



Legislative UPDATE

November 20, 2020
Number 46

Rescheduled: Senate State Affairs to Hear Community Censorship Charge on December 7th

The Senate State Affairs Committee will meet Monday, December 7th, to hear invited testimony on the interim charge below. The official notice can be found [here](#).

Study how governmental entities use public funds for political lobbying purposes. Examine what types of governmental entities use public funds for lobbying purposes. Make recommendations to protect taxpayers from paying for lobbyists who may not represent the taxpayers' interests.

Although no public testimony will be taken, we encourage city officials to continue discussing this issue with your state representative and state senator as it will continue to be a priority issue for state leadership.

Stay Engaged During the Legislative Session: Grassroots Involvement Program

During the upcoming Texas legislative session, Texas cities will face many challenges and opportunities. TML will need to mobilize our membership at key points during session. The Grassroots Involvement Program (GRIP) is one way to do so. Our GRIP survey focuses on a variety of items including your areas of expertise and involvement with other professional organizations. Most importantly, the GRIP survey asks how well you know various state legislators and if you are willing to communicate with those legislators during the session. With many unknowns on how the capitol will operate during a pandemic, TML's grassroots approach will be crucial to our efforts.

If you have a relationship with your legislator(s) or want to be more involved during session, please take the time to complete the [GRIP survey](#). Past efforts have proven that such participation is a highly effective tool.

We ask that you complete the survey as soon as possible, preferably before January 8, 2021.

City-Related Bills Filed

(Editor's Note: You will find all of this session's city-related bill summaries online at <https://www.tml.org/319/Legislative-Information>.)

Property Tax

H.B. 281 (Stephenson) – Appraisal Review Board: would, among other things, 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. 283 (Stephenson) – Appraisal District: would, among other things, require the chief appraiser of an appraisal district to be elected at the general election for state and county officers every two years.

H.B. 288 (Stephenson) – Property Tax Exemption: would exempt the total appraised value of an adult's residence homestead from school district maintenance and operations property taxes and offset the resulting revenue loss to school districts with state sales and use tax revenue. Of importance to cities, the bill would repeal several sales tax exemptions for purposes of both state and local sales taxes, including: (1) accounting and auditing services; (2) engineering services; (3) legal services; and, (4) real estate brokerage and agency services. (See **H.J.R. 19**, below.)

H.B. 381 (Pacheco) – 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. 22**, below.)

H.B. 469 (J. Gonzalez) – Property Tax Collection: would 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: (1) 105 percent of the appraised value of the property for the preceding year; and (2) the market value of all new improvements to the property.

H.B. 475 (Lopez) – Property Tax Exemption: would exempt from property taxes the residence homestead of the surviving spouse of a member of the armed services who is fatally injured in the line of duty. (See **H.J.R. 29**, below.)

H.B. 494 (White) – Property Tax Appraisal: would: (1) for real property omitted from the tax roll in any one of the five preceding tax years, provide that the chief appraiser may, or shall if otherwise required by law, appraise the property as of January 1 of each tax year that it was omitted and enter the property and its appraised value in the appraisal records; and (2) provide that if the chief appraiser enters the property in the appraisal records under (1), above, the entry must show that the appraisal is for the property that was omitted from an appraisal roll in a prior year and must indicate the year and the appraised value for each year.

H.B. 528 (White) – Appraisal Cap: would establish a 3.5 percent appraisal cap on commercial real property. (See **H.J.R. 30**, below.)

H.B. 529 (White) – Appraisal Cap: would reduce the property tax appraisal cap on residence homesteads from ten to 2.5 percent. (See **H.J.R. 31**, below.)

H.B. 522 (Shine) – Property Tax Sales: would, for property tax sales of personal property seized under a tax warrant, require that the posting of the notice and the sale of the property be conducted: (1) by the peace officer or collector, as specified in the warrant, in the manner required for the sale under execution of personal property; or (2) pursuant to an agreement with an auctioneer.

H.B. 534 (Shine) – Appraisal Methods: would require the chief appraiser to reduce the sales price of a comparable property for appraisal purposes by an amount equal to the amount of the commission that would typically be paid for the sale or purchase of such property.

H.B. 535 (Shine) – 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 ten-year Constant Maturity Treasury Rate reported by the Federal Reserve as of January 1 of the year in which the deferral or abatement was obtained. (Note: Current law provides for a five percent interest rate.)

H.J.R. 19 (Stephenson) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from maintenance and operations property taxation by a school district all or part of the appraised value of the residence homestead of a married or unmarried adult, including one living alone. (See **H.B. 288**, above.)

H.J.R. 22 (Pacheco) – 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. 381**, above.)

H.J.R. 29 (Lopez) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from property taxes the residence homestead of the surviving spouse of a member of the armed services who is fatally injured in the line of duty. (See **H.B. 475**, above.)

H.J.R. 30 (White) – Appraisal Cap: would amend the Texas Constitution to authorize the legislature to limit increases in the appraised value of commercial real property for property tax purposes to 3.5 percent per year. (See **H.B. 528**, above.)

H.J.R. 31 (White) – Appraisal Cap: would amend the Texas Constitution to authorize the legislature to reduce the property tax appraisal cap on residence homesteads from ten to 2.5 percent. (See **H.B. 529**, above.)

S.B. 134 (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.

Public Safety

H.B. 164 (Meza) – 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 (c) 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) shows that the person may not lawfully possess a firearm or the person does not submit a written request as required by (2)(d); (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. (Companion bill is **H.B. 395** by **Moody**.)

H.B. 229 (Meza) – 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 more than 48 hours later, enter the information into the statewide law enforcement information system; and (2) require a local entity to report a conviction

that would prohibit a person from possessing a firearm under state or federal law to the Texas Department of Public Safety not later than 48 hours after the judgment of conviction is entered.

H.B. 234 (Ortega) – Large-Capacity Magazines: would: (1) create a criminal offense for the unlawful possession or transfer of a large-capacity magazine; and (2) provide that it is a defense to prosecution under (1) if the actor engaged in the conduct while in the discharge of official duties, or directly in route to an assignment, as a peace officer.

H.B. 236 (Bernal) – Licensed Carry: would provide that, in relation to the notice required to prohibit licensed carry (e.g., “30.06” and “30.07” signs): (1) the Department of Public Safety (DPS) shall adopt rules that prescribe the size of a sign and the lettering on the signs; (2) the rules may not require that the signs be larger than 8.5 inches by 11 inches for each language in which the sign must be posted; (3) DPS by rule shall adopted a Spanish translation of the language required to be on the signs; and (4) DPS shall make available on its website a printable copy of the English and Spanish versions of the signs.

H.B. 238 (Meza) – Ammunition and Firearms: would remove certain prohibitions against a city adopting regulations related to ammunition and firearms.

H.B. 239 (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 public or private youth center, a playground, or on a school bus.

H.B. 241 (Ortega) – Assault Weapons: would: (1) create a criminal offense for the unlawful possession or transfer of an assault weapon; (2) provide that it is a defense to prosecution under (1) if the actor engaged in the conduct while in the discharge of official duties, or directly in route to an assignment, as a peace officer; (3) except assault weapons from certain requirements when a law enforcement agency holds the weapon in connection with a seizure; (4) prohibit a peace officer or retired peace officer from purchasing an assault weapon from his/her department; and (5) amend certain use of force provisions.

H.B. 251 (S. Thompson) – Asset Forfeiture: 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. 266 (S. Thompson) – Criminal Penalties for Drug Possession: would reduce the criminal penalties for possession of small amounts of Penalty Group 1 controlled substances.

H.B. 268 (Meza) – Prohibiting Chokeholds: would provide that the use of any force, by any person, including a peace officer or person acting in and at the direction of an officer, in connection with the arrest of another person, is not a justified use of force if such 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. 272 (Meza) – No-Knock Entries: would, among other things, provide that not later than December 1, 2022, a law enforcement agency that employs peace officers who enter, 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 (no-knock entry) shall report to the Department of Public Safety, on a form prescribed by the department, the following information for the period beginning on November 1, 2021, and ending on October 31, 2022: (1) the number of no-knock entries performed by peace officers employed by the law enforcement agency; and (2) for each no-knock entry performed: (a) whether any peace officer suffered an injury or death as a result of the entry and a description of each injury and cause of death, as applicable; (b) whether any other person suffered an injury or death as a result of the entry and a description of each injury and cause of death, as applicable; (c) if the entry was performed for the purpose of executing a search warrant, a description of the property to be searched for and of any property seized; (d) if the entry was performed for the purpose of executing an arrest warrant, the name of the person whose arrest was ordered and the offense the person was accused of committing; and (e) the name of the person arrested.

