



Legislative UPDATE

February 5, 2021
Number 5

Speaker Phelan Announces House Committees

House Speaker Dade Phelan announced his appointments to [Texas House Committees](#) on Thursday afternoon.

87th Legislative Session Bills to Watch

The Legislature has until March 12 to file bills to be considered during the 140-day legislative session. We will continue to summarize all city-related bills filed and you can find a comprehensive list of those bills [here](#). However, here are a few bills worth noting. We ask all city officials to begin conversations with your state representative and state senator on these important issues.

H.B. 749 (Middleton) – Community Censorship: would: (1) prohibit a political subdivision from spending public funds to: (a) hire an individual required to register as a lobbyist for the purpose of lobbying a member of the Texas legislature; or (b) pay a nonprofit state association or organization that: (i) primarily represents political subdivisions; and (ii) hires or contracts with an individual required to register as a lobbyist; (2) provide that if a political subdivision engages in activity prohibited by (1), above, a taxpayer or resident of the political subdivision is entitled to injunctive relief to prevent any further prohibited activity or any further payments of public funds; and (3) provide that a taxpayer or resident who prevails in an action under (2), above, is entitled to recover reasonable attorney's fees and costs from the political subdivision. (Companion bill is **S.B. 234** by **Hall**.)

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.

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.

H.B. 1030 (Shaheen) – Newspaper Notice: would: (1) allow a political subdivision to satisfy any law that requires notice to be published in a newspaper by publishing the notice in the following locations: (a) social media, free newspapers, school newspapers, a homeowners' association newsletter or magazine, utility bills, direct mailings, or any other form of media authorized by the comptroller; and (b) the internet websites maintained by the political subdivision and the comptroller; (2) provide that before providing notice under (1), a political subdivision must hold a public meeting about the alternative notice under (1)(a) and demonstrate that the circulation will be greater than the circulation of the newspaper with the greatest circulation in the political subdivision; (3) authorize the comptroller to grant a city's request for a waiver from (1)(b) if the city provides sufficient proof that Internet access is limited in the city, and if the comptroller grants the waiver, the city must provide additional notice on a public agenda board within the city; (4) require a city using alternative media described in (1)(a) to submit notice to the comptroller describing the alternative notice method in (1)(a) and certain other information; (5) authorize the comptroller to require a political subdivision to provide notice in a newspaper if the comptroller determines that the means under (1)(a) do not have greater circulation than a newspaper with the greatest circulation in the political subdivision; and (6) require the comptroller to prepare a report identifying and comparing the effectiveness of different methods of notice publication used by political subdivisions and provide the report to the governor, lieutenant governor, and the speaker of the house.

H.B. 1241 (Shine) – Annexation of Rights-of-Way: would provide that: (1) a city annexing an area on request of the owners, an area with less than 200 population by petition, an area with at least 200 population by election, or certain special districts may also annex with the area: (a) the right-of-way of a street, highway, alley or other public way or of a railway line spur, or roadbed that is contiguous to the city's boundaries and the area being annexed or a right-of-way described

in (b); or (b) the right-of-way of a public road or highway connecting the area being annexed to the city by the most direct route; (2) a city may only annex a right-of-way described under (1) if the city: (a) provides written notice of the annexation to the owner of the right-of-way not later than the 61st day before the date of the proposed annexation; and (b) the owner of the right-of-way does not submit a written objection to the city before the date of the proposed annexation; and (3) certain width requirements do not apply to the annexation of a right-of-way under (1). (Companion bill is **S.B. 374** by Seliger.)

S.B. 402 (Johnson) – **Street Maintenance Sales Tax**: would, among other things, provide that: (1) for a city in which a majority of the voters voting in each of the last two consecutive elections concerning the adoption or reauthorization of the street maintenance sales tax favored adoption or reauthorization and in which the tax has not expired since the first of those two consecutive elections, the city may call an election to reauthorize the tax for a period of eight or ten years, instead of four years; and (2) revenue from the street maintenance sales tax may be used to maintain and repair: (a) a city street or sidewalk; and (b) a city water, wastewater, or stormwater system located in the width of a way of a city street.

H.B. 1446 (Ashby) – **Broadband Development Office**: would, among other things:

1. establish a broadband development office within the comptroller's office;
2. require the broadband development office to: (a) serve as a resource for information regarding broadband service in the state; and (b) engage in outreach to communities regarding the expansion and adoption of broadband service and the programs administered by the office;
3. require the broadband development office to create, update annually, and publish on the comptroller's website a map designating each census block in the state as: (a) an eligible area, if fewer than 80 percent of the addresses in the block have access to broadband service; or (b) an ineligible area, if 80 percent or more of the addresses in the block have access to broadband service;
4. require the map described in (3), above, to display: (a) the number of broadband service providers that serve each census block; and (b) for each eligible area, an indication of whether the area has access to Internet service that is not broadband service, regardless of the technology used to provide the service;
5. provide that if information available from the Federal Communications Commission is not sufficient for the broadband development office to create or update the map, the office may request the necessary information from a political subdivision or broadband service provider, and the subdivision or provider must report the information to the office;
6. establish a petition process, under which a political subdivision or broadband service provider may petition the broadband development office to re-designate a census block on the map as an eligible area or ineligible area;
7. require the broadband development office to establish a program to award grants, low-interest loans, and other financial incentives to applicants for the purpose of expanding access to, and adoption of, broadband service in census blocks determined to be eligible areas;
8. require the broadband development office to establish and publish eligibility criteria for award recipients under (7), above, limiting grants, loans, and other financial incentives awarded to the program for use on capital expenses, purchase or lease of property, and

other expenses, including backhaul and transport that will facilitate the provision or adoption of broadband service;

9. provide that the office may not award a grant, loan, or other financial incentive to a noncommercial provider of broadband service for an eligible area if a commercial provider of broadband service has submitted an application for the eligible area;
10. provide that an award granted under the broadband development program does not affect distributions received by a broadband provider from the state universal service fund; and
11. establish the broadband development account in the state's general revenue fund consisting of: (a) appropriations of money to the account by the legislature; (b) gifts, donations, and grants, including federal grants; and (c) interest earned on the investment of the money in the account.

(Companion is **S.B. 506** by Nichols.)

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.

Don't Forget: Mandatory Hotel Occupancy Tax Reporting

The 50-day window for reporting local hotel occupancy tax information opened January 1, 2021. The reporting deadline is February 20, 2021.

Tax Code Section 351.009 requires cities to file an annual report with the comptroller that includes the city's hotel occupancy tax rate, the amount of revenue generated by the tax, and the amount and percentage of the revenue spent for each of the following purposes:

- Convention or information centers
- Convention delegates registration
- Advertising to attract tourists

- Arts promotion and improvement
- Historical restoration and preservation projects
- Signage directing the public to sights and attractions

Cities have two reporting options: (1) use the comptroller's online reporting form to submit all required information; or (2) clearly post and maintain all required information on the city's website and provide the comptroller's office with a link to the information. For cities selecting the second option, the comptroller provides an [optional format template](#) to post on the city's website.

For more information and access to the online reporting form, see the comptroller's hotel occupancy tax reporting [webpage](#). City officials with questions about the new requirements can also contact the comptroller's transparency team by email at transparency@cpa.texas.gov or (844) 519-5676.

City Officials Testify

When the legislature is in session, nothing compares to the effectiveness of city officials testifying at the Capitol. City officials who take the time to attend legislative committee meetings – whether virtually or by traveling to Austin – to speak out on important city issues should be applauded by us all. The League extends its thanks to all those who are vigilantly representing cities during this session. If we missed your testimony let us know by an email to ford@tml.org, and we will recognize you in next week's edition.

The following officials testified in the Senate Special Redistricting Committee hearings held January 25 through January 29:

- Peter Svarbein, Mayor Pro Tem, City of El Paso
- Jane Hughson, Mayor, City of San Marcos

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. 1360 (Landgraf) – Tax Information Notice: would require the designated officer or employee of a city to publish certain property tax information relating to the no-new-revenue tax rate, the voter-approval tax rate, and debt service tax rate in the newspaper.

H.B. 1391 (Middleton) – Property Tax Rate Elections: would, among other things, provide that in an election held on a city's proposed tax rate that exceeds the voter-approval tax rate or the minimis tax rate, as applicable, if a majority of the voters reject the proposed tax rate, the tax rate of the city is reduced to the lesser of the no-new-revenue tax rate or the voter-approval tax rate.

