agreement for retail electric service in the ERCOT power region to register the facility receiving service as a large flexible load under the bill if: (a) the person anticipates that the facility will require a total load of more than 10 megawatts before the second anniversary date of the date the agreement begins; and (b) the facility load is interruptible; and (3) provide that the governing body of a taxing unit may not enter into an agreement to exempt from taxation a portion of the value of real property on which a virtual currency mining facility registered as a large flexible load is located or is planned to be located during the term of the agreement, or of tangible personal property that is located or is planned to be located on the real property during that term.

S.B. 1752 (Hall) – Electricity: would, among other things: (1) provide that the governing body of a taxing unit may not enter into a property tax abatement agreement to exempt from taxation a portion of the value of real property on which an electric generating facility is located or is planned to be located during the term of the agreement, or of tangible personal property that is located or is planned to be located on the real property during that term; (2) provide that beginning September 1, 2023, the Public Utility Commission (PUC) may not authorize the recovery in the rate base of an electric utility or a transmission and distribution utility of investments made for transmission or transmission-related facilities in a competitive renewable energy zone; (3) require the PUC to adopt rules requiring each electric cooperative, power generation company, or exempt wholesale generator that sells electric energy at wholesale in the ERCOT power region and has received a federal tax credit provided federal law for certain renewable resources to notify the PUC of the tax credit; (4) require the PUC and the independent organization for the ERCOT power region to adopt rules and protocols that: (a) an entity described by (3), above, from offering electric energy for wholesale in the ERCOT power region at a price below \$27.50 per megawatt hour; (b) prohibit an entity described by (3), above, from being reimbursed for the costs of interconnecting a new generation facility; and (c) incorporate marginal losses in locational marginal pricing for electric energy sold from a generating facility by an entity described by (3), above, in certain circumstances; (5) require the PUC and the independent organization for the ERCOT power region to: (a) impose a periodic fee on each entity described by (3), above, that uses transmission service in a competitive renewable energy zone; and (b) regularly disburse the fee revenue to each electric utility or transmission and distribution utility described by (2), above, to provide for the recovery of the utility's transmission facility investment described by (2), above; (6) provide that the PUC, in consultation with the independent organization for the ERCOT power region, shall plan for transmission needs related to the incorporation of renewable energy in a manner consistent with the planning process for other types of generation resources, including by considering in the

planning process the factors for approving or denying a certificate of convenience and necessity; and (7) repeal provisions on dispatchable generation.

S.B. 1778 (Alvarado) – Water and Sewer Service: would provide that a retail public utility, including a municipally owned utility, may initiate, transfer, or terminate a customer’s retail water or sewer service on receipt of a customer request by mail, by telephone, through an Internet website, or through another electronic transmission. (Companion bill is **H.B. 3417** by **Rogers**.)

S.B. 1823 (Johnson) – Drainage Projects: would, among other things, add residential drainage services to the types of projects for which the Texas Water Development Board may use the economically distressed areas account.

S.B. 1860 (Hughes) – Climate Provisions in City Charters: would require that a city or city charter commission receive approval from the appropriate state agency with proper jurisdiction before holding a vote on a proposed climate charter or amendment to a city’s climate charter. (Companion bill is **H.B. 4930** by **Craddick**.)

S.B. 1865 (Nichols) – Water Rate Proceedings: would, among other things, provide that for the purposes of rate proceedings for water and sewer utilities: (1) if an expense is allowed to be included in utility rates or an investment is included in the utility rate base, the related income tax benefit must be included in the computation of income tax expense to reduce the rates; (2) if an expense is not allowed to be included in utility rates or an investment is not included in the utility rate base, the related income tax benefit may not be included in the computation of income tax expense to reduce the rates; and (3) the amount of income tax that a consolidated group of which a utility is a member saves, because the consolidated return eliminates the intercompany profit on purchases by the utility from an affiliate, shall be applied to reduce the cost of the property or service purchased from the affiliate. (Companion bill is **H.B. 2774** by **E. Thompson**.)

S.B. 1889 (Springer) – Electric Utilities: would provide that: (1) except as provided by (2), below, when establishing an electric utility’s rates, the regulatory authority (including a city) shall calculate the return on invested capital using the utility’s actual proportion of long-term debt and equity capitalization as reported on the utility’s most recent financial statement issued before the initiation of the applicable rate proceeding; and (2) if the electric utility’s actual proportion of equity capitalization exceeds 60 percent, the regulatory authority (including a city) shall calculate the return on invested capital using an equity capitalization of 60 percent. (Companion bills are **H.B. 1889** by **Tinderholt** and **H.B. 3042** by **Spiller**.)

S.B. 1965 (Alvarado) – Purchase of Water and Sewer Systems: would, for the purposes of a utility or a water supply or sewer service corporation purchasing, acquiring, leasing, or renting a water or sewer system owned by an entity that is required by law to possess a certificate of public convenience and necessity, provide that the Public Utility Commission shall approve the transaction if the owner has abandoned operation of the facilities that are the subject of the transaction and cannot be located or does not respond to an application filed for the transaction, among other things. (Companion bill is **H.B. 4763** by **S. Thompson**.)

S.B. 1983 (Nichols) – Winter Storm Uri Costs: would, among other things: (1) provide that a state agency may provide appropriated money to the issuing financing entity to pay the aggregate customer rate relief charges for customer rate relief bonds on behalf of certain gas utility customers; (2) create a “storm cost offset fund” in the state treasury composed of: (a) money transferred to the fund at the direction of the legislature; (b) gifts and grants contributed to the fund; and (c) other money required by law to be deposited in the fund; and (3) provide that money in the fund in (2), above, must be used for the benefit of retail electric service customers of electric cooperatives designated to receive a distribution from the fund.

S.B. 1988 (Perry) – Water Loss for Certain Municipally Owned Utilities: would provide that a municipally owned utility with a Texas Water Development Board water loss audit indicating water loss equal to or more than 15 percent shall: (1) within 180 days, enact Stage 2 water restrictions, as specified in the utility’s drought contingency plan, for a maximum of two years until a new Texas Water Development Board water loss audit indicates water loss of less than 15 percent; and (2) after two years, enact Stage 3 water restrictions, as specified in the utility’s drought contingency plan until a new Texas Water Development Board water loss audit indicates water loss of less than 15 percent. (Companion bill is **H.B. 4445** by **Gerdes**.)

S.J.R. 43 (Perry) – Water Project Funding: would amend the Texas Constitution to create the water for Texas fund to be administered by the Texas Water Development Board to assist in financing water projects in this state. (See **S.B. 837**, above.)

S.J.R. 75 (Perry) – Water Supply Financial Assistance: would amend the Texas Constitution to create the Texas water fund to be administered by the Texas Water Development Board. (See **S.B. 28**, above.)