H.B. 274 (Meza) – Cite and Release: would: (1) provide that each law enforcement agency, in consultation with judges, prosecutors, commissioners courts, city council, and residents located within the agency’s jurisdiction, shall adopt a written policy regarding the issuance of citations for misdemeanor offenses, including traffic offenses, that are punishable by fine only; (2) provide that such policy must: (a) 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) comply with current law; and (c) ensure judicial efficiency, law enforcement efficiency and effectiveness, and community safety; (3) provide that a peace officer or any other person may not, without a warrant, arrest an offender who commits only one or more offenses punishable by fine only, other than certain assaultive offense, public intoxication, or offenses related to alcohol and minors, unless the officer or person has probable cause to believe that: (a) the failure to arrest the offender creates a clear and immediate danger to the offender or the public; (b) the failure to arrest the offender will allow the continued breach of the public peace; or (c) the offender will not appear in court in accordance with the citation; (4) provide that, notwithstanding current law, a peace officer may not arrest, without a warrant, a person who commits one or more offenses punishable by fine only, other than certain assaultive offenses, public intoxication or offenses related to minors and alcohol, unless the officer has probable cause as described in (3), above; (5) amend current

law to provide that a peace officer who is charging a person, including a child, with committing a misdemeanor punishable by fine only, other than for certain assaultive offenses, public intoxication or offenses related to minors and alcohol, shall instead of taking the person before a magistrate, issue a citation to the person; (6) provide that peace officer charging a person, including a child, with committing an offense that is a misdemeanor punishable by fine only for certain assaultive offenses or offenses related to minors and alcohol, may instead of taking such person before a magistrate, issue a citation to that person; (7) amend current law to provide that a peace officer may not arrest a person found committing only one or more misdemeanors, related to traffic offenses, punishable by fine only unless the person has probable cause as described in (3), above; and (8) amend current law to provide that unless authorized to arrest a person for violation of a traffic rule, a peace officer shall issue a citation to a person if the offense for violation of a traffic rule is a misdemeanor that is punishable by fine only.

H.B. 299 (Springer) – Unlicensed Carry: would: (1) grant authority to carry a handgun to an unlicensed person who is at least 21 years old, has not been convicted of a felony, is qualified under federal law to purchase and possess a handgun, is not a member of a criminal gang, carries the handgun in a concealed manner or in a holster, and meets certain other legal requirements; and (2) provide various regulatory changes to address a person who is unlicensed, but otherwise legally authorized to carry a handgun under (1).

H.B. 304 (Springer) – Licensed Carry: would, among other things: (1) authorize a license holder to carry in many places that carrying is currently prohibited, such as any property owned by a governmental entity, in a bar, in a courtroom, or into the secured area of an airport; (2) attempt to clarify that a license holder is prohibited from carrying a handgun only on the portion of: (a) any grounds or building on which an activity sponsored by a school or educational institution is being conducted; or (b) the premises of a polling place where voting or other election-related activities are occurring on the day of an election or during early voting; and (3) reduce the penalties that can be imposed when a license holder carries into an impermissible area.

H.B. 307 (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. 312 (Collier) – Implicit Bias Training: would provide that: (1) as part of the minimum curriculum requirements for law enforcement training, each officer shall complete an implicit bias training program developed by the State Board of Education and the Texas Commission on Law Enforcement not later than the second anniversary of the date the officer is licensed unless the officer completes the training as part of the officer's basic training course; and (2) provide that the required police officer continuing education program shall include training that consists of de-escalation techniques to facilitate interaction with members of the public, including techniques to recognize and address implicit bias.

H.B. 313 (Collier) – Mental Health Police Certification: would amend the requirements for certifying a peace officer as a special officer for offenders with mental impairments to include: (1) completion of a training program on acquired and traumatic brain injuries; (2) completion of a training program on veterans with combat-related trauma, post-traumatic stress, post-traumatic stress disorder, or a traumatic brain injury; and (3) passing an examination that includes knowledge and recognition of a person with the characteristics and symptoms of mental illness or an intellectual or developmental disability.

H.B. 323 (P. 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 \$5,000, to a law enforcement agency for purpose of: (1) obtaining or maintaining recognition through the Texas Police Chiefs Association Law Enforcement Best Practices Recognition Program; (2) becoming accredited or maintaining accreditation by the Commission on Accreditation for Law Enforcement Agencies, Inc.; or (3) becoming accredited or maintaining accreditation by an association or organization designated by the division.

H.B. 336 (Cain) – Prohibition of Extreme Risk Protective Orders: would, among other things: (1) define an “extreme risk protective order” as a court order, warrant, or executive order issued against a person that is not issued based on the person’s conduct constituting an offense and has the primary purpose of reducing the risk of death or injury related to a firearm by: (a) prohibiting a person from owning, possessing, or receiving a firearm; or (b) requiring a person to surrender a firearm or otherwise removing a firearm from a person; (2) preempt 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 (3) 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. 345 (Rose) - Authority of Peace Officers: would: (1) amend current law to give a peace officer discretion to, if authorized: (a) interfere without warrant to prevent or suppress a crime; and (b) arrest offenders without warrant so that they may be taken before a magistrate and tried; (2) repeal current law requiring a peace officer to summon aid from a sufficient number of citizens of his county whenever such officer meets resistance in discharging any duty imposed upon him by laws; and (3) repeal current law requiring a peace officer to report to the district or county attorney any person who, after being summoned by the officer to assist the officer in performing any duty, refuses to obey the officer.

H.B. 346 (Rose) – Prohibiting Chokeholds: would provide that the use of any force, by any person, including a peace officer or person acting in and at the direction of an officer, in connection with the arrest of another person, is not justified if such 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, neck, or torso or by blocking the person’s nose or mouth.

H.B. 356 (Sherman) – Affidavit for Installation and Use of Mobile Tracking Device: would, among other things, require a peace officer’s affidavit to provide facts and circumstances in his or her affidavit that show probable cause (instead of reasonable suspicion under current law) that

criminal activity has been, is, or will be committed and the installation and use of a mobile tracking device is likely to produce information that is material to an ongoing criminal investigation of that criminal activity in order for a district judge to issue an order for the installation and use of a mobile tracking device. (Companion bill is **S.B. 112** by West.)

H.B. 367 (Sherman) – Hate Crimes: would: (1) require a local law enforcement agency receiving notice of a judgment of a crime committed because of bias or prejudice promptly to enter the information into the National Crime Information Center and the Texas Crime information Center; and (2) create a criminal offense for a person convicted of certain crimes based on bias or prejudice to possess a weapon before the fifth anniversary of the later of the date of the person’s release from confinement following the conviction or the date of the person’s release from supervision under community supervision, parole, or mandatory supervision, as applicable.

H.B. 377 (R. Smith) – Alert for Missing Persons Experiencing Mental Health Crisis: would: (1) add a missing person experiencing a mental health crisis to the list of persons for which a local law enforcement agency may request the Department of Public Safety to issue a statewide alert; and (2) define “person experiencing a mental health crisis” as a person who is experiencing a mental health crisis and, due to that crisis, poses a danger to the person or to others.

H.B. 395 (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; (d) if the check described in (c) 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) shows that the person may not lawfully possess a firearm or the person does not submit a written request as required by (2)(d); (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. (Companion bill is **H.B. 164** by Meza.)

H.B. 402 (Hernandez) – Asset Forfeiture: would allow the head of a law enforcement agency to use any portion of the gross amount credited to the agency’s special forfeited property fund from the forfeiture of contraband gained from a human trafficking offense to cover the costs of a contract with a city program to provide services to domestic victims of trafficking.

H. B. 418 (Sherman) - Prohibiting Chokeholds: would provide that the use of any force, by any person, including a peace officer or person acting in and the direction of an officer, in connection with the arrest of another person, is not a justified use of force if such 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, neck, or torso or by blocking the person’s nose or mouth. (This bill is identical to **H.B. 346** and **S.B. 69** by **Rose** and **Miles**, respectively.)

H.B. 421 (Cortez) – Notice to Adult Victims of Family Violence: would add to the notice of victim’s legal rights and remedies that a peace officer who investigates a family violence allegation or who responds to a disturbance call that may involve family violence gives to the victim: (1) information about terminating a lease; (2) information about retrieving important items of personal property from a residence; and (3) an instruction to consult a legal aid office, prosecuting attorney, or private attorney for assistance obtaining the proper document or court order to terminate a lease or enter a residents to get important personal property.

H.B. 435 (Gervin-Hawkins) – Public Transportation System Vehicles: would increase the criminal penalty for certain offenses committed in a vehicle operated by a public transportation system.

H.B. 439 (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. 151** by **N. Johnson**.)

H.B. 441 (Zwiener) – Criminal Penalties for Possession of Marihuana: would: (1) reduce criminal penalties for the possession of one ounce or less of marihuana and possession of drug paraphernalia; (2) provide that a peace officer may not arrest an individual without a warrant for possession of one ounce or less of marihuana or possession of drug paraphernalia; and (3) provide that a person may apply and pay a fee to expunge a criminal complaint for possession of one ounce or less of marihuana or drug paraphernalia in certain circumstances.