H.B. 1393 (Middleton) – Homestead Exemption: would increase the maximum percentage of a local option homestead exemption from 20 percent of the appraised value of an individual’s residence homestead to 100 percent of an individual’s residence homestead. (See **H.J.R. 77**, below)

H.B. 1395 (Middleton) – Property Taxes: would, among other things: (1) eliminate appraisal districts and instead require property tax appraisal through appraisal offices governed by the county assessor-collector; (2) eliminate property taxes on business personal property; and (3) provide that the appraised value of residential real property for a tax year may not exceed the lesser of: (a) the market value of the property; or (b) the sum of: (i) the purchase price paid by the property owner for the property; and (ii) the market value of each new improvement to the property as of January 1 of the first tax year in which the improvement was added to the appraisal roll. (See **H.J.R. 75**, below.)

H.B. 1420 (Bucy) – Property Tax Exemption: would expand the existing property tax exemption for the residence homestead of a surviving spouse of a member of the armed services killed in action to apply it to the surviving spouse of a member of the armed services who is killed or fatally injured in an incident directly related to the member’s military service while serving on active duty. (See **H.J.R. 79**, below.)

H.B. 1421 (Cain) – Property Tax Exemption: would eliminate the ability of a local taxing unit to adopt the temporary exemption for qualified property damaged by a disaster following the date the taxing unit adopts a tax rate, making the property tax exemption mandatory regardless of when the disaster occurs.

H.B. 1469 (Hefner) – Property Tax Appraisal: would, among other things, provide that land remains eligible for appraisal as qualified open-space land after a change in ownership of the land occurs if the change in ownership results from a transfer of the land from the former owner to a person who is related to the former owner within the second degree by affinity or third degree by consanguinity.

H.J.R. 75 (Middleton) – Property Taxes: would, among other things, amend the Texas Constitution to: (1) exempt all business personal property from property taxation; and (2) provide that the appraised value of residential real property for a tax year may not exceed the lesser of: (a) the market value of the property; or (b) the sum of: (i) the purchase price paid by the property owner for the property; and (ii) the initial market value of each new improvement to the property. (See **H.B. 1395**, above.)

H.J.R. 77 (Middleton) – Property Tax Exemption: would amend the Texas Constitution to authorize the governing body of a political subdivision to exempt up to 100 percent of the market value of a residence homestead. (See **H.B. 1393**, above.)

H.J.R. 79 (Bucy) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to provide that the surviving spouse of a member of the armed services who is killed or fatally injured in an incident directly related to the member’s military service while serving on

active duty is entitled to a property tax exemption of all or part of the market value of the surviving spouse's residence homestead if the surviving spouse has not remarried since the death of the member of the armed services. (See **H.B. 1420**, above.)

S.B. 449 (Hancock) – Property Tax Appraisal: would, among other things, authorize a property owner to bring suit to compel an appraisal district, chief appraiser, or appraisal review board to comply with a procedural requirement applicable to a property tax protest.

S.B. 489 (Kolkhorst) – Appraisal Cap: would reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **S.J.R. 31**, below.)

S.J.R. 31 (Kolkhorst) – Appraisal Cap: would amend the Texas Constitution to authorize the legislature to reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **S.B. 489**, above.)

Public Safety

H.B. 1374 (Minjarez) – Sexual Assault Victims: would provide, among other things, that: (1) any communication between an advocate and a survivor that is made in the course of advising, counseling, or assisting the survivor is confidential; (2) any record created by, provided to, or maintained by an advocate is confidential if the record relates to the services provided to a survivor or contains the identity, personal history, or background information of the survivor or information concerning the victimization of the survivor; (3) a survivor has, in any civil, criminal, administrative, or legislative proceeding, the privilege to refuse to disclose and to prevent another from disclosing, for any purpose, a communication or record pertaining to the survivor that is confidential; (4) a communication or record that is made confidential under (1), (2), or (3), above, may only be disclosed if: (a) the communication or record is relevant to the claims or defense of an advocate or sexual assault program in a proceeding brought by the survivor against the advocate or program; (b) the survivor has waived the privilege established with respect to the communication or record; (c) the survivor or other appropriate person consents in writing to the disclosure; (d) an advocate determines that, unless the disclosure is made, there is a probability of: (i) imminent physical danger to any person; or (ii) immediate mental or emotional injury to the survivor; (e) the disclosure is necessary to comply with a child abuse or neglect investigation or an elderly or disabled person abuse investigation; (f) for a management audit, a financial audit, a program evaluation, or research, except that a report of the audit, evaluation, or research may not directly or indirectly identify a survivor; or (g) the disclosure is made to an employee or volunteer of the sexual assault program after an advocate or a person under the supervision of a counseling supervisor who is participating in the evaluation or counseling of or the provision of services to the survivor determines that the disclosure is necessary to facilitate the provision of services to the survivor. (Companion bill is **S.B. 295** by **Perry**)

H.B. 1396 (White) – Police Misconduct: would provide that: (1) each law enforcement agency shall report to the Texas Commission on Law Enforcement (TCOLE) each incident of misconduct by a peace officer employed by the agency, including: (a) a conviction for a criminal offense committed in the course of performing the officer's duties; or (b) the use of excessive against a

person suspected of committing an offense; (2) a law enforcement agency shall also report, for each misconduct described in (1), above, whether the agency terminated or took disciplinary action against the officer or permitted the officer to retire or resign in lieu of termination for the misconduct; (3) TCOLE shall establish a database for information reported under (1) and (2), above, shall make such information accessible by all law enforcement agencies in the state, and may make said information regarding an incident of misconduct available to a federal law enforcement agency that is investigating the incident; (4) information maintained in the database described in (3), above, is confidential and not subject to disclosure under the Public Information Act; (5) no later than March 1 of each year, TCOLE shall make available on its internet website a report regarding incidents of misconduct reported during the preceding calendar year, including the total number of incidents reported to TCOLE, the most common types of misconduct reported, and the disciplinary action taken by the reporting law enforcement agency; (6) a report described in (5), above, may not include information identifying a specific peace officer; (7) TCOLE shall establish an advisory committee to advise TCOLE regarding law enforcement credentialing entities, and such committee shall include, among others, representatives of municipal agencies of varying sizes and from different areas of the state; (8) the advisory committee shall review entities that provide credentialing to law enforcement agencies and identify credentialing entities that, at a minimum, establish standards and processes for reviewing adherence to standards in the following aspects of a law enforcement agency's operations: (a) policies and training regarding use of force and de-escalation techniques; (b) performance management tools; (c) procedures to ensure prompt identification of peace officers requiring intervention; and (d) best practices regarding community engagement; (9) to be eligible for a grant or other discretionary funding by the governor, a law enforcement agency must: (a) consistently report incidents of misconduct as required by (1), above; and (b) maintain a current certification issued by a credentialing entity designated under (8), above, certifying that the agency's policies: (i) regarding use of force by peace officers comply with all applicable laws; and (ii) prohibit the use of choke holds or other physical maneuvers to restrict a person's ability to breathe for purpose of incapacitation unless the officer is justified in using deadly force against the person; and (10) TCOLE, in consultation with the Health and Human Services Commission and state and local law enforcement agencies, shall develop and make available, to all law enforcement agencies, a model policy and associated training regarding a "coordinated response program" in which a peace officer and a mental health professional jointly respond to a report of an alleged offense or other incident involving a person with a mental impairment, suffering from homelessness, or experiencing similar circumstances.

H.B. 1407 (Schaefer) – Handguns: would except a handgun that is visible, in a holster, and in a motor vehicle (along with the holder of the gun) from the prohibition against displaying a handgun in plain view of another person in a public place.

H.B. 1419 (Hull) – Missing Persons: this bill known as "John and Joseph's law" would provide, among other things, that: (1) a law enforcement agency, on receiving a report of a missing person, shall, not later than the 30th day after the date the agency receives the report, enter the name of the person into the National Missing and Unidentified Persons System, with all available identifying features such as dental records, fingerprints, other physical characteristics, and a description of the clothing worn when last seen, and all available information describing any person reasonably believed to have taken or retained the missing person; (2) a law enforcement agency or their designee shall, not later than the 10th working day after which identifying features of the

unidentified body have been determined, but not later than the 60th day after the date the death is reported to the agency, enter all available identifying features of the unidentified body into the National Missing and Unidentified Persons System; and (3) immediately after the return of a missing person or the identification of an unidentified body, the local law enforcement agency having jurisdiction of the investigation shall: (a) clear the entry in the National Crime Information Center database; and (b) notify the National Missing and Unidentified Persons System.

H.B. 1426 (Shaheen) – Forensic Medical Examinations: would provide, among other things, that: (1) if a sexual assault of a person other than a minor is reported to a law enforcement agency within 120 hours after the assault, the law enforcement agency, with the consent of the victim of the alleged assault, a person authorized to act on behalf of the victim, or an employee of the Department of Family and Protective Services, shall request a forensic medical examination of the victim for use in the investigation or prosecution of the offense; (2) if the sexual assault of a minor is reported at any time after the assault, a law enforcement agency shall request a forensic medical examination of the minor on receiving the consent of the minor’s parent or guardian, an employee of the Department of Family and Protective Services, or other person with the power to consent to the medical treatment of the minor, as applicable; and (3) a law enforcement agency may not decline to request a forensic medical examination of a minor described in (2), above.

H.B. 1441 (Schaefer) – Forfeiture of Contraband: would shift the burden of proof in a contraband forfeiture proceeding to provide that the state has the burden of proving by clear and convincing evidence that certain provisions do not apply to the owner or the interest holder’s interest in the property that is subject to seizure and forfeiture.

H.B. 1442 (Lopez) -- Trauma Affected Veterans Training: would provide that not later than the last day of the first full continuing education training period that begins after the date a peace officer completes four cumulative years of service as a peace officer, the officer shall complete, in addition to the other required training, a training program established by the Texas Commission on Law Enforcement, in collaboration with the Texas Veterans Commission, that provides information on veterans with combat-related trauma, post-traumatic stress, post-traumatic stress disorder, or a traumatic brain injury.

H.B. 1499 (White) – First Responders Carrying Handguns: would: (1) require the public safety director of the Department of Public Safety to establish a handgun training course for first responders who hold a license to carry a handgun; (2) prohibit a governmental entity from adopting a rule or regulation that prohibits a first responder who holds a handgun license and has completed the course described in (1) from: (a) carrying a concealed or holstered handgun while on duty; or (b) storing a handgun on the premises of or in a vehicle owned or operated by the governmental entity if the gun is properly secured; (3) provide that a first responder may discharge a handgun while on duty only in self-defense; (4) provide that a governmental entity that employs or supervises a first responder is not liable in a civil action arising from the discharge of a handgun by a first responder who is licensed to carry a handgun; (5) provide that the discharge of a handgun by a first responder who is licensed to carry a handgun is outside the course and scope of the first responder’s duties; and (6) provide that the law authorizing the discharge of a firearm by a first responder may not be construed to waive, under any law, immunity from suit or liability of a governmental entity that employs or supervises first responders.

H.B. 1513 (Zwiener) – Crowd Control: would provide that each law enforcement agency shall adopt a policy on crowd control that prohibits its peace officer from using less lethal projectiles (ammunition commonly known as "rubber bullets," "wooden bullets," "sponge rounds," and "bean bag rounds") as a means to control the activity or movement of a gathering of people.

S.B. 443 (Hughes) – Abandoned Children: would add a fire department and law enforcement agency to the list of emergency infant care providers who must take possession of certain abandoned children.

S.B. 451 (West) – Release of a Child: would provide, among other things, that: (1) unless it is inconsistent with the health and safety of a child, a law enforcement agency who takes, without a court order, emergency possession of a child pursuant to a report of child abuse or neglect, shall use due diligence to arrange for the release of the child to the child's parent, legal guardian, or parent's or legal guardian's designee; (2) before a law enforcement officer may release the child described in (1), above, the officer shall verify with the National Crime Information Center (NCIC) that the child is not a missing child; (3) before a law enforcement officer may release a child described in (1), above, to a person other than a governmental entity or a residential child-care facility, the officer shall call the Department of Family and Protective Services Statewide Intake Texas Abuse Hotline to request that a child abuse or neglect history check be completed on the person to whom the child is being released; (4) each law enforcement agency shall adopt a written policy that complies with the provisions described in (1), (2), and (3), above, regarding the safe placement of a child who is in the care, custody, or control of a person at the time the person is arrested; and (5) a law enforcement officer, during a criminal investigation relating to a child's custody, shall verify with the NCIC that the child is not a missing child.

S.B. 485 (Hinojosa) – TCOLE: would provide, among other things, that: (1) the Texas Commission on Law Enforcement (TCOLE) shall develop and implement policies specifying the circumstances in which conduct by a license holder is to be investigated by TCOLE staff for disciplinary action or investigated by peace officers commissioned by TCOLE for that purpose; (2) TCOLE shall suspend the license of a peace officer or a reserve law enforcement officer licensed by the Commission on notification that the officer has been dishonorably discharged if the discharge was in relation to allegations of criminal misconduct by the officer; (3) TCOLE shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder if the license holder has: (a) engaged in any improper or unlawful acts in connection with employment as peace officer or a reserve law enforcement officer that could result in a miscarriage of justice or discrimination, including: (i) being convicted of, placed on deferred adjudication for, or entering a plea of guilty or nolo contendere to a felony or a misdemeanor involving moral turpitude; (ii) falsifying a police report or evidence in a criminal investigation; (iii) destroying evidence in a criminal investigation; (iv) using excessive force on multiple occasions; (v) accepting a bribe; (vi) engaging in fraud; (vii) unlawfully using a controlled substance; (viii) engaging in an act for which the officer is liable under Section 1983; (ix) committing perjury; or (x) making a misrepresentation for the purpose of obtaining or renewing a license, including falsifying any educational requirements; (4) TCOLE shall temporarily suspend the license of a person if TCOLE determines from the evidence or information presented to it that continued practice by the person would constitute a continuing and imminent threat to the public

welfare; (5) a license may be temporarily suspended as described in (4), above, without notice or hearing on the complaint if: (a) action is taken to initiate proceedings for a hearing before the State Office of Administrative Hearings (SOAH) simultaneously with the temporary suspension; and (b) a hearing is held as soon as practicable; (6) SOAH shall hold a preliminary hearing not later than the 10th day after the date of the temporary suspension to determine if there is probable cause to believe that a continuing and imminent threat to the public welfare still exists, and a final hearing on the matter shall be held not later than the 61st day after the date of the temporary suspension; (7) TCOLE, by rule, shall adopt a sanctions schedule that lists: (a) the most common violations; (b) the types of sanctions, including administrative penalties, that may be imposed for those violations; and (c) the factors used to determine the sanction that may be imposed for each violation, including: (i) the seriousness of the violation; (ii) any previous violation by the license holder; and (iii) any other factor TCOLE considers appropriate; (8) TCOLE may issue a subpoena, and may request, and, if necessary, compel by subpoena: (a) the production for inspection and copying of records, documents, and other evidence relevant to the investigation of an alleged violation of the law or TCOLE rule, including any document prepared or maintained by a law enforcement agency in connection with disciplinary action taken by the agency against a license holder; and (b) attendance of a witness for examination under oath; (9) TCOLE, acting through the attorney general, may bring an action to enforce a subpoena issued against a person who fails to comply with the subpoena; and (10) the statutory provisions that limit TCOLE from reviewing disciplinary action taken by a law enforcement agency against a person licensed by TCOLE or to issue a subpoena to compel the production of a document prepared or maintained by the agency in connection with a disciplinary matter are repealed.

S.B. 499 (Kolkhorst) – Firearms Regulation: would: (1) prohibit a city council or an officer, employee, or other body that is part of a city (including a police department) from adopting a rule, order, ordinance, or policy under which the city enforces, or allows the enforcement of, a federal statute, order, rule, or regulation enacted on or after September 1, 2021, that purports to regulate a firearm, a firearm accessory, or firearm ammunition if the statute, order, rule, or regulation imposes a prohibition, restriction, or other regulation, such as a capacity or size limitation, a registration requirement, or a background check, that does not exist under Texas law; and (2) provide that a violation of the prohibition in (1) may be enforced: (a) by denying state grant funds to the city; and (b) through court action by the attorney general. (Companion bill is **H.B. 919** by **Leman**.)

S.B. 513 (Hall) – Firearms Regulation: would: (1) prohibit a city from adopting a rule, order, ordinance, or policy under which the city enforces certain federal provisions enacted after January 1, 2021, that regulate a firearm, a firearm accessory, or firearm ammunition; and (2) provide that a violation of the prohibition in (1) may be enforced: (a) by denying state grant funds to the city; (b) through court action by the attorney general; and (c) by imposing criminal penalties against officials, employees, and persons acting under control of the city. (Companion bill is **H.B. 112** by **Toth**.)

S.B. 529 (Huffman) – Toxicological Evidence: would provide, among other things, that: (1) a governmental or public entity or an individual, including a law enforcement agency, prosecutor’s office, or crime laboratory, that is charged with the collection, storage, preservation, analysis, or retrieval of toxicological evidence shall ensure that toxicological evidence collected pursuant to an investigation or prosecution of offenses related to intoxication and alcoholic beverages, is

retained and preserved for certain time periods; (2) a person from whom toxicological evidence was collected must be notified of the periods for which the evidence may be retained and preserved, and the notice must be given by: (a) the entity or individual described in (1), above, if the entity or individual collected the evidence directly from the person or collected it from a third party; or (b) the court, if the records of the court do not show that the person was not given notice as described in (2)(a), above, and the toxicological evidence is subject to certain conditions; (3) notice must be given in writing, as soon as practicable, by hand delivery, by electronic mail or first class mail to the person's last known email or mailing address, or by a peace officer, orally and in writing, in the required statement the officer must provide to a person who is arrested for operating a motor vehicle or watercraft while intoxicated before requesting the person to submit to the taking of a specimen; and (4) if a person who is arrested for operating a motor vehicle or watercraft while intoxicated consents to the request of a peace officer to submit to the taking of a specimen of the person's breath or blood, the officer shall request the person to sign a statement that: (a) the officer requested that the person submit to the taking of the specimen; (b) the person was informed of the consequences of not submitting to the taking of the specimen; and (c) the person voluntarily consented to the taking of the statement.

S.B. 539 (Blanco) - Mental Health Response Study: would, among other things: (1) require that the Health and Human Services Commission conduct a study to evaluate the availability, outcomes, and efficacy of using mental health response teams and mental health professionals to assist in reducing the number of incarcerations of individuals with mental illnesses, substance abuse disorders, or intellectual or developmental disabilities; (2) provide that in conducting such study, the commission shall: (a) include an assessment of whether the information suggests that municipalities would benefit from mental health response teams assisting traditional law enforcement officers in efforts to: (i) reduce the incarceration rates of persons with mental illness, substance abuse disorder, and intellectual or developmental disorders; (ii) increase the number of referrals to community resources and treatment for persons described in (2)(a)(i), above; (iii) reduce the use of force when responding to emergency calls that involve persons described in (2)(a)(i), above; and (iv) gain an understanding about persons described by (2)(a)(i), above; (b) evaluate the fiscal and staffing implications to a law enforcement agency for agency use of a mental health response team to respond remotely to emergency calls; and (c) evaluate the impact of certain funding sources on establishing mental health response teams across the state, especially the impact to the establishment, staffing, and maintenance of those teams; and (3) require the commission to gather information from the study from each city with a population greater than 100,000. (Companion bill is **H.B. 1050** by **Romero**.)

S.B. 541 (Springer) – Firearms Regulation: would: (1) prohibit an agency of this state or a political subdivision of this state, and a law enforcement officer or other person employed by an agency of this state or a political subdivision of this state, from contracting with, or in any other manner providing assistance to, a federal agency or official with respect to the enforcement of a federal statute, order, rule, or regulation purporting to regulate a firearm, a firearm accessory, or firearm ammunition if the statute, order, rule, or regulation imposes a prohibition, restriction, or other regulation, such as a capacity or size limitation or a registration requirement, that does not exist under Texas law; (2) except from the prohibition in (1) a contract or agreement to provide assistance in the enforcement of a federal statute, order, rule, or regulation in effect before January

19, 2021; and (3) provide that a violation of the prohibition in (1) may be enforced: (a) by denying certain state grant funds to the city; and (b) through court action by the attorney general.

S.B. 543 (Springer) – Firearms Regulation: would: (1) prohibit a city council or an officer, employee, or other body that is part of a city (including a police department) from adopting a rule, order, ordinance, or policy under which the city enforces, or allows the enforcement of, a federal statute, order, rule, or regulation that purports to regulate a firearm suppressor if the statute, order, rule, or regulation imposes a prohibition, restriction, or other regulation that does not exist under Texas law; and (2) provide that a violation of the prohibition in (1) may be enforced: (a) by denying state grant funds to the city; and (b) through court action by the attorney general. (Companion bill is **H.B. 957** by **Oliverson**.)

S.B. 548 (Springer) – 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. (Companion bill is **H.B. 336** by **Cain**.)

Sales Tax

H.B. 1389 (Guillen) – Sales Tax Collection: would, among other things, authorize a taxpayer to deduct and withhold 2.5 percent of the amount of sales taxes due for purchases made by credit card as reimbursement for the cost of collecting sales taxes.

H.B. 1445 (Oliverson) – Sales Tax Exemption: would exempt from sales tax a medical billing service performed prior to the original submission of an insurance claim related to health coverage.

S.B. 438 (Blanco) – Sales Tax Exemption: would exempt the following from sales and use taxes as “emergency preparation items”: (1) medical or other face masks used to protect the nose and mouth of a person wearing the mask from potential contaminants, or from transmission of particles from the person wearing the mask; (2) disposable gloves the primary purpose of which is to act as a protective barrier to prevent the possible transmission of disease; and (3) disinfectant cleaning supplies, including bleach products and sanitizing wipes. (Companion is **H.B. 89** by **Canales**.)

S.B. 478 (Nelson) – Sales Tax Exemption: would exempt the furnishing of an academic transcript from sales taxes.

Community and Economic Development

H.B. 1431 (Campos) – Statewide Homeless Management Information System: would require the Texas Interagency Council for the Homeless to: (1) evaluate, encourage, incentivize, and monitor the participation by service providers to the homeless throughout this state in a regional or statewide homeless management information system; and (2) prepare quarterly reports to the Texas Department of Housing and Community Affairs on, among other things: (a) the rate of participation by service providers to the homeless in a homeless management information system, aggregated by region and participation trends throughout Texas; (b) feedback from participating and nonparticipating service providers to the homeless on: (i) the ease of access to participate in a homeless management information system and (ii) the local oversight of homeless management information system administrators; and (c) data-driven scenarios that have improved the provision of services to the homeless throughout Texas.

H.B. 1446 (Ashby) – Broadband Development Office: would, among other things:

12. establish a broadband development office within the comptroller's office;
13. require the broadband development office to: (a) serve as a resource for information regarding broadband service in the state; and (b) engage in outreach to communities regarding the expansion and adoption of broadband service and the programs administered by the office;
14. require the broadband development office to create, update annually, and publish on the comptroller's website a map designating each census block in the state as: (a) an eligible area, if fewer than 80 percent of the addresses in the block have access to broadband service; or (b) an ineligible area, if 80 percent or more of the addresses in the block have access to broadband service;
15. require the map described in (3), above, to display: (a) the number of broadband service providers that serve each census block; and (b) for each eligible area, an indication of whether the area has access to Internet service that is not broadband service, regardless of the technology used to provide the service;
16. provide that if information available from the Federal Communications Commission is not sufficient for the broadband development office to create or update the map, the office may request the necessary information from a political subdivision or broadband service provider, and the subdivision or provider must report the information to the office;
17. establish a petition process, under which a political subdivision or broadband service provider may petition the broadband development office to re-designate a census block on the map as an eligible area or ineligible area;
18. require the broadband development office to establish a program to award grants, low-interest loans, and other financial incentives to applicants for the purpose of expanding access to, and adoption of, broadband service in census blocks determined to be eligible areas;
19. require the broadband development office to establish and publish eligibility criteria for award recipients under (7), above, limiting grants, loans, and other financial incentives awarded to the program for use on capital expenses, purchase or lease of property, and other expenses, including backhaul and transport that will facilitate the provision or adoption of broadband service;

20. provide that the office may not award a grant, loan, or other financial incentive to a noncommercial provider of broadband service for an eligible area if a commercial provider of broadband service has submitted an application for the eligible area;
21. provide that an award granted under the broadband development program does not affect distributions received by a broadband provider from the state universal service fund; and
22. establish the broadband development account in the state's general revenue fund consisting of: (a) appropriations of money to the account by the legislature; (b) gifts, donations, and grants, including federal grants; and (c) interest earned on the investment of the money in the account.

(Companion is **S.B. 506** by **Nichols**.)

H.B. 1470 (Rodriguez) – Housing Discrimination: would: (1) prohibit housing discrimination under the Texas Fair Housing Act on the basis of source of income; and (2) prohibit the Texas Workforce Commission from deferring proceedings and referring a complaint about discrimination described in (1) to a city if the city does not have laws prohibiting the alleged discrimination.

H.B. 1472 (Bucy) – Major Events Reimbursement Program: would add the Confederation of North, Central America and Caribbean Association Football Gold Cup to the list of events eligible for funding under the Major Events Reimbursement Program.

H.B. 1474 (Cyrier) – Historic Landmark: would provide that a city that has more than one zoning, planning, or historical commission shall designate one of those commissions as the entity with the exclusive authority to approve the designations of properties as local historic landmarks.

H.B. 1475 (Cyrier) – Board of Adjustment: would provide that, in exercising its authority to grant or deny a variance, a board of adjustment may consider the following as grounds to determine whether compliance with the zoning ordinance as applied to a structure would result in an unnecessary hardship: (1) whether the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent certified appraisal roll; (2) whether compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur; (3) whether compliance would result in the structure not being in compliance with a requirement of a city ordinance, building code, or other requirement; (4) whether compliance would result in the unreasonable encroachment on an adjacent property or easement; or (5) whether the city considers the structure to be a nonconforming structure.

H.B. 1502 (Deshotel) – School Property Tax Limitations: would extend the expiration date of the Texas Economic Development Act from December 31, 2022, to December 31, 2032. (Companion bill is **S.B. 144** by **Powell**.)

H.B. 1511 (Button) – Broadband Connectivity Office: would: (1) establish the connectivity office within the office of the governor; (2) require the connectivity office to collaborate with the governor's broadband development council and any interested parties to develop a statewide connectivity plan to expand access to high-speed Internet service; (3) require the connectivity office to create, update annually, and publish a broadband development map that displays: (i) areas

of the state that have sufficient infrastructure to support high-speed Internet service; (ii) areas of the state that do not have sufficient infrastructure to support high-speed Internet service; and (iii) planned Internet service infrastructure projects; and (4) authorize the connectivity office to consult with the governor's broadband development council and any interested parties for the purpose of creating and updating the broadband development map.

H.B. 1512 (Zwiener) – Commercial Signs: would authorize the commissioners court of a county to require county approval for the construction or reconstruction of a commercial sign located: (1) in a county that contains more than one area that is certified as a Dark Sky Community as part of the International Dark Sky Places Program; and (2) adjacent to and visible from a farm-to-market or ranch-to-market road.

H.J.R. 74 (Dutton) – Tax Preferences: would amend the Texas Constitution to require the periodic review of state and local tax preferences. (See **H.B. 1335**, above.)

S.B. 487 (Hughes) – Charter Schools: would: (1) require a city to consider an open-enrollment charter school a school district for purposes of zoning, permitting, code compliance, and development, including land development standards in territory that a city has annexed for limited purposes; (2) prohibit a city from enacting or enforcing an ordinance or regulation that prohibits an open-enrollment charter school from operating at any location or within a zoning district in the city; (3) provide that an open-enrollment charter school is not required to pay impact fees unless the school's governing body consents to the payment; and (4) provide that an open-enrollment charter school may be exempt from utility drainage ordinances and regulations, and that any such exemption granted to a school district before the effective date of the bill automatically extends to all open-enrollment charter schools located in a city. (Companion bill is **H.B. 1348** by **Deshotel**.)

S.B. 500 (Miles) – Operating Boarding Home without License: would: (1) create a Class B misdemeanor offense when a person operates a boarding home facility without a local permit; and (2) provide that (1), above, only applies when a county or municipality requires a permit to operate a boarding home facility.

S.B. 501 (Miles) – Group Homes: would: (1) authorize a county to enact fire safety standards applicable to the new construction of certain health care facilities; (2) authorize the Health and Human Services Commission to regulate certain group homes; (3) provide that the owner or operator of certain group homes commits a criminal offense if with criminal negligence by act or omission causes to a resident: (a) serious mental deficiency, impairment, or injury; or (b) bodily injury; and (4) provide that a person who maintains a place to which persons habitually go for the following purposes and who knowingly tolerates the activity and fails to make reasonable attempts to abate the activity maintains a common nuisance: (a) injury to a child, elderly individual, or person with a disability in violation of certain state law; and (b) a criminal negligence offense described in (3).

S.B. 503 (Miles) – Operating Boarding Home without License: would: (1) create a Class A misdemeanor offense when a person: (a) leases to another a building owned by the person that is being operated as a boarding home facility in a county or municipality to which the bill applies; (b) has actual knowledge that a resident of the boarding home facility is being or has been abused,

neglected, or exploited; and (c) fails to report the abuse, neglect, or exploitation to the Department of Family and Protective Services for investigation by that agency; and (2) provide that (1), above, only applies in a county or municipality that does not require a person to obtain a permit from the county or municipality to operate a boarding home facility.

S.B. 505 (Miles) – Prohibited Discharge of Patients: would: (1) provide that a hospital or other health facility may discharge or otherwise release a patient to the care of a group home, boarding home facility, or similar group-centered facility only if the person who operates the facility holds a license or permit issued in accordance with applicable state law; and (2) prohibit a local health authority from authorizing a hospital or health facility to discharge a patient to a facility in a manner that conflicts with (1), above.

S.B. 506 (Nichols) – Broadband Development Office: would, among other things:

1. establish a broadband development office within the comptroller's office;
2. require the broadband development office to: (a) serve as a resource for information regarding broadband service in the state; and (b) engage in outreach to communities regarding the expansion and adoption of broadband service and the programs administered by the office;
3. require the broadband development office to create, update annually, and publish on the comptroller's website a map designating each census block in the state as: (a) an eligible area, if fewer than 80 percent of the addresses in the block have access to broadband service; or (b) an ineligible area, if 80 percent or more of the addresses in the block have access to broadband service;
4. require the map described in (3), above, to display: (a) the number of broadband service providers that serve each census block; and (b) for each eligible area, an indication of whether the area has access to Internet service that is not broadband service, regardless of the technology used to provide the service;
5. provide that if information available from the Federal Communications Commission is not sufficient for the broadband development office to create or update the map, the office may request the necessary information from a political subdivision or broadband service provider, and the subdivision or provider must report the information to the office;
6. establish a petition process, under which a political subdivision or broadband service provider may petition the broadband development office to re-designate a census block on the map as an eligible area or ineligible area;
7. require the broadband development office to establish a program to award grants, low-interest loans, and other financial incentives to applicants for the purpose of expanding access to, and adoption of, broadband service in census blocks determined to be eligible areas;
8. require the broadband development office to establish and publish eligibility criteria for award recipients under (7), above, limiting grants, loans, and other financial incentives awarded to the program for use on capital expenses, purchase or lease of property, and other expenses, including backhaul and transport that will facilitate the provision or adoption of broadband service;
9. provide that the office may not award a grant, loan, or other financial incentive to a noncommercial provider of broadband service for an eligible area if a commercial provider of broadband service has submitted an application for the eligible area;

10. provide that an award granted under the broadband development program does not affect distributions received by a broadband provider from the state universal service fund; and
11. establish the broadband development account in the state's general revenue fund consisting of: (a) appropriations of money to the account by the legislature; (b) gifts, donations, and grants, including federal grants; and (c) interest earned on the investment of the money in the account.

(Companion is **H.B. 1446** by Ashby.)

S.B. 507 (Nichols) – Broadband in State Rights-of-Way: would require the Texas Transportation Commission to promulgate rules: (1) establishing an accommodation process that authorizes broadband-only providers to use state highway rights-of-way, subject to highway purposes, for: (a) new broadband facility installations; (b) additions to or maintenance of existing broadband facility installations; (c) adjustments or relocations of broadband facilities; and (d) existing broadband facilities retained within the rights-of-way; and (2) prescribing minimum requirements for the accommodation, method, materials, and location for the installation, adjustment, and maintenance of broadband facilities under the accommodation process.

Elections

H.B. 1366 (Israel) – Voter Identification: would, among other things, eliminate the photo identification requirement and expand the types of documentation that are considered acceptable forms of identification for purposes of voting.

H.B. 1368 (Leach) – Election Fraud: would enhance the penalty for election fraud to a state jail felony.

H.B. 1382 (Bucy) – Mail Ballot Tracking: would, among other things: (1) require the early voting clerk to develop and maintain an electronic system that allows a voter, using the Internet website of the early voting clerk, to monitor the status of: (a) the voter's application for a ballot voted by mail; and (b) the voter's ballot voted by mail; and (2) provide that the system described in (1) must update the early voting clerk's Internet website as soon as practicable after each of the following events occurs: (a) receipt by the early voting clerk of the person's application for a ballot to be voted by mail; (b) acceptance or rejection by the early voting clerk of the person's application for a ballot to be voted by mail; (c) placement in the mail by the early voting clerk of the person's official ballot; (d) receipt by the early voting clerk of the person's marked ballot; and (e) acceptance or rejection by the early voting ballot board of a person's marked ballot.

H.B. 1383 (Bucy) – Voter Registration and Campaigning: would, with the exception of reasonable restrictions on the time, place, or manner, prevent a political subdivision, property owners' association, homeowners' association, or property manager from adopting or enforcing a rule, order, ordinance, or policy, that prevents an individual from accessing private property for the purpose of registering voters or communicating political messages.

H.B. 1385 (Crockett) – Voting by Mail: would modify current law to allow for the delivery of ballots voted by mail to be deposited in an authorized depository box.

H.B. 1415 (C. Morales) – Early Voting Ballot by Mail: would provide that an application for a ballot to be voted by mail serves as an application for a ballot for both the main election and for any resulting runoff election.

H.B. 1463 (Goodwin) – Eligibility for Early Voting: would modify current law to allow a voter giving birth or expecting to give birth within nine months of election day to qualify for early voting by mail.

H.B. 1464 (Hinojosa) – Early Voting by Mail: would, among other things: (1) require an officially-prescribed application form for an early voting ballot to include a space for the voter to provide a change of residence address within the county, if applicable; (2) provide that, if an application for an early voting ballot includes a change of address within the county, the early voting clerk must notify the voter registrar of the change and the registrar shall update the voter's registration accordingly; (3) provide that an early voting clerk is not required to provide a form for a statement of residence to a voter who indicated a change of address within the county on the voter's application for an early voting ballot to be voted by mail; and (4) provide that, for certain defective early voting ballots voted by mail, that the signature verification committee or early voting ballot board may: (a) return the carrier envelope to the voter by mail, if the signature verification committee determines that it would be possible to correct the defect and return the carrier envelope before the time the polls are required to close on election day; or (b) notify the voter of the defect by telephone or e-mail and inform the voter that the voter may come to the early voting clerk's office in person to: (i) correct the defect; or (ii) request to have the voter's application to vote by mail cancelled.

H.B. 1465 (Hinojosa) – Early Voting by Mail: would provide that a person who is a permanent caretaker of a person who has a disability may apply to the early voting clerk to participate in early voting by mail.

H.B. 1466 (Hinojosa) – Early Voting: would, among other things, provide the ability to correct defective signatures on early voting ballots voted by mail.

S.B. 527 (Eckhardt) – Preferential Voting: would, among other things, provide that: (1) the governing body of a city, county, or school district may authorize, by majority vote, the use of a preferential voting system for the election of an officer of the city; and (2) the system must allow a voter to rank each candidate for an office through a numerical designation from the candidate the voter favors most to the candidate the voter favors least.

Emergency Management

H.B. 1406 (Schaefer) – Judicial Review of Disaster Orders: would provide: (1) a person has standing to file suit in a Texas court to challenge a provision of an order issued by: (a) the governor or the presiding officer of the governing body of a political subdivision, including a city, that relates to a declared state of disaster if the provision in the order is alleged to cause injury to the person or burden a right of the person that is protected by the federal constitution or by a state or

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

H.B. 1409 (Guillen) – Distribution of Emergency Health Resources: would set out the process for the state to proportionally distribute to counties that are subject to a declared state of disaster or local state of disaster as a result of a pandemic, state epidemic, or health crisis: (1) any vaccine or immunizing agent received or manufactured for the purpose of responding to pandemic, state epidemic, or public health disaster; or (2) any personal protective equipment, sanitation equipment or any other public or private resource designated for responding to a pandemic, state epidemic, or public health disaster.

H.B. 1487 (Dean) – Religious Organizations: would provide that: (1) a religious organization is an essential business at all times, including during a declared state of disaster, and the organization’s religious and other related activities are essential activities even if the activities are not listed as essential in an order issued during a disaster; (2) a governmental entity, including a city, may not: (a) at any time, including during a declared state of disaster, prohibit a religious organization from engaging in religious or other related activities or continuing to operate in the discharge of the organization’s foundational faith-based mission and purpose; or (b) during a declared state of disaster order a religious organization to close or otherwise alter the organization’s purposes or activities; (3) sovereign or governmental immunity from suit or liability, as applicable, are waived; (4) a person may assert an actual or threatened violation of the provisions described in (1) and (2), above, as a claim or defense in a judicial or administrative proceeding and obtain: (a) injunctive relief; (b) declaratory relief; and (c) court costs and reasonable attorney’s fees; and (5) the attorney general may bring an action for injunctive or declaratory relief against a governmental entity or an officer or employee of a governmental entity to enforce compliance.

S.B. 435 (Blanco) – Pandemic Response Plan: would provide that: (1) the Texas Division of Emergency Management (TDEM) shall prepare and keep current a pandemic response plan that may include provisions for: (a) consulting infectious disease experts; (b) preventing and minimizing injury and damage caused by a pandemic; (c) prompt and effective response to a pandemic; (d) emergency relief; (e) identifying areas and populations particularly vulnerable to the occurrence of a pandemic; (f) communicating with governmental and private entities to facilitate coordination and collaboration for the efficient and effective planning and execution of a pandemic response plan; (g) organizing federal, state, and local pandemic response activities; (h) assisting local officials in designing local pandemic response plans; and (i) preparing and distributing to appropriate state and local officials catalogs of federal, state, and private assistance programs; and other necessary matters relating to pandemics; and (2) in preparing and revising the pandemic response plan, TDEM shall seek the assistance of, among others, necessary federal, state, or local governmental entities.

S.B. 437 (Blanco) – Personal Protective Equipment: would provide, among other things, that: (1) the Department of State Health Services (DSHS), in coordination with other relevant state agencies, shall establish and maintain a minimum 90-day reserve of personal protective equipment (PPE) for use by health care workers and essential personnel during a public health disaster or other public health emergency; and (2) DSHS shall establish the Personal Protective Equipment Reserve Advisory Committee that shall, as necessary, make recommendations to the Health and Human Services Commissioner for the development of guidelines for the procurement, storage, and distribution of the PPE reserves.

S.B. 453 (Blanco) – Disruption in Supply Chains Caused by COVID-19: would require the comptroller to: (1) conduct a study to identify and evaluate local and state supply chain disruptions caused by the COVID-19 pandemic; and (2) prepare and submit a report containing the results of the study and any recommendations for legislative or other action to aid in the state’s recovery from the COVID-19 pandemic and prepare for future health and economic crises to the governor and the legislature by September 1, 2022.

S.B. 464 (Lucio) – Reports of Death to Communicable Diseases: would provide that: (1) if a physician appointed to serve as health authority for a county serves in that office part-time, the physician shall: (a) coordinate with the director of the local health department for the county in reporting the presence of contagious, infectious, and dangerous epidemic diseases in the health authority’s jurisdiction to Department of State Health Services (DSHS) in the manner and at the times prescribed by DSHS; and (b) notify DSHS that the physician serves part-time in the office of health authority for the county; (2) if DSHS provides information to a physician who serves part-time as the health authority for a county, DSHS shall also provide the information to the director of the local health department for the county served by the health authority; and (3) if DSHS provides information on a death from a reportable or other communicable disease reported to DSHS to an individual who serves part-time as the county health authority, DSHS shall also provide the information to the director of the local health department for the county served by the health authority.

S.B. 547 (Springer) - Weapons: would eliminate the governor’s authority to: (1) limit the sale, dispensing, or transportation of firearms during a state of disaster; and (2) issue directives on the control of the sale, transportation, and use of weapons during a state of emergency. (Companion bill is **H.B. 26** by **Swanson**.)

Municipal Courts

H.B. 1394 (White) – Nondisclosure Orders: would provide that: (1) the bill applies to a person who has been: (a) placed on deferred adjudication community supervision for certain misdemeanors; (b) completed the person’s sentence, including any term of confinement or period of community supervision imposed and paid all fines, costs, and restitution for the offense in (1)(a), above, or has received a discharge or dismissal; and (c) has not previously received an order of nondisclosure of criminal history; (2) if a person satisfies the requirements in (1), above, the court that convicted the person or placed the person on deferred adjudication community supervision

shall issue an order of nondisclosure of criminal history record information under the bill prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense for which the person was convicted or placed on deferred adjudication community supervision; and (3) in issuing the order of nondisclosure under (2), above, the court shall determine whether the person satisfies the requirements imposed by law for receiving an order of nondisclosure, and if the court makes a finding that those requirements are satisfied, the court shall issue the order of nondisclosure of criminal history record information as soon as practicable after the seventh anniversary of either of the following, as applicable: (a) the date of completion of the person's sentence; or (b) the date of the discharge and dismissal.

S.B. 512 (Perry) – Youth Diversion Program: would, among other things: (1) create a youth diversion program for Class C misdemeanors (other than a traffic offense) for certain children; (2) require each justice and municipal court to adopt a youth diversion plan; (3) allow local governments to enter into interlocal agreements with other local governments to create a regional youth diversion plan; (4) require each justice and municipal court, including courts that collaborate with one or more counties or cities, to maintain a youth diversion plan on file for public inspection; (5) allow a court or local government to adopt rules necessary to coordinate services under a youth diversion plan; (6) allow a court to designate a youth diversion coordinator to assist the court in implementing and administering a youth diversion plan; (7) allow a commissioners court or city council to establish a youth diversion advisory council to facilitate community input, suggest improvements to a youth diversion plan, and make recommendations to accomplish certain objectives; (8) provide that in lieu of taking a child into custody, issuing a citation, or filing a complaint for an offense, a peace officer may issue a warning notice to the child if the youth diversion plan includes guidelines for disposition or diversion of a child's case by law enforcement and other warning notice requirements; (9) provide that in lieu of issuing a citation to a child or filing a complaint in a justice or municipal court, a peace officer may dispose of a case if guidelines for disposition have been adopted and are included in a youth diversion plan and other requirements are met; (10) allow a commissioners court or city council to establish a first offense diversion program; (11) require a youth diversion coordinator, juvenile case manager, or other designated officer of the court to advise a child and the child's parent before a case is filed that the case may be diverted to a youth diversion program if intermediate diversion from court is provided in the youth diversion plan; (12) allow the clerk of a justice or municipal court to collect a local youth diversion administrative fee of \$30 to defray the costs of the diversion of a child's case; (13) require a justice and municipal court to maintain statistics for each diversion strategy authorized and utilized by a youth diversion program; (14) provide that all records generated under a youth diversion program are confidential except for statistical records; (15) provide that all records and files and information stored by electronic means, or otherwise, relating to a criminal case for a fine-only misdemeanor offense (other than a traffic offense) committed by a child and that is appealed are confidential and may not be disclosed to the public except in certain situations; (16) allow the following to inspect confidential records related to charges against or conviction of child in fine-only misdemeanors (other than a traffic offense): (a) prosecutors; (b) staff of the judges or prosecutors; (c) certain governmental agencies; (d) certain individuals or entities to whom a child is referred for treatment or services; or (e) with leave of a court, any other person having a legitimate interest in the proceeding or the work of the court; (17) provide that if a case involving a child who is eligible for diversion results in a finding of guilt, a justice or judge shall order a child into a youth diversion program, without entering a judgment, sentence, or conviction; (18)

allow funds from the local youth diversion fund to be used to pay for the salary and expenses related to the employment or contracting of a juvenile case manager; (19) allow funds from the child safety fund to be used to pay for the costs of a youth diversion program; (20) include municipal courts in the juvenile delinquency prevention fund that allows collection of a \$50 fee, and allow the funds to be used to defray the costs of a youth diversion program; (21) establish a municipal juvenile delinquency prevention and graffiti eradication fee of \$50 that a municipal court clerk shall collect from a defendant who is convicted of a graffiti offense; (22) repeal provisions of state law that allow community service in satisfaction of fines or costs for certain juvenile defendants; and (23) make several conforming changes related to the youth diversion program and the repeal described in (22), above.

Open Government

H.B. 1416 (Capriglione) – Public Information: would define the term “business day” as used in the Public Information Act to exclude a Saturday, Sunday, and certain national and state holidays (under current law, a closure for bad weather or skeleton crew day would also be excluded from the term “business day”).

H.B. 1440 (Schaefer) – Public Information: would add certain honorably retired law enforcement positions to the personal information exceptions of the Public Information Act and the confidentiality of home address section in the tax appraisal statute.

S.B. 508 (West) – Public Information Act: would, among other things: (1) provide that the following information is confidential and not considered public information under the Public Information Act: (a) information received, made, or kept by an agency or program with the primary purpose of protecting, securing, or relocating witnesses; or (b) information in the possession of the state and relating to the protecting, securing, or relocating of a witness by an agency or program described by (1)(a), above; and (2) create a Class A misdemeanor offense when a person knowingly discloses any record, claim, writing, document, information, or other material in response to a Public Information Act request when the record, claim, writing, document, information, or other material is confidential and excepted from disclosure under (1), above.

Other Finance and Administration

H.B. 1381 (Longoria) – Library Construction Grants: would: (1) add construction grants for the establishment of new public libraries or the improvement of existing libraries to the list of possible grants programs that may be established by the Texas State Library and Archives Commission; and (2) allow libraries and library systems to use state grants for new construction, rehabilitation, or renovation of a library or the infrastructure of a library.

H.B. 1448 (Dutton) – Census Data for Incarcerated Persons: would, among other things: (1) include an incarcerated person’s last residence before incarceration for the population data used for redistricting, including redistricting for political subdivisions that have election districts, wards, or precincts that are subject to the one-person, one-vote requirement of the U.S. Constitution; (2)

provide that not later than June 1 of the year in which the federal decennial census is conducted, each state or local governmental entity in Texas that operates a facility for the incarceration of persons convicted of a criminal offense, including a mental health institution for those persons, or that places any person convicted of a criminal offense in a private facility to be incarcerated on behalf of the governmental entity, shall submit a report to the comptroller with the following information: (a) a unique identifier, not including the name, for each person incarcerated in a facility operated by the governmental entity or in a private facility on behalf of the governmental entity on the date for which the census reports population who completed a census form, responded to a census inquiry, or was included in any report provided to census officials, if the form, response, or report indicated that the person resided at the facility on that date; (b) the age, gender, and race of each person included in the report and whether the person is of Hispanic, Latino, or Spanish origin, if known; and (c) the last address at which the person resided before the person's current incarceration; and (3) provide that the information required to be included in a report under (2), above, is confidential and not subject to disclosure under the Public Information Act.

H.B. 1478 (Cyrier) – Liability for Recreational Vehicle Parks: would provide that: (1) a recreational vehicle park (RV park) or campground is liable for an injury proximately caused by: (a) the RV park or campground entity's negligence evidencing a disregard for the safety of the RV park or campground participant; (b) a potentially dangerous condition on the land, facilities, or equipment used in the activity, of which the RV park or campground entity had actual knowledge or reasonably should have known; or (c) the RV park or campground entity's failure to train or improper training of an employee of the RV park or campground entity actively involved in a RV park or campground activity; (2) a RV park or campground is liable for an injury intentionally caused by the RV park or campground entity; and (3) other than as provided in (1) and (2), above, a RV park or campground entity is not liable to any person for a RV park or campground participant injury or damages arising out of a RV park or campground participant injury if, at the time of the RV park or campground activity from which the injury arises, the required warning sign regarding the RV park or campground's limited liability was posted.

H.B. 1492 (Herrero) – Navigation Districts: would, among other things, authorize a navigation district to act to prevent, detect, and fight a fire or explosion or hazardous material incident that occurs on, or adjacent to, a waterway, channel, or turning basin that is located in the district's territory, regardless of whether the waterway, channel, or turning basin is located in the corporate limits of a city. (Companion bill is **S.B. 278** by **Hinojosa**.)

H.B. 1493 (Herrero) – Falsely Implying Governmental Affiliation: would provide that: (1) a governmental unit is entitled to injunctive relief if another person's use of an entity name might falsely imply governmental affiliation with the governmental unit; and (2) if a court finds that the person against whom injunctive relief is sought willfully intended to imply governmental affiliation with the governmental unit, the court has discretion to enter judgment in an amount not to exceed three times the amount of the entity's profits and the governmental unit's damages and award reasonable attorney's fees to the governmental unit. (Companion bill is **S.B. 275** by **Hinojosa**.)

H.B. 1495 (Dutton) – Attorney's Fees: would provide that: (1) if a court determines that an order, ordinance, or similar measure of a political subdivision is unenforceable because it is preempted

by the state constitution or a state statute, the court shall award the person prevailing in the action challenging the order, ordinance, or measure on that basis court costs and reasonable and necessary attorney's fees to be paid by the political subdivision; (2) if a court determines that an officer of a political subdivision has failed to perform an act of the office required by the state constitution or a state statute, the court shall award the person prevailing in the action challenging the officer for failure to perform that act court costs and reasonable and necessary attorney's fees to be paid by the political subdivision for which the officer served at the time of the failure to perform the act; and (3) the provisions in (1) and (2), above, do not apply to a city or county with a population of less than 45,000.

H.B. 1506 (Zweiner) – Eminent Domain: would provide that: (1) a governmental entity may take possession of condemned property pending the results of further litigation, if the entity pays the property owner or deposits with the court the amount awarded by the special commissioners; and (2) the possession may not take place before the 180th day after the date of the commissioners' award.

S.B. 440 (Blanco) – Flavored Cigarettes, E-Cigarettes and Tobacco Products: would provide that: (1) a person may not sell, give, or cause to be sold or given a cigarette, e-cigarette, or tobacco product with a distinguishable taste or aroma other than the taste or aroma of tobacco; and (2) a person who violates (1), above, is liable to the state for a civil penalty of \$250 for each violation.

S.B. 454 (Kolkhorst) – Local Mental Health Authority: would provide that each local mental health authority group shall meet at least quarterly to collaborate on planning and implementing regional strategies to reduce: (1) costs to local governments of providing services to persons experiencing a mental health crisis; (2) transportation to mental health facilities of persons served by an authority that is a member of the group; (3) incarceration of persons with mental illness in county jails that are located in an area served by an authority that is a member of the group; and (4) visits by persons with mental illness at hospital emergency rooms located in an area served by an authority that is a member of the group.

S.B. 474 (Lucio) – 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 prohibition. (Companion bills are **H.B. 386** by **Pacheco** and **H.B. 873** by **Collier**.)

S.B. 475 (Nelson) – Cybersecurity: would, among other things: (1) require the Department of Information Resources (DIR) to establish a framework for regional cybersecurity working groups to execute mutual aid agreements that allow state agencies, local governments, and others to assist with responding to a cybersecurity event in the state; (2) require DIR to establish the Texas volunteer incident response team to provide rapid response assistance to any participating entity (which could include a city) under DIR's direction during a cybersecurity event; and (3) authorize DIR to establish a regional network security center to assist in providing cybersecurity support and

network security to certain entities (including cities) that elect to participate in and contract for services through such a center.

S.B. 509 (Perry) – Warrant Fees: would provide that a defendant convicted of a felony or a misdemeanor shall pay the following, as reimbursement fees for services performed in the case by a peace officer for executing or processing an issued arrest warrant, *capias*, or *capias pro fine*: (1) \$75 if the defendant is convicted of a felony, a Class A misdemeanor, or a Class B misdemeanor; or (2) \$50 if the defendant is convicted only of a Class C misdemeanor.

S.B. 524 (Buckingham) – Disabled Veteran Grants: would, among other things, provide that, for purposes of the law governing the provision of state aid to certain local governments disproportionately affected by the granting of property tax relief to disabled veterans, the term “local government” includes a city with extraterritorial jurisdiction located within two miles of the boundary line of a United States military installation.

S.B. 552 (Kolkhorst) – Dog Bites: would require each animal control authority to submit to the Department of State Health Services an annual report regarding dog bites that occurred in the preceding year in the authority’s jurisdiction and resulted in bodily injury, serious bodily injury, or death of a person.

Personnel

H.B. 1498 (Martinez) - 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. (The companion is **S.B. 107** by **Powell**.)

S.B. 439 (Blanco) – 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. (The companion is **H.B. 396** by **Moody**.)

S.B. 463 (Lucio) – Disease Presumption: would provide, among other things, that a firefighter, peace officer or emergency medical technician who contracts a disease that is the basis of a state declared disaster that results in death or total or partial disability is presumed to have contracted the disease during the course and scope of employment as a firefighter, peace officer or emergency medical technician.

S.B. 469 (Blanco) – Unemployment Benefits: would provide that: (1) during a public health disaster, the Texas Workforce Commission (TWC) shall suspend the following eligibility conditions to authorize an individual who is otherwise eligible to receive unemployment benefits to receive benefits: (a) the condition that an individual be actively seeking work; and (b) the condition that an individual has been totally or partially unemployed for a waiting period; and (2) the period of a suspension imposed under (1), above, begins on the date the public health disaster is declared, and TWC may reinstate the conditions described by (1), above, only after the public health disaster expires.

S.B. 527 (Springer) – Disease Presumption: would provide, among other things, that a firefighter, peace officer, or emergency medical technician who contracts a disease that is the basis of a state declared disaster that results in death or total or partial disability is presumed to have contracted the disease during the course and scope of employment as a firefighter, peace officer or emergency medical technician.

S.B. 551 (Campbell) – Employment Benefits: would provide that a municipality or county may not adopt or enforce an ordinance, order, rule, or regulation that requires an employer in the municipality or county to provide employment benefits to its employees.

Purchasing

H.B. 1418 (Leach) – Professional Services: would: (1) prohibit a governmental entity from requiring, in a contract for architectural or engineering services for the construction or repair to real property, that architectural or engineering service must be performed at a level of professional skill and care beyond that which would be provided by an ordinarily prudent architect or engineer; and (2) provide that a contractor is not responsible for the consequences of defects in and may not warranty plans, specifications, or other design or bid documents provided to the contractor by: (a) the person with whom the contractor entered into the contract; or (b) another person on behalf of the person with whom the contractor entered into the contract. (Companion bill is **S.B. 219** by **Hughes**.)

H.B. 1428 (Huberty) – Contingent Fee Contracts: would except the following types of contingent fee contracts from certain Professional Services Procurement Act requirements: (1) a contract entered into by a political subdivision for the collection of certain delinquent obligations; and (2) a contract entered into by a political subdivision for certain public security services. (Companion bill is **S.B. 515** by **Huffman**.)

H.B. 1476 (K. Bell) – Goods/Services Contracts: would: (1) require a governmental entity to notify a vendor of a disputed amount in an invoice submitted for payment by the vendor not later

than the 21st day after the date the entity receives the invoice, and include in the notice a detailed statement of the amount of the invoice which is disputed; and (2) provide that a governmental entity may withhold from payments required no more than 110 percent of the disputed amount.

H.B. 1477 (K. Bell) – Public Work Contracts: would, among other things: (1) define: (a) “public work contract” to include work performed on public property leased by a governmental entity to a nongovernmental entity; and (b) “prime contractor” to include a person that makes a public work contract with a person who leases any public property; and (2) require a performance and payment bond when a governmental entity authorizes a nongovernmental entity leasing public property from the governmental entity to contract with a prime contractor.

S.B. 515 (Huffman) – Contingent Fee Contracts: would except the following types of contingent fee contracts from certain Professional Services Procurement Act requirements: (1) a contract entered into by a political subdivision for the collection of certain delinquent obligations; and (2) a contract entered into by a political subdivision for certain public security services. (Companion bill is **H.B. 1428** by **Huberty**.)

Transportation

S.B. 490 (Paxton) – Digital License Plates: would provide that motor vehicles required to register may be issued a digital license plate. (Companion bill is **H.B. 1105** by **Paddie**.)

Utilities and Environment

H.B. 1435 (Lucio III) – Certificates of Convenience and Necessity: would provide that: (1) when an area is newly annexed to a municipality and the municipally owned utility petitions the Public Utility Commission for a certificate of convenience and necessity to serve the newly annexed area, the PUC: (a) shall make an express finding of whether the retail public utility is capable of providing continuous and adequate service to the incorporated or annexed area based solely on information provided by the municipality and the retail public utility; and (b) may grant single certification to the municipality only if the PUC makes a finding under the bill that the municipality demonstrated that the retail public utility is not capable of providing continuous and adequate service to the incorporated or annexed area; (2) if the PUC grants single certification to the municipality under (1), above, the PUC shall determine in its order the monetary amount that is adequate and just to compensate the retail public utility for any of the retail public utility’s property that is affected by the single certification; and (3) before an aggrieved party files an appeal with the district court in Travis County, the party may appeal to the PUC in a separate hearing before the PUC issues a final order under (1) and (2), above.

H.B. 1484 (Metcalf) – Water and Sewer Rates: would: (1) provide that a person who files an application for the purchase or acquisition of a water or sewer system may request that the regulatory authority—including a city—with original jurisdiction over the rates for water or sewer service provided by the person to the customers of the system authorize the person to charge initial rates for the service that are: (a) shown in a tariff filed with a regulatory authority by the person

for another water or sewer system; and (b) in force for the other water or sewer system on the date the application is filed; and (2) prohibit the regulatory authority from requiring a person making a request under (1), above, to initiate a new rate proceeding to establish the initial rates for service the person will provide to the customers of the purchased or acquired system.

H.B. 1501 (Dean) – Natural Gas and Propane: would: (1) preempt a governmental entity from adopting or enforcing a rule, charter provision, ordinance, order, or other regulation that prohibits or restricts, directly or indirectly, the use of natural gas or propane or the connection to any utility provider lawfully operating in Texas in the construction, renovation, maintenance, or alteration of a residential or commercial structure; and (2) provide that a rule, charter provision, ordinance, order, or other regulation adopted by a governmental entity that conflicts with (1), above, is void.

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 with information on new developments. The email updates are our primary means of communication during the pandemic. Those emails are archived [chronologically](#) as well as by [subject matter](#).

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