



Legislative UPDATE

February 12, 2021
Number 6

Elected Officials: Do You Have a Local Officials Group?

In addition to formal [TML regions](#) and the [Grassroots Involvement Program](#), some mayors and city councilmembers participate in local elected official groups. For example, the mayors of Fort Bend County meet regularly to network and discuss what is going on in their area. Some of these groups are more formal than others, but all of them can be vital to cities' grassroots efforts to influence legislation at the local level.

However, League staff faces a challenge getting information to them because most do not have dedicated staff or a website. If you are part of such a group, and are interested in receiving information from TML so that you can inform your legislators about how beneficial - or harmful - legislation affects your city and area, please email TML Grassroots and Legislative Services Manager JJ Rocha at jj@tml.org with your contact information, the name of your local group, your meeting schedule, and the email address of whomever disseminates information to the group.

TCEQ Issues Cybersecurity Alert to Public Water Systems

The Texas Commission on Environmental Quality (TCEQ) is asking all public water systems to review their mitigation processes and take any necessary actions to strengthen cyber security. This comes in the wake of an announcement by the Environmental Protection Agency (EPA) of a cybersecurity attack on a municipal water system in Florida.

There are resources regarding water system cyber security on the [EPA website](#). Additional resources can be found on the American Water Works Association (AWWA) website under [Resource Topics](#).

TCEQ asks that you report any security breaches, cyber or physical, to them at PDWS@tceq.texas.gov.

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. (Companion bill is **H.B. 1538** by **Julie Johnson**.)

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 February 2 through February 4:

- Chris Boswell, Mayor, City of Harlingen
- Clara Faulkner, Councilmember, City of Forest Hill
- Barry Gordon, Mayor, City of Duncanville
- Stephen Mason, Mayor, City of Cedar Hill
- Sheila Petta, Mayor, City of Wilmer

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. 1567 (Middleton) – Property Tax Appraisal: would, among other things: (1) provide that the chief appraiser has the burden of supporting an increase in the appraised value of property from the preceding tax year; (2) require an appraisal district's plan for the periodic reappraisal of property to provide for the reappraisal of all real and personal property in the district not more often than once every two years; and (3) provide that at any time during a tax year before the date the chief appraiser submits the completed appraisal records to the appraisal review board, an owner of real property is entitled to a reappraisal of the owner's real property for that year on written request delivered to the chief appraiser.

H.B. 1601 (Allison) – Property Tax Exemption: would provide that an eligible peace officer that is employed full-time by the state or a political subdivision of the state is entitled to an exemption from taxation by a taxing unit of all or part of the appraised value of the peace officer's residence homestead if: (1) the exemption is adopted by the governing body of the taxing unit, as either a specified dollar amount or as a percentage of the appraised value of the property, in the manner required by law for official action by the governing body; and (2) the peace officer's residence is located in an area designated as a high-need area by the governing body of the taxing unit. (See **H.J.R. 83**, below.)

H.B. 1628 (Raymond) – Property Tax Appraisal: would, among other things, authorize the appraisal review board, on the motion of the chief appraiser or of a property owner, to direct by written order changes in the appraisal roll or related appraisal records under certain circumstances for the current tax year and for either of the two preceding tax years to correct an inaccuracy in the appraised value of the owner’s tangible personal property that is the result of an error or omission in a rendition statement or property report filed for the applicable tax year.

H.J.R. 83 (Allison) – Property Tax Exemption: would amend the Texas Constitution to authorize the governing body of a political subdivision to exempt from property taxation all or part of the appraised value of the residence homestead of an eligible peace officer who resides in a high-need area. (See **H.B. 1601**, above.)

S.B. 611 (Campbell) – Property Tax Exemption: would exempt from property taxes the residence homestead of the surviving spouse of a member of the armed services who is fatally injured in the line of duty. (See **S.J.R. 35**, below.)

S.J.R. 35 (Campbell) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from property taxes the residence homestead of the surviving spouse of a member of the armed services who is fatally injured in the line of duty. (See **S.B. 611**, above.)