H.B. 446 (Allison) – Public Monuments: would increase the criminal penalty for the offense of criminal mischief involving the damage or destruction of a public monument.

H.B. 447 (Moody) – Cannabis: would: (1) authorize the possession, use, cultivation, manufacture, distribution, sale, and testing of cannabis and cannabis products; (2) authorize the licensing of dispensing organizations; (3) authorize an application fee for licenses to operate a dispensing organization; (4) preempt cities 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, cannabis establishment, cannabis secure transporter, or cannabis testing facility as authorized by the bill; (5) provide that cities 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; (6) provide for certain criminal penalties; and (7) provide for a tax on cannabis or cannabis products, 10% of which would go to cities in which cannabis establishments are located in proportion to number of cannabis establishments.

H.B. 459 (Shaheen) - Suspicious Activity: would prohibit a civil lawsuit against a person who reports suspicious activity to an appropriate law enforcement authority if the person acted: (1) as a reasonable person would in the same or similar circumstances; and (2) with a reasonable belief that the suspicious activity constituted or was in furtherance of a crime, including an act of terrorism.

H.B. 461 (Shaheen) – Super-Intensive Supervision Program: would require a law enforcement agency to execute, as soon as practicable, a warrant: (1) that is directed to the agency; and (2) issued for the return of a releasee in the super-intensive supervision program based on a violation of a condition of parole or mandatory supervision related to the electronic monitoring of the releasee.

H.B. 492 (Wu) – No-Knock Entries: 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 (a no-knock entry). (Companion bill is **S.B. 175** by **Miles**.)

H.B. 496 (Wu) – Display of Identification: provides that a peace officer: (1) who is discharging an official duty and not undercover shall: (a) display in a visible manner at all times the officer’s first and last name and badge number or other identification number; and (b) provide the officer’s first and last name and badge number or other identification number to any person on request; (2) wearing riot gear that includes a helmet or a shield is considered to have complied with (1), above, only if the officer displays the required information on each of those items, as applicable; and (3) commits an offense if the officer violates (1)(b), and such offense is a Class C misdemeanor.

H.B. 498 (Wu) – Criminal Penalties for Possession of Marihuana: would reduce criminal penalties for the possession of one ounce or less of marihuana.

H.B. 558 (White) – Blood Specimen: would, for certain arrests for an intoxication and alcoholic beverage offense involving the operation of a motor vehicle or a watercraft: (1) require the taking of a specimen of a person’s blood if at the time of the arrest, the arresting peace officer reasonably believes that as a direct result of the accident any individual has died or will die; and (2) require the taking of a specimen of a person’s blood or breath at the time of the arrest, if the arresting peace officer reasonably does not believe that as a direct result of the accident any individual has died or will die, but believes as a direct result of the accident, an individual other than the person has: (a) suffered serious bodily injury; or (b) has suffered bodily injury and has been transported to a hospital or other medical facility.

H.B. 562 (Meza) – De-escalation Policy: would provide that, no later than January 1, 2022, each law enforcement agency adopt a detailed written policy regarding the use of force by its peace officers that must: (1) emphasize the use of conflict de-escalation techniques; and (2) authorize force to be used only after attempts to de-escalate a situation have failed.

H.B. 563 (Meza) – Law Enforcement Intervention Policy: would provide that, no later than January 1, 2022, each law enforcement agency shall adopt a detailed written policy requiring its peace officers to intervene to stop or prevent another peace officer from: (1) using excessive force against a person suspected of committing an offense, if an ordinary, prudent peace officer would intervene under the same or similar circumstances; or (2) committing an offense.

H.B. 579 (Dutton) – SWAT Teams: would provide that: (1) a law enforcement agency may not create or administer a SWAT team unless: (a) each law enforcement officer on that team is equipped with a body worn camera; and (b) the law enforcement agency establishes policies and procedures to ensure that body worn cameras: (i) are activated and recording during all team action; and (ii) continue recording until all suspects present at the scene have been arrested or released from custody or all law enforcement personnel have left the premises; (2) a law enforcement agency administering a SWAT team shall adopt a policy designed to limit the deployment of that team to situations involving an imminent threat of serious bodily injury to law enforcement officers or the public, except that the existence of a legally owned firearm in the home of an individual does not in itself constitute evidence of an imminent threat; (3) the decision to deploy a SWAT team must be based on consideration of: (a) any available evidence indicating an imminent threat to a person or officer; and (b) whether conditions are such that the suspect cannot reasonably be apprehended using routine methods; (4) when a SWAT team is deployed for a planned warrant service or for an incident not involving ongoing violence: (a) the basis for believing an imminent threat exists must be reviewed and approved by a supervisor at the level of captain or above before the deployment occurs; and (b) the supervisor described by (4)(a), above, must provide in advance of the deployment written justification for any execution of a warrant after sunset and before sunrise; (5) each law enforcement agency administering a SWAT team shall annually report, to the agency's local governing body, information about team deployments and training that include: (a) each date on which the SWAT team was deployed; (b) the location for each incident involving the deployment of the SWAT team; (c) the specific reason for the deployment, including a short description of the evidence of an imminent threat or the existence of a tip by an undercover or anonymous informant; (d) a listing of military or forcible entry equipment used, if any; (e) if known, the age, gender, and race or ethnicity of each injured or deceased person involved in the incident; (f) list of any controlled substances, weapons, contraband, or other evidence of crime seized from the premises or from any persons; (g) whether any person used, exhibited, or carried a deadly weapon during the incident; (h) whether the incident occurred as a result of an investigation of an offense involving a controlled substance; and (i) the training and education completed by the SWAT team collectively and for the SWAT team certified officers individually; (6) a person who suffers serious bodily injury as a result of a SWAT team action, or an immediate family member of a person who suffered serious bodily injury or died as a result of a SWAT team action, is entitled to receive a copy of any video or audio recording made by the team and containing footage of the action, and such person or family member must submit a request for the recording to the law enforcement agency administering the applicable SWAT

team; and (7) the Texas Commission on Law Enforcement shall create, among other things, training curriculum and standards for certification as a SWAT team member.

H.B. 585 (Cole) – Criminal Penalties for Possession of Marihuana: would reduce criminal penalties for certain crimes involving the possession of marihuana.

H.J.R. 28 (Larson) – Medical Marihuana: would amend the Texas Constitution to provide that the legislature by law shall authorize and regulate the possession, cultivation, and sale of cannabis for medical use in Texas. (Companion bill is **H.J.R. 11** by **Reynolds**.)

S.B. 84 (Miles) – Extreme Risk Protective Orders: would, among other things: (1) provide that, in certain circumstances, courts may issue a lethal violence 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 lethal violence 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 lethal violence 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 lethal violence protective order has expired; (d) if the check described in (c) 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 a lethal violence protective order may not destroy the firearm but may sell the firearm to a licensed firearms dealer if the check in (2)(c) shows that the person may not lawfully possess a firearm or the person does not submit a written request as required by (2)(d); and (4) provide that the proceeds from the sale of a firearm in (3) shall be paid to the owner of the seized firearm, less the cost of administering this article with respect to the firearm.

S.B. 90 (Menéndez) – 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. (Companion bill is **H.B. 94** by **Reynolds**.)

S.B. 92 (Menéndez) – Immigration: would repeal certain provisions governing state and local enforcement of immigration laws and other provisions related to immigration law, such as the requirement that a law enforcement agency honor a detainer request.

S.B. 110 (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; (d) if the check described in (c) 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) shows that the person may not lawfully possess a firearm or the person does not submit a written request as required by (2)(d); (4) provide that the proceeds from the sale of a firearm in (3) shall be paid to the owner of the seized firearm, less the cost of administering this article 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.

S.B. 111 (West) – Duties of Law Enforcement Agency: would provide: (1) that a law enforcement agency filing a case with an attorney representing the state in a criminal case, including a city attorney, shall submit to the attorney a written statement by an employee of such agency with knowledge of the case acknowledging that all documents, items, and information in the possession of the agency that are required to be disclosed to the defendant as discovery have been transmitted to the attorney; and (2) that at any time after the case is filed with the attorney representing the state the law enforcement agency discovers or acquires any additional document, item, or information required to be disclosed to the defendant, an employee of the agency shall promptly transmit such document to the attorney.

S.B. 112 (West) – Affidavit for Installation and Use of Mobile Tracking Device: would, among other things, require a peace officer's affidavit to provide facts and circumstances in his or her affidavit that show probable cause (instead of reasonable suspicion under current law) that criminal activity has been, is, or will be committed and the installation and use of a mobile tracking device is likely to produce information that is material to an ongoing criminal investigation of that criminal activity in order for a district judge to issue an order for the installation and use of a mobile tracking device. (Companion bill is **H.B. 356** by **Sherman**.)

S.B. 140 (Gutierrez) – Marihuana: would, among other things: (1) authorize the cultivation, manufacture, distribution, sale, testing, possession, and use of cannabis and cannabis products; (2) authorize the possession, use, cultivation, distribution, transportation, and delivery of medical cannabis and the licensing of medical cannabis dispensing organizations; (3) prohibit a political

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, cannabis establishment, cannabis secure transporter, or cannabis testing facility; (4) provide that a political subdivision 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; (5) provide that a city, county, or other political subdivision may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of medical cannabis; (6) authorize the imposition of taxes and fees on the sale of cannabis; (7) require an occupational license to operate as a cannabis grower, cannabis establishment, cannabis secure transporter, or cannabis testing facility; (8) allocate the net revenue derived from a tax on the sale of cannabis as follows: (a) five percent to the Border Security Enhancement Fund; (b) five percent to the Municipal Security Enhancement Fund; (c) one percent to the cannabis testing and quality control fund; (d) an amount certified to the comptroller by the commission to the Cannabis Regulation Fund; and (e) the remainder to the Foundation School Program; (9) provide that in determining the local share for each municipality in which one or more cannabis establishments are located, the comptroller shall allocate funds under Subsection (8)(b) in proportion to the number of cannabis establishments located in each municipality; and (10) create a fund to pay for to border security enhancement projects including: (a) the Border Security Fund, which the governor shall administer and dispense money in the fund to local law enforcement authorities in counties located on an international border or municipalities located within 50 miles of an international border for certain purposes, including the pay and salary of peace officers and other law enforcement personnel; and (b) the Municipal Security fund, which the governor shall administer and shall dispense money in this fund to local law enforcement authorities in municipalities with a population of at least 1.2 million for the following purposes: (i) the prevention and investigation of violent crimes, family violence, and intoxication offenses; and (ii) the pay and salary of peace officers and other law enforcement personnel.

S.B. 151 (N. 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 or marihuana concentrate. (Companion bill is **H.B. 439** by **Canales**.)

S.B. 161 (West) – Police Reform: this bill, known as the “George Floyd 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 officer liability:
 - a. provide that a person may bring an action for any appropriate relief against a peace officer who, under the color of law, deprived the person or caused the person to be deprived

of any rights under the Texas Constitution, provided that such action is brought not later than two years after the day the cause of action accrues;

b. provide that statutory immunity or a limitation on liability, damages, or attorney's fees does not apply to the action described in (1)(a), above, and a court shall award reasonable attorney's fees and court costs to a prevailing plaintiff and if judgment is entered in favor of the defendant, the court may award reasonable attorney's fees and costs to the defendant only for defending claims the court finds frivolous;

c. provide that qualified immunity or the defendant's good faith but erroneous belief in the lawfulness of the defendant's conduct is not a defense to an action brought under (1)(a), above; and

d. require a public entity, including a city, to indemnify a peace officer employed by the entity for liability incurred by and a judgement imposed against the officer in an action brought under (1)(a), above, except that the entity shall not be required to indemnify the peace officer if the officer was convicted for the conduct that is the basis for the action;

2. With respect to the duties and powers of a peace officer:

a. amend current law to provide that a peace officer has the discretion on whether or not, if authorized, to:

i. interfere without a warrant to prevent or suppress a crime; or

ii. arrest offenders without warrant so that they may be taken before the proper magistrate or court and be tried;

b. provide that a peace officer shall:

i. 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;

ii. intervene if the use of force by another peace officer:

1. violates state or federal law or a policy of any entity service by the other officer;

2. 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

3. is not required to apprehend or complete the apprehension of a suspect; and

4. shall 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;
 - c. provide that a defendant may not be convicted of an offense related to controlled substances on the testimony of person acting covertly on behalf of a law enforcement agency unless the testimony is corroborated by evidence tending to connect the defendant with the offense committed;
3. With respect to issuing citations in lieu of arrest for misdemeanor offenses:
 - a. provide that the Texas Southern University, in consultation with 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;
 - b. provide that 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 that such policy meets the requirements of the model policy described in (3)(a), above;
 - c. provide that a law enforcement agency may adopt the model policy developed under (3)(a), above;
 - d. provide that, with the exception of certain assault offenses and for the offense of public intoxication, a peace officer or any other person may not, without a warrant, arrest an offender for a misdemeanor punishable by fine only or arrest a person who commits one or more offenses punishable by fine only;
 - e. provide that 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 an offense of public intoxication, shall, instead of taking the person before a magistrate, issue a citation to the person;
 - f. provide that a peace officer who is charging a person, including a child, with committing certain assault offenses that are a misdemeanor, punishable by fine only, may, instead of taking the person before a magistrate, issue a citation to the person;
 - g. provide that 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;
4. With respect to de-escalation and proportionate response:

a. provide that a law enforcement agency shall adopt a detailed written policy regarding the use of force by peace officers that must:

i. emphasize 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. provide that a law enforcement agency may adopt the model policy on use of force developed by the Texas Commission on Law Enforcement and described in (6)(a), below;

5. With respect to disciplinary procedures in certain cities:

a. require a civil service commission to 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, and such matrix must include:

i. standards for disciplinary actions related to 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 action;

b. make changes to the meet and confer provisions applicable to police officers to provide that certain cities that have adopted a meet and confer agreement but are not subject to civil service rules or collective bargaining shall implement a progressive disciplinary matrix as described in (5)(a), above, for its police officers, and that such agreement may not conflict or supersede a rule concerning the disciplinary actions that may be imposed under the disciplinary matrix;

c. provide that a hearing examiner in a city subject to civil service rules must presume a disciplinary action applied to a police officer under a progressive disciplinary matrix is reasonable unless the facts indicate that the department inappropriately applied a category of offense to the particular violation; and

d. make changes to the collective bargaining statute to provide that a city that has adopted a collective bargaining agreement but is not subject to civil service rules shall implement

a progressive disciplinary matrix as described in (5)(a), above, for its police officers, and that such agreement may not conflict with an ordinance, order, statute, or rule related to disciplinary actions that may be imposed on its police officers under a disciplinary matrix implemented by the city;

6. With respect to use of force:

a. provide that the Texas Commission on Law Enforcement 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;

b. make changes to the instances in which a person, including a peace officer and a person in the presence of and at the direction of a peace officer, may be justified in using nonlethal force in connection with making or assisting in making an arrest or search, or preventing or assisting in preventing escape after an arrest,

c. make changes to instances in which a peace officer or a person in the presence of and at the direction of a peace officer may be justified in using deadly force in connection to making an arrest or preventing escape after an arrest;

d. provide that the use of force against a person in connection with making or assisting in making an arrest or search, or preventing or assisting in preventing an escape after an arrest, is not justified if the 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

e. repeal the Penal Code provision that provides that a peace officer or a person other than a peace officer acting in the officer's presence and direction has no duty to retreat before using deadly force in connection with making an arrest or preventing escape after arrest.

(Companion bill is **H.B. 88** by **Thompson**.)

S.B. 175 (Miles) – No-Knock Entries: 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 (a no-knock entry). (Companion bill is **H.B. 492** by **Wu**.)

S.J.R. 16 (Eckhardt) – Legalization of Marijuana: 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 bill is **H.J.R. 13** by **Canales**.)

Sales Tax

H.B. 321 (Howard) – Sales Tax Exemption: would exempt feminine hygiene products from the sales tax.

H.B. 322 (Howard) – Sales Tax Exemption: would exempt child and adult diapers from the sales tax.

H.B. 387 (Pacheco) – Sales Tax Exemption: would exempt child and adult diapers from the sales tax.

H.B. 388 (Pacheco) – Sales Tax Exemption: would exempt feminine hygiene products from the sales tax.

H.B. 406 (Hernandez) – 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. 490 (Wu) – Sales Tax Exemption: would exempt feminine hygiene products from the sales tax.

H.B. 524 (Rosenthal) – Sales Tax Exemption: would exempt firearm safety equipment from sales taxes.

H.B. 592 (C. Turner) – Sales Tax Exemption: would exempt the sale of an animal by an animal rescue group from sales and use taxes.

S.B. 148 (Powell) – Sales Tax Exemption: would exempt feminine hygiene products from the sales tax.

S.B. 153 (Perry) – Sales Tax Exemption: would exempt from sales taxes data processing services designed to process payment made by credit card or debit card.

S.B. 197 (Nelson) – Sales Tax Exemption: would exempt the sale of an animal by a nonprofit animal welfare organization from sales and use taxes.

S.B. 200 (Nelson) – Sales Tax Exemption: would exempt internet access service from sales and use taxes. (Note: this legislation brings state law into conformity with federal law, which already preempts the ability of state and local governments to collect sales taxes on internet access.)

Community and Economic Development

H.B. 233 (Murr) – Building Materials and Methods: would provide that the prohibition on city regulation of building products, materials, or methods passed by H.B. 2439 in 2019 does not apply to a city with a population of less than 25,000.

H.B. 258 (Bernal) – Broadband: would provide, among other things, that a governmental entity (including a city) may not contract with a broadband Internet access service provider, unless the contract contains a written verification from the provider that the provider does not: (a) block lawful content, applications, or services or the use of non-harmful devices; (b) impair or degrade

lawful Internet traffic for the purpose of discriminating against or favoring certain Internet content, applications, or services or the use of non-harmful devices; or (c) engage in paid prioritization.

H.B. 311 (Springer) – 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; (2) 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; (3) authorize an additional monument or memorial to be added to the surrounding city property on which a monument or memorial is located to complement or contrast with the monument or memorial; (4) authorize a city resident to file a complaint with the attorney general if the resident asserts facts supporting an allegation that the city has violated (1), above; and (5) authorize civil penalties against a city for intentional violations of (1), above.

H.B. 417 (Walle) – Payday Lending: would provide that a credit services organization or a representative of a credit services organization may not, unless the credit services organization or representative of the credit services organization has evidence sufficient prove that the consumer has committed theft or issued a bad check: (1) file a criminal complaint or threaten to file a criminal complaint related to an extension of consumer credit or provision of credit services against the consumer; or (2) refer or threaten to refer a consumer to a prosecutor for the collection and processing of a check or similar sight order that was issued in relation to an extension of consumer credit.

H.B. 425 (K. King) – Rural Broadband: would, among other things: (1) create a rural broadband service program; and (2) require the Public Utility Commission to provide financial assistance from the universal service fund for broadband service providers who elect to participate in the rural broadband service program for the purpose of offering retail broadband service in underserved rural areas of the state at rates comparable to the benchmark rates established by the Federal Communications Commission.

H.B. 467 (J. Gonzalez) – Tax Increment Financing: would, among other things: (1) require a city, before adopting an ordinance designating a tax increment reinvestment zone, to prepare or have prepared an affordable housing impact statement; (2) require the statement in (1), above, to be made available to the public and posted on the city’s Internet website at least 60 days before the city holds the hearing on the tax increment reinvestment zone; and (3) provide that the statement under (1), above, must include estimates of the impact on the availability of affordable housing in the area of the proposed zone for the 30-year period following designation of the proposed zone.

H.B. 545 (E. Thompson) – Annexation: would authorize a city to annex a portion of the state highway system or right-of-way of a portion of the state highway system if the city receives consent for the annexation from the Texas Department of Transportation.

H.B. 539 (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. 544 (Minjarez) – Recovery Housing: would, among other things: (1) define the term “recovery house” as a shared living environment that promotes sustained recovery from substance use disorders by integrating residents into the surrounding community and providing a setting that connects residents to supports and services promoting sustained recovery from substance use disorders, is centered on peer support, and is free from alcohol and drug use; (2) 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 (3) 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.

S.B. 113 (West) – Community Land Trusts: would, among other things: (1) expand the type of nonprofit organizations that may constitute a community land trust; (2) provide that, once adopted by the governing body of a taxing unit, certain community land trust tax exemptions continue to apply to the property until the governing body rescinds the exemption in the manner provided by law; and (3) impose certain requirements on a chief appraiser who is appraising land or a housing unit leased by a community land trust, including that the chief appraiser use the income method of appraisal.

S.B. 144 (Powell) – School Property Tax Limitations: would extend the expiration date of the Texas Economic Development Act from December 31, 2022, to December 31, 2032.

S.B. 154 (Perry) – Broadband Office: would, among other things: (1) establish the broadband office within the Texas Public Utility Commission to: (a) facilitate and coordinate the efforts of state agencies and local units of government, including regional planning commissions, in connection with the planning and deployment of broadband projects; (b) develop broadband investment and deployment strategies for rural communities and other areas of this state that are underserved and unserved with respect to broadband; (c) promote and coordinate public sector and private sector broadband solutions in support of statewide broadband development goals; (d) assist and promote local and regional broadband planning; (e) pursue and obtain federal sources of broadband funding; (f) develop a framework to measure broadband access in and designate areas of this state that are underserved and unserved with respect to broadband; (g) develop statewide goals for broadband deployment in rural communities and other underserved and unserved areas; (h) manage and award funds allocated to the broadband office for broadband projects; and (i) serve as an information clearinghouse in relation to federal programs providing assistance to local entities with respect to broadband; and (2) provide that the broadband office shall establish a

program to provide grants to private sector broadband providers for projects to provide broadband service in an unserved area.

Elections

H.B. 221 (Ortega) – 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. 95** by **Menéndez**.)

H.B. 230 (Bernal) – 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. (Companion is **S.B. 100** by **Menéndez**.)

H.B. 329 (Cain) – Election Integrity: would: (1) require the secretary of state and Department of Public Safety to take certain actions to ensure a person who is not a citizen of the United States may not register to vote or vote; and (2) require the secretary of state to create an examination of election law and procedures that a person must pass before serving as an election judge during early voting by personal appearance or on election day.

H.B. 330 (Cain) – Election Procedures: would, among other things: (1) provide that an election held by a political subdivision to authorize the issuance of bonds does not authorize the issuance of bonds unless at least: (a) two-thirds of the voters voting in the election vote in favor of authorizing the issuance of bonds; and (b) 20 percent of the registered voters eligible to vote in the election vote in the election; (2) provide that, for a political subdivision located entirely in a county with a population of 250,000 or more, the governing body of the political subdivision shall request an election services contract with the county elections administrator to perform all duties and functions of the political subdivision in relation to an election held on the May uniform election date; (3) prohibit a ballot proposition from exceeding 400 characters; (4) provide that an election judge commits a state jail felony if: (a) the judge accepts a voter for voting under the regular procedure for voting if the voter is only permitted to vote a provisional ballot in the election; (b) the judge, in one election, accepts for voting under the regular procedure for voting three or more voters whose names are not on the list of registered voters for the precinct; or (c) the judge provides a voter with a form for an affidavit required under the regular procedure for voting if the form contains false information; and (5) would require early voting to take place at a residential care facility if five or more voters residing in the same residential care facility apply to vote early by mail on the grounds of age or disability.

H.B. 400 (Bucy) – 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. 95** by **Menéndez**.)

H.B. 463 (Shaheen) – Poll Watchers: would provide that a person is ineligible to serve as a poll watcher in an election if the person has been finally convicted of a felony.

H.B. 478 (J. Gonzalez) – Polling Place Parking: would require an election officer to designate a clearly-marked parking space at each polling place for voters that are unable to enter the polling place.

H.B. 479 (J. Gonzalez) – Early Voting by Mail: would require the secretary of state to implement a program allowing a person to complete an application for an early voting ballot by mail over the internet from the official website of the state.

H.B. 482 (J. Gonzalez) – Early Voting by Mail: would, among other things, provide that a marked ballot voted by mail must arrive at the address on the carrier envelope not later than the fifth day after the date of the election, if the carrier envelope was placed for delivery by mail or common or contract carrier before election day and bears a cancellation mark of a common or contract carrier or a courier indicating a time not later than 7:00 p.m. at the location of the election on election day.

H.B. 519 (Beckley) – Voter Registration: would, among other things, provide that: (1) 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) a person who would be eligible to vote in an election but for the requirement to be a registered voter must be accepted during early 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 adequate proof of residence; (3) an election officer must make a copy of the proof of residence, attach it to the registration application, and return the original proof of residence to the voter; (4) a person voting under (2), above, shall vote a provisional ballot; and (5) the secretary of state may, by rule, designate additional documents that a person may offer to prove the person's residence to register and vote.

H.B. 530 (Patterson) – Handguns: 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. 583 (Cole) – 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. 95** by Menéndez.)

S.B. 95 (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 bill is **H.B. 76** by Meza.)

S.B. 99 (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. 123** by Meza.)

S.B. 100 (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. (Companion is **H.B. 230** by **Bernal**.)

S.B. 131 (Johnson) – Uniform Election Dates: would: (1) authorize a city council to change the date on which it holds its general election for officers to the November uniform election date if the change is approved by at least two-thirds of the governing body; and (2) provide that a change made under (1), above, supersedes a city charter provision that requires a different general election date.

Emergency Management

H.B. 340 (Cain) – Weapons: would eliminate the governor’s authority: (1) during a state of emergency, to issue directives on the control of: (a) the sale, transportation, and use of weapons; and (b) the storage, use, and transportation of explosives or flammable materials considered dangerous to public safety; and (2) during a declared state of disaster to suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles.

H.B. 429 (K. King) – Texas Windstorm Insurance Association: would: (1) add the provision of an adequate market for tornado insurance and wildfire insurance statewide to the primary purpose of the Texas Windstorm Insurance Association; (2) define “tornado insurance,” “wildfire,” and “wildfire insurance”; and (3) require the Department of Insurance to (a) maintain a list of all insurers that engage in the business of property and casualty insurance in the voluntary market in a city or county that includes a catastrophe area and (b) develop incentive programs to encourage authorized insurers to write insurance on a voluntary basis and to minimize the use of the association as a means to obtain insurance.

H.B. 431 (K. King) – Insurance Rates in Disaster Area: would provide that if the governor designates a disaster area, an insurer may not consider loss and expense experience caused by the disaster in the designated area to set rates for risks outside of the designated area.

H.B. 525 (Shaheen) – Religious Organizations: would: (1) provide that a religious organization is an essential business and that its activities are essential activities; (2) provide that a governmental entity, including a city, may not prohibit a religious organization from operating, including during a declared state of disaster; and (3) authorize a person to sue, and the attorney general to seek injunctive or declaratory relief, for a violation of the prohibition in (2).

S.B. 114 (Lucio) – Border Health: would require the Texas Department of State Health Services to establish a border public health response team to deploy in response to certain public health threats and declared disasters in border counties.

Municipal Courts

H.B. 267 (Canales) – Municipal Court: would: (1) require the Office of Court Administration to create, promulgate, and update standard forms for use in criminal actions for: (a) waiving a jury trial and entering a plea of guilty or nolo contendere in a misdemeanor case; (b) a trial court to

admonish a defendant; and (c) a defendant who receives admonitions in writing to acknowledge that the defendant understands the admonitions and is aware of the consequences of the defendant's plea; and (2) provide that the Texas Supreme Court by rule shall set the date by which all courts must adopt and use the forms.

H.B. 489 (Wu) – Guilty Plea Admonitions: would, among other things, require a court to, before accepting a guilty plea or a nolo contendere plea for an offense punishable as a felony, give an admonition regarding: (1) the applicable provisions governing whether a judge or jury will assess punishment; (2) the range of punishments; and (3) the effect of judge or jury sentencing on the eligibility of the defendant for judge-ordered community supervision, jury-recommended community supervision, or deferred adjudication community supervision.

H.B. 569 (Sanford) – Misdemeanor Fines: would, among other things, provide that in imposing a fine and costs in a case involving a misdemeanor punishable by a fine only, the justice or judge shall credit the defendant for any time the defendant was confined in jail or prison while serving a sentence for another offense at a rate of \$200 for each day of confinement if that confinement occurred after the commission of the misdemeanor. (Companion bill is **S.B. 192** by **West**.)

S.B. 164 (Blanco) – Family Violence: would require notice to certain defendants regarding the unlawful possession or acquisition of a firearm or ammunition, including notice given by: (1) a peace officer who issues a citation; and (2) a court to a person convicted of a misdemeanor involving family violence.

S.B. 192 (West) – Misdemeanor Fines: would, among other things, provide that in imposing a fine and costs in a case involving a misdemeanor punishable by a fine only, the justice or judge shall credit the defendant for any time the defendant was confined in jail or prison while serving a sentence for another offense at a rate of \$200 for each day of confinement if that confinement occurred after the commission of the misdemeanor. (Companion bill is **H.B. 569** by **Sanford**.)

Open Government

No open government bills were summarized this week.

Other Finance and Administration

H.B. 219 (Thierry) – Abolish Confederate Heroes Day: would abolish Confederate Heroes Day as a state holiday. (Companion bill is **H.B. 36** by **J. Johnson**.)

H.B. 285 (Murr) – Obstruction or Retaliation: would make the punishment for conduct constituting the criminal offense of obstruction or retaliation a second degree felony if the victim is harmed or threatened because of the victim's service or status as a public servant.

H.B. 292 (Murr) – Recovery Housing: would, among other things: (1) prevent a city from adopting or enforcing an ordinance, order, or other regulation that prevents a recovery house from operating in a residential community; (2) define a "recovery house" as a shared living environment that promotes sustained recovery from substance use disorders by integrating residents into the surrounding community and providing a setting that connects residents to supports and services

promoting sustained recovery from substance use disorders, is centered on peer support, and is free from alcohol and drug use; (3) require the Health and Human Services Commission (HHSC) to adopt standards for certification of a recovery house consistent with the quality standards from the National Alliance for Recovery Residences; (4) require each recovery house to be managed by a certified recovery house administrator who has completed required training; (5) require the revocation of a recovery house's certification if it is without a recovery house administrator for more than 30 days; and (6) require HHSC to prepare an annual report regarding recovery houses, including the number of certified recovery houses and any revocations of their certifications.

H.B. 298 (Zwiener) – Dark Sky Communities: would provide that: (1) a city that has applied for or received the International Dark Sky Community designation may regulate by ordinance the installation and use of outdoor lighting in the city and the city's extraterritorial jurisdiction; (2) a city may sue in any court to enjoin a violation of an ordinance under (1); and (3) a person who violates an ordinance adopted under (1) commits a Class C misdemeanor offense.

H.B. 337 (Rosenthal) – Animal Shelter Records: would require each animal shelter operated by a city to prepare and maintain monthly records on the intake and disposition of animals, and provide for how such records must be made available to the public.

H.B. 371 (Fierro) – State Holidays: would designate the day after the Super Bowl as a state holiday.

H.B. 386 (Pacheco) – Unlawful Restraint of Dog: would: (1) prohibit and create a criminal offense for the unlawful restraint of a dog; and (2) provide that the prohibition in (1) does not preempt a local regulation relating to the restraint of a dog or affect the authority of a political subdivision to adopt or enforce an ordinance or requirement relating to the restraint of a dog if the regulation, ordinance, or requirement: (a) is compatible with and equal to, or more stringent than, the prohibition; or (b) relates to an issue not specifically addressed by the prohibitions.

H.B. 409 (Cortez) – First Responder Admission to State Parks: would: (1) provide that the Texas Parks and Wildlife Department shall waive the park entrance fees and certain license fees for an individual who is a first responder and who has completed at least 20 years of continuous service as a first responder or has certain disabilities connected to service as a first responder; and (2) define "first responder" as, among others: (a) a firefighter certified by the Texas Commission on Fire Protection or by the State Firefighters' and Fire Marshals' Association of Texas; (b) an individual certified as emergency medical services personnel by the Department of State Health Services; or (c) a municipal police officer.

H.B. 433 (K. King) – Electric Generation Tax: would: (1) impose a tax on each electric generator in the state that generates electricity using an energy source other than natural gas at the rate of one cent for each kilowatt hour of electricity generated; and (2) require revenue collected from the tax to be deposited to the credit of the foundation school fund.

H.B. 477 (Deshotel) – Casino Gaming: would: (1) provide for casino gaming in certain state coastal areas; and (2) provide for a casino gaming tax equal to 18 percent of a casino's gross gaming revenue to provide additional money for residual windstorm insurance coverage and catastrophic flooding assistance in coastal areas.

H.B. 504 (White) – Fireworks: would expand the days that a retail fireworks seller may sell fireworks to individuals beginning June 14 and ending on June 19.

H.B. 505 (White) – Fireworks: would expand the days that a retail fireworks seller may sell fireworks to individuals to five days before Labor Day through midnight on Labor Day.

H.B. 537 (Patterson) – County Internet Notice: would: (1) authorize a county governmental entity to satisfy a requirement to provide notice by publication in a newspaper by posting the notice on the county’s Internet website; and (2) require an electronic display of information under (1), above, to meet the time, content, appearance, and other requirements provided by law for posting the notice, to the extent possible.

H.B. 543 (White) – Working Animals: would: (1) define “working animal” as an animal used for the purpose of performing a specific duty or function, including entertainment, transportation, or education; and (2) preempt a political subdivision from imposing a governmental requirement that terminates, bans, or effectively bans by imposing an undue financial hardship, the job or use of a working animal or an enterprise that employs a working animal.

H.B. 561 (Israel) – 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 or persons younger than 18 years of age.

H.B. 587 (Cole) – Public Facility Study: would require the Texas Facilities Commission to conduct a study to assess the availability and suitability of existing unused and underused public facilities for joint use by two governmental entities, including the economic advantages of that use.

H.B. 596 (Sherman) – Election Day Holiday: would designate the first Tuesday after the first Monday in November of an even-numbered year as a state holiday.

H.J.R. 21 (Craddick) – Infrastructure Funding: would amend the Texas Constitution to create the Grow Texas fund and authorize the appropriation of money from the Grow Texas fund only for use in areas of the state from which oil and gas are produced and only to address infrastructure needs in the manner provided by general law in areas of the state determined by the legislature to be significantly affected by oil and gas production.

H.J.R. 32 (Shine) – Unfunded Mandates: would amend the Texas Constitution to provide that a law enacted by the legislature on or after January 1, 2022, that requires a city or county to establish, expand, or modify a duty or activity that requires the expenditure of revenue is not effective unless the legislature appropriates or otherwise provides, from a source other than the city or county revenue, for the payment or reimbursement of the costs incurred for the biennium in complying with the requirement.

S.B. 128 (N. 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” in honor of the centuries-long struggle to bring the right of suffrage to all Americans.

S.B. 133 (Johnson) – Inflation Report by Comptroller: would require the comptroller to: (1) maintain a list of each dollar amount of certain taxes, fees, fines, and exemptions specified in state statute; and (2) not later than November 1 of each even-numbered year: (a) determine the inflation-adjusted amount of each dollar amount identified in (1), above; and (b) estimate the fiscal effects the inflation-adjusted amounts determined under (1), above, would have on the state and political subdivisions of the state if those amounts had applied during the preceding state fiscal biennium.

S.B. 149 (Powell) – Unmanned Aircraft: would provide that is a criminal offense for a person to intentionally or knowingly operate an unmanned aircraft over a military installation owned or operated by the federal government, the state, or another governmental entity.

S.B. 150 (Powell) – State Agency Rules: would require a state agency that is made aware that a proposed rule may have an adverse economic effect on small businesses, micro-businesses, or rural communities after notice of the proposed rule has been published to: (1) prepare an economic impact statement and regulatory flexibility analysis; (2) publish the statement and analysis in the Texas Register as an amendment to the proposed rule; and (3) provide a copy of the statement and the analysis to the standing committee of each house of the legislature charged with reviewing the proposed rule.

S.B. 157 (Perry) – Eminent Domain Reporting Requirements: would: (1) exempt a city with a population of less than 25,000 from eminent domain reporting requirements if the city’s eminent domain authority information has not changed from the information reported in the city’s most recently filed report; and (2) provide that for a city described by (1), above, if the city’s eminent domain authority information is the same as the information in the eminent domain database from the previous reporting period, the city, not later than February 1 of the current reporting period, shall confirm the accuracy of the information by electronically updating the city’s previously filed report with the comptroller.

Personnel

H.B. 224 (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. 247 (Meza) – Family and Medical Leave: would create a state family and medical leave law that, among other things: (1) requires an employer, including a city, to provide an employee who has been employed for at least one year not less than 30 days of leave for specific family and medical reasons; (2) creates a wage replacement fund administered by the Texas Workforce

Commission that is funded by an assessment on each employee's wages in an amount equal to one quarter of one percent of the employee's average monthly pay; (3) provides that if an employer provides paid sick leave to its employees, an employee is entitled to use such paid leave for the specific family and medical reasons described in (1), above, in an amount not to exceed the lesser of the paid leave or 30 days; (4) provides that if an employer does not provide paid leave to its employees, or provides paid leave that may not be used for the specific family and medical reasons described in (1), above, the employee is entitled to wage replacement benefits for leave taken for such reasons; and (5) provides that an employer may not interfere with an employee's attempt to take leave, discharge an employee or otherwise discriminate against an individual for opposing an practice made unlawful by the bill, or discriminate or discharge an employee for exercising the employee's rights to leave.

H.B. 255 (Terry) – Adjusted Minimum Wage: would: (1) eliminate the current minimum wage (\$7.25 per hour) and replace it with an adjusted minimum wage to be paid to an employee by certain employers, including a city; and (2) provide that on December 1 of each year, the comptroller shall determine the adjusted minimum wage to be paid for the next calendar year by increasing the adjusted minimum wage for that calendar year by the percentage increase, if any, in the consumer price index for the 12 months preceding that date.

H.B. 310 (Springer) –Disease Presumption: would, among other things, provide: (1) that for purposes of reimbursement of medical expenses for public safety employees, including peace officers, firefighters, and emergency medical services personnel, who are exposed to a contagious disease, a disease is not an "ordinary disease of life" if the disease is the basis for a disaster declared by the governor for all or part of the state; (2) that a firefighter, peace officer, or emergency medical technician who contracts a disease that is the basis for a state declared disaster that results in total or partial disability is presumed to have contracted the disease during the course and scope of employment as a peace officer, firefighter, or emergency medical technician.

H.B. 318 (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 360 (Sherman) – Pay Discrimination: would provide that: (1) an employer, including a city, commits an unlawful employment action if the employer: (a) includes a question regarding an applicant's wage history information on an employment application form; (b) inquires into an applicant's wage history information; (c) considers an applicant's wage history information in determining whether to hire the applicant or the wages to pay the applicant; or (d) obtains an applicant's wage history information from a previous employer of the applicant or other source, unless the wages in that previous employment are subject to disclosure under the Public Information Act; (2) an employer may consider an applicant's wage history information in determining an applicant's wages if such information is voluntarily disclosed by the employee; (3) upon reasonable request following an initial interview, an employer shall provide to an applicant a pay scale for the employment position for which the applicant is applying; (4) an employer may ask an applicant the applicant's expectation of wages for the prospective employment position; (5) with certain exceptions, an employer discriminates on the basis of sex by paying wages to an

employee at a rate less than the rate at which the employer pays wages to another employee of the opposite sex for the same or substantially similar work on jobs, the performance of which requires equal or substantially similar skill, effort, and responsibility; (6) an employer may not enter into an agreement with an employee that provides that employer may pay the employee a wage at a rate that violates the provisions of the bill, and may not justify a wage differential based on wage history; and (7) require each employer to compile and maintain for a period of at least three years records that: (a) contain the wages paid to each employee; (b) the method, system, computations, and other factors used to establish, adjust, and determine the wage rates paid to the employee; and (c) any other conditions of employment.

H.B. 383 (Pacheco) – Minimum Wage: would provide that the minimum wage shall be not less than the greater of \$12 an hour or the federal minimum wage (currently \$7.25).

H.B. 396 (Moody) – Disease Presumption: would provide that a nurse, including a nurse employed by a political subdivision, who suffers from COVID-19 on or after February 1, 2020, resulting in disability or death is presumed for workers' compensation benefit purposes to have contracted the disease during the course and scope of employment as a nurse if the nurse: (1) is assigned to treat a patient diagnosed with the disease or to duties that require the nurse to come in contact with a patient diagnosed with the disease; and (2) contracts the disease during the patient's admission to the health care facility at which the nurse treated or came in contact with the patient or not later than the 14th day following the date of the patient's discharge from the facility.

H.B. 419 (Sherman) – Pay Discrimination: would, among other things: (1) provide that an employer, including a city, commits an unlawful employment practice if the employer: (a) relies on an applicant's or employee's wage history information in determining whether to hire the applicant, the wages to pay the applicant or employee, or whether to promote or continue to employ the employee; (b) seeks, requests, or requires an applicant's or employee's wage history information as a condition of: (i) an applicant being interviewed or receiving an offer of employment; or (ii) a current employee's continued employment or promotion; (c) seeks, requests, or requires an applicant's or employee's wage history information from a previous employer of the applicant or employee or other source, unless the wages in that previous employment are subject to the Public Information Act; (d) refuses to interview, hire, promote or otherwise employ, or retaliates against, an applicant or employee based on wage history information; or (e) refuses to interview, hire, promote or otherwise employ, or retaliates against, an applicant or employee who did not provide wage history information; (2) provide that if an applicant or employee voluntarily discloses the applicant's or employee's wage history information to an employer, the employer may consider that information in determining the applicant's or employee's wages; (3) provide that an employer may confirm wage history information if at the time an offer of employment with compensation is made, the employee or applicant responds to the offer by providing wage history information to support a wage higher than that offered by the employer; (4) prohibit discrimination or retaliation against person for taking action that is protected by this bill; (5) provides that the bill does not diminish the rights, privileges or remedies of an applicant or employee under any other law or rule or collective bargaining or employment agreement, and (5) an aggrieved applicant or employee may bring a civil action to enforce rights protected by this bill, and an employer may be liable for damages, including injunctive relief and reasonable attorney's fees and other costs.

H.B. 499 (Wu) – Pay Equity Task Force: would: (1) create the Texas Pay Equity Task Force, consisting of, among others, one appointed representative of a city, to: (a) conduct a study to determine whether a disparity exists on the basis of gender, disability, or race in compensation paid to employees of state agencies, counties, and cities; and (b) develop and submit a written report on the study and any recommendations developed to the governor, the lieutenant governor, the speaker of the house, and each member of the legislature no later than November 1, 2022.

H.B. 540 (Patterson) – Labor Peace Agreement: would: (1) define a “labor peace agreement” as any agreement between a person and the employees of the person or an entity that represents or seeks to represent those employees that limits or otherwise interferes with the rights of the person under federal labor law; and (2) provide that a city or county may not adopt or enforce an ordinance, order, or other measure that requires a person to enter into a labor peace agreement or to waive or limit any right of the person under federal law as a condition of: (i) being considered for or awarded a contract; or (ii) otherwise engage in a commercial transaction with the city or county.

H.B. 541 (Patterson) – Disease Presumption: would: (1) provide that a public safety employee, including a peace officer, firefighter, and emergency medical services employee, who suffers from COVID-19 resulting in disability or death is presumed to have contracted the disease during the course and scope of employment as a public safety employee; and (2) retroactively apply the provisions of this bill to a person who on or after February 1, 2020, but before the effective date of this bill filed a claim for benefits or compensation related to COVID-19 and whose claim was subsequently denied may file another claim on or after the effective date of the bill, and the changes made by this bill would apply to that claim.

H.B. 550 (Israel) – Whistleblowing: would: (1) for purposes of anti-retaliation provisions of the Whistleblower Act, expand the persons to whom a public employee may report certain violations of law to include: (a) the employee’s immediate supervisor, or an individual who holds a position above the reporting employee’s immediate supervisor, at the employing entity; (b) an individual or office designated by the employing entity as the individual or office for reporting such grievances; or (c) or a member of the human resources staff of the employing entity; (2) require a public employer, including a city, to: (a) develop and adopt an anti-retaliation policy that: (i) informs its employees of their rights; and (ii) lists the individual to whom its employees may report a violation of law; (b) provide a copy of the anti-retaliation policy to each employee of the first day of the employee’s employment; and (c) notify its employees of any change made to its anti-retaliation policy by e-mail, memorandum, or any other manner that ensures each employee will be information of the change; (3) require the individuals described in (1), above, to provide a copy of the entity’s anti-retaliation policy if an employee requests such policy; and (4) require the attorney general to post in a prominent location on the attorney general’s internet website: (a) a summary of the rights of public employees under the whistleblower statute; and (b) a notice informing public employees of: (i) the ability to obtain a copy of the anti-relation policy adopted by their employment governmental entity or the individuals described in (1), above, and (ii) the requirement that an employing governmental entity provide a copy of the entity’s anti-retaliation policy to each public employee on the first day of their employment. (Companion bill is **S.B. 132** by **Johnson**.)

H.B. 455 (Deshotel) – 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. 582 (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 the city.

S.B. 107 (Powell) – Disease Presumption: would, among other things: (1) provide that for purposes of reimbursement of medical expenses for public safety employees, including peace officers, firefighters, and emergency medical services personnel, who are exposed to a contagious disease, a disease is not an “ordinary disease of life” if the disease is the basis for a disaster declared by the governor for all or part of the state; (2) expand the applicability of the disease presumption statute to include detention officers, including such officers who are employed by a city; and (3) expand the disease presumption statute to provide that a detention officer, firefighter, peace officer, or emergency medical technician who contracts a disease that is the basis of a state declared disaster for all or part of the state and dies or is totally or partially disabled is presumed to have contracted such disease in the course and scope of employment as a detention officer, firefighter, peace officer, or emergency medical technician.

S.B. 132 (Johnson) – Whistleblower Act: would: (1) for purposes of anti-retaliation provisions of the Whistleblower Act, expand the persons to whom a public employee may report certain violations of law to include: (a) the employee’s immediate supervisor, or an individual who holds a position above the reporting employee’s immediate supervisor, at the employing entity; (b) an individual or office designated by the employing entity as the individual or office for reporting such grievances; or (c) or a member of the human resources staff of the employing entity; (2) require a public employer, including a city, to: (a) develop and adopt an anti-retaliation policy that: (i) informs its employees of their rights; and (ii) lists the individual to whom its employees may report a violation of law; (b) provide a copy of the anti-retaliation policy to each employee of the first day of the employee’s employment; and (c) notify its employees of any change made to its anti-retaliation policy by e-mail, memorandum, or any other manner that ensures each employee will be information of the change; (3) require the individuals described in (1), above, to provide a copy of the entity’s anti-retaliation policy if an employee requests such policy; and (4) require the attorney general to post in a prominent location on the attorney general’s internet website: (a) a summary of the rights of public employees under the whistleblower statute; and (b) a notice informing public employees of: (i) the ability to obtain a copy of the anti-relation policy adopted by their employment governmental entity or the individuals described in (1), above, and (ii) the requirement that an employing governmental entity provide a copy of the entity’s anti-retaliation policy to each public employee on the first day of their employment. (Companion bill is **H.B. 550** by **Israel**.)

Purchasing

H.B. 263 (Meza) – Rest Breaks: would provide that: (1) a governmental entity, including a city, that enters into a contract with a contractor 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 shall include terms that: (a) authorize an employee of a contractor or subcontractor required to work without a rest break to make a verbal or written complaint to the governmental entity contracting with the contractor; (b) explain that, on confirmation of such violation, the governmental entity shall provide to the contractor written notice of the violation by hand delivery or certified mail; (c) inform a contractor that the governmental entity may impose an administrative penalty if the contractor fails to comply after the date on which 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 governmental entity 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 governmental shall develop procedures for the administration of the provisions of this bill; and (5) the bill does not preempt a local ordinance, rule, or other measure by a city requiring rest breaks in accordance with a construction contract, provided that such ordinance, rule, or measure is compatible with and equal to or more stringent than the provisions of the bill.

Transportation

H.B. 427 (K. King) – Electric/Hybrid Vehicles: would add an additional annual vehicle registration fee for electric (\$200) and hybrid (\$100) vehicles.

H.B. 442 (Israel) – Speed Limits: would provide that the prima facie speed limit in an urban district is: (1) 30 miles per hour on a street, or 25 miles per hour if the street is located in a residential district and is not officially designated or marked as part of the state highway system; and (2) 15 miles per hour in an alley.

H.B. 443 (Israel) – Pedestrians: would require the operator of a vehicle to stop and yield the right-of-way to a pedestrian in various instances.

H.B. 502 (Wu) – License Plates: would require the Texas Department of Motor Vehicles to include in its rules for the placement of license plates authorization for a motor vehicle to display only a rear license plate, if the application for the vehicle's registration pays an annual fee of \$50.

H.B. 555 (Lopez) – Road Construction Vehicles: would: (1) require a driver to change lanes or slow down on approaching certain highway or construction vehicles, utility service vehicles, and solid waste vehicles; and (2) require a vehicle repairing a guardrail, doing sign maintenance, and placing/removing temporary traffic-control devices to be equipped with lamps and comply with lighting standards established by the Texas Department of Transportation.

S.B. 206 (Schwertner) – Golf Carts: would: (1) allow a neighborhood electric vehicle and golf cart to be operated in a master planned community: (a) that is a residential subdivision or has in place a uniform set of restrictive covenants; and (b) for which a county or city has approved one or more plats; (2) provide that a person may operate a golf cart in a master planned community described in (1) without a golf cart license plate; and (3) allow a city to prohibit the operation of a golf cart on a highway in the following areas if the city council determine the prohibition is necessary in the interest of safety: (a) master planned community described in (1); (b) on a public or private beach that is open to vehicular traffic; or (c) on a highway for which the posted speed limit is not more than 35 miles per hour.

Utilities and Environment

H.B. 289 (Collier) – Concrete Plant: 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. 291 (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) may be amended with approval of the city.

H.B. 416 (Walle) – Concrete Batch Plants: would require a plot plan for an application for a standard permit for a concrete batch plant issued by the Texas Commission on Environmental Quality.

H.B. 448 (Bailes) – Eminent Domain for Pipeline Companies: would provide that if an entity regulated by the Railroad Commission proposes to acquire property by eminent domain, a property owner may file a written complaint with the commission regarding alleged misconduct by the entity while exercising that authority.

H.B. 520 (Beckley) – Utility Right-of-Way Planting: would provide that the Texas Department of Transportation – in consultation with the Department of Agriculture – by rule shall require a utility (including a city utility) that disturbs the right-of-way of a state highway while constructing or maintaining a utility facility in the right-of-way to install, at the utility's expense, in the right-of-way after the construction or maintenance is complete plants that: (1) are native, regionally appropriate, and pollinator-friendly; and (2) generally grow roots less than four feet below the surface.

S.B. 182 (Schwertner) – Municipally-Owned Utilities: would: (1) require certain municipally-owned electric utilities (MOUs) to provide customer choice if the five-year average electric rate paid by customers of a MOU is 10 percent greater than the five-year average electric rate paid by customers in a similarly situated region open to customer choice; (2) require the Public Utility Commission (PUC) to make an electric rate comparison of approximately one-fifth of MOUs located in the ERCOT power region and not open to customer choice by comparing the average

electric rate paid in the previous five years by: (a) customers of the MOU; and (b) customers who are located in a region that is open to customer choice and similarly situated to the region served by the utility, as determined by the PUC; and (3) provide that the PUC may not make a rate comparison of an MOU if the MOU was the subject of a rate comparison under (2) in the previous four years.

Coronavirus (COVID-19) Updates

The Texas Municipal League is open for business. The building is closed to all but essential personnel and most staff is working remotely, but the League remains open for business and is fully ready to serve. Cities are encouraged to call or email for legal assistance, help with ordinances, or for general advice or assistance. Let us know how we can assist you and your city.

Call TML staff at 512-231-7400, or email the legal department for legal assistance at legalinfo@tml.org; Rachael Pitts for membership support at RPitts@tml.org; and the training team for questions about conferences and workshops at training@tml.org.

The League has prepared a coronavirus clearinghouse [web page](#) to keep cities updated. In addition, everyone who receives the *Legislative Update* should receive an email update each Tuesday and Thursday with information on new developments. The email updates will be our primary means of communication during the pandemic. Those emails are being archived [chronologically](#) as well as by [subject matter](#).

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