Public Safety

H.B. 1519 (Beckley) – Alcohol To-Go: would allow holders of package store permits, wine only package store permits, mixed beverage permits, and consumer delivery permits to deliver alcoholic beverages, within their permits, to a consumer in any destination in Texas.

H.B. 1587 (White) – Firearms Regulation: would, among other things: (1) provide for carrying a handgun by certain persons regardless of whether the person is licensed to carry the handgun; (2) provide that a peace officer acting in the lawful discharge of the officer’s official duties may disarm a person who is carrying a handgun if, among other things, the person is not prohibited by law from carrying a handgun; (3) provide that a public or private employer may not prohibit an employee who is not otherwise prohibited by state or federal law from possessing a firearm or ammunition from transporting or storing a firearm or ammunition in the employee’s private, locked motor vehicle; and (4) provide that a city may regulate the carrying of an air gun or firearm, other than a handgun carried by a person not prohibited by state or federal law from carrying the handgun, at a public park, meeting, political rally, parade, or certain other events.

H.B. 1609 (Crockett) – Criminal Penalties for Drug Possession: would reduce the criminal penalties for possession of small amounts of marihuana.

H.B. 1642 (Sherman) – Peer Reporting: would provide that: (1) a law enforcement agency shall adopt a detailed written policy requiring peace officers employed by the agency to promptly make a detailed written report of any incident in which the peace officer witnesses another peace officer: (a) using more force against a person suspected of committing an offense than an ordinary, prudent

peace officer would use under the same or similar circumstances; or (b) committing an offense of official oppression; (2) the policy must require the peace officer who makes a report described in (1), above, to deliver the report to the supervisor of: (a) the peace officer making the report; and (b) the peace officer who used the excessive force or committed official oppression; (3) a law enforcement agency shall ensure that each peace officer employed by the agency receives adequate training on the policy described in (1), above; (4) a law enforcement agency may not retaliate or discriminate against an employee of the agency for making a required report; and (5) a peace officer who fails to make and deliver a report under a policy adopted under (1), above, commits a Class A misdemeanor.

H.B. 1643 (Sherman) – Implicit Bias Testing: would: (1) make implicit bias testing an eligibility requirement for obtaining a peace officer or reserve law enforcement officer license; (2) provide that the Texas Commission on Law Enforcement (TCOLE) shall require a person applying for a peace officer license to complete implicit bias testing; (3) provide that TCOLE shall require a law enforcement agency that employs one or more peace officers to conduct implicit bias testing on each peace officer the agency employs at least once every five years; (4) require a law enforcement agency described in (3), above or that is hiring a person for whom a peace officer license is sought to report the implicit bias test results to TCOLE and maintain a copy of the results in the person’s personnel file; (5) provide that the test results described in (4), above, are confidential and not subject to disclosure under the Public Information Act; and (6) require a law enforcement agency’s training program to include, at least once every 12 months, training on the following topics: (a) civil rights, racial sensitivity, and cultural diversity; (b) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; (c) ethics and professionalism; and (d) implicit bias.

H.B. 1654 (Wilson) – Location Information Warrant: would provide, among other things, that: (1) a warrant is required to obtain the disclosure of location information that is held in electronic storage in the possession, care, custody, or control of a provider of an electronic communications service or a provider of a remote computing service; (2) a warrant issued to obtain the disclosure of location information is valid for a period not to exceed 60 days, and may be extended for 60 more days; (3) in each county, the prosecutor may designate in writing one or more peace officers in the county, other than a commissioned officer of the Department of Public Safety (DPS), who are permitted to require, without a warrant, the prompt disclosure of location information by a provider of an electronic communications service or a provider of a remote computing service; and (4) a prosecutor, assistant prosecutor, peace officer designated under (3), above, or a commissioned officer designated by DPS to use interception devices for DPS may require the prompt disclosure of location information without a warrant as described in (3), above, if the person reasonably believes: (a) an immediate life-threatening situation exists that: (i) is within the territorial jurisdiction of the person seeking the disclosure or of a peace officer that the person is assisting; and (ii) necessitates the required disclosure of location information before a warrant can, with due diligence, be obtained; and (b) there are sufficient and substantial facts to establish probable cause for obtaining a warrant for the disclosure of the information.

H.B. 1674 (Holland) – Mandatory Blood Draws: would provide that a peace officer shall require the taking of a specimen of blood from a person arrested for driving while intoxicated if: (1) the person was the operator of a motor vehicle involved in an accident; (2) the officer arrests the person

for an offense in connection with the accident; (3) the person refuses the officer's request to submit to the taking of a specimen voluntarily; (4) the officer reasonably believes that the accident occurred as a result of the offense for which the person is arrested; and (5) at the time of the arrest, the officer reasonably believes that as a direct result of the accident an individual other than the person arrested has died or will die.

H.B. 1686 (Cortez) – Residential Food Production: would, among other things: (1) prohibit a municipality from adopting or enforcing an ordinance that prohibits any of the following activities on a single-family residential lot: (a) the growing of fruits and vegetables; or (b) the raising or keeping of: (i) six or fewer domestic fowls; (ii) six or fewer rabbits; or (iii) three or fewer beehives; (2) allow a municipality, and a property owners' association, to impose reasonable regulations on the raising or keeping of fowls, rabbits, or bees on a single-family residential lot that do not have the effect of prohibiting the raising or keeping of the fowls, rabbits, or bees, including: (a) a limit on the number of animals or beehives that is more than the minimum number allowed by state law; (b) a prohibition on raising or keeping of a rooster; or (c) the minimum distance between an animal shelter or beehive and a residential structure; and (3) provide that an ordinance adopted by a municipality, or a provision within a restrictive covenant, that violates state law is void.

H.B. 1692 (Tinderholt) – Public Safety Funding: would: (1) define "public safety service" to mean fire protection, law enforcement, or emergency medical service; (2) provide that a political subdivision, other than a school district, may not adopt a budget that allocates an amount of money to provide a public safety service that is less than the amount allocated to provide that service in the preceding fiscal year if: (a) the reduction in the amount of money allocated to provide the public safety service is greater than the reduction in the amount of money allocated in that budget to provide other identifiable services; and (b) the percentage difference between the amount of money allocated in the budget to provide the public safety service and the amount allocated to provide that service in the preceding fiscal year is greater than the percentage difference between the amount of money allocated in the budget to provide other identifiable services and the amount allocated to provide other identifiable services in the preceding fiscal year; (3) allow a political subdivision to adopt a budget that does not meet the requirements of (2), above, if the political subdivision will not provide the public safety service in the fiscal year for which the budget is adopted; and (4) provide that the amount allocated in a budget to provide a public safety service includes all maintenance, operations, and debt service costs associated with providing the service.

S.B. 561 (Miles) – Alcoholic Beverage Permit: would require notice of, and provide standing to protest, certain alcoholic beverage permit and license applications within 1,000 feet of any property line of the affected premises, or of any property line of the premises for which the permit is sought.

Sales Tax

H.B. 1538 (Julie Johnson) – Street Maintenance Sales Tax: would, among other things, provide that: (1) for a city in which a majority of the voters voting in each of the last two consecutive elections concerning the adoption or reauthorization of the street maintenance sales tax favored adoption or reauthorization and in which the tax has not expired since the first of those two

consecutive elections, the city may call an election to reauthorize the tax for a period of eight or ten years, instead of four years; and (2) revenue from the street maintenance sales tax may be used to maintain and repair: (a) a city street or sidewalk; and (b) a city water, wastewater, or stormwater system located in the width of a way of a city street. (Companion bill is **S.B. 402** by **Johnson**.)

Community and Economic Development

H.B. 1543 (Parker) – Public Improvement Districts: would, among other things: (1) provide that the resolution adopted by a city council authorizing the creation of a public improvement district (PID) takes effect on the date the resolution is adopted; (2) require a city to file a copy of a PID creation resolution with the county clerk of each county in which all or part of the PID is located not later than the seventh day after the date the city council adopts the resolution; (3) require a city council to approve a PID service plan, or amend or update the plan, only by ordinance; (4) require a city to file a copy of the initially-adopted or amended PID service plan with the county clerk of each county in which all or part of the PID is located not later than the seventh day after the date the city council approves the service plan; (5) revise the language of the mandatory notice of obligations related to a PID used in a real estate transaction to include, among other things, additional information about the PID assessment levied against the property; (6) authorize the city or county that created the PID to provide additional information regarding the district in the PID obligation notice described in (5), above, including whether an assessment has been levied, the amount of the assessment, and the payment schedule for assessments; (7) require the PID obligation notice described in (5), above, to be given to a prospective purchaser before the execution of a binding contract of purchase and sale, either separately or as an addendum or paragraph of a purchase contract; (8) provide that in the event a contract of purchase and sale is entered into without the seller providing the required notice of PID obligations, the purchaser is entitled to terminate the contract; and (9) provide that it shall be conclusively presumed that the purchaser has waived all rights to terminate the contract under (8), above, or recover damages or other remedies or rights, if the seller furnishes the notice of PID obligations at or before closing the purchase and sale contract and the purchaser elects to close even though the notice was not timely furnished before execution of the contract.

H.B. 1554 (Rogers) – Municipal Development Districts: would authorize a municipal development district to use money in the development project fund to pay the costs of planning, acquiring, establishing, developing, constructing, or renovating one or more development projects located outside the district if: (1) the board determines that the development project will provide an economic benefit to the district; and (2) the following entities, as applicable, approve the development project by resolution: (a) the city that created the district; (b) each city in whose corporate limits or extraterritorial jurisdiction the project is located; and (c) the commissioners court of the county in which the project is located, if the project is not located in the corporate limits or extraterritorial jurisdiction of a city. (Companion bill is **S.B. 565** by **Buckingham**.)

H.B. 1556 (Murphy) – School Property Tax Exemptions: would, among other things, extend the expiration date of the Texas Economic Development Act from December 31, 2022, to December 31, 2032.

H.B. 1604 (Murphy) – Public Facility Corporations: would provide that beneficial tax treatment for a multifamily residential development which is owned by a public facility corporation created by a housing authority and which does not have at least 20 percent of its units reserved for public housing units applies only if, among other factors, the governing body of each governmental unit authorized by law to impose taxes on the property containing the development adopts a resolution approving the development. (Companion bill is **S.B. 591** by **Bettencourt**.)

H.B. 1634 (Lucio) – Call Centers: would, among other things: (1) require a city to give preference to a vendor, bidder, or contractor that does not appear on a list maintained by the Texas Department of Insurance identifying businesses that relocate customer service employee positions; (2) prohibit a city (with some exceptions) from awarding or providing a public subsidy to a business that appears on a certain list identifying businesses that relocate customer service employee positions; and (3) require certain businesses that relocate customer service employee positions to repay any public subsidies awarded after the business is placed on the list of businesses that relocate customer service employee positions maintained by the Texas Department of Insurance.

H.B. 1653 (Craddick) – Disannexation: would: (1) provide for the disannexation of an area that: (a) does not receive full municipal services and was exempt from municipal taxation for more than 20 years under an ordinance that provided that the area was exempt from taxation until full municipal services were provided; or (b) was annexed for limited purposes before certain laws were enacted and has not received at any time full municipal services; and (2) provide that if, after receiving a valid petition, a city fails to disannex property described in (1), the person filing the petition may bring an action against the city to compel disannexation and potentially recover attorney's fees and court costs.

S.B. 565 (Buckingham) – Municipal Development Districts: would authorize a municipal development district to use money in the development project fund to pay the costs of planning, acquiring, establishing, developing, constructing, or renovating one or more development projects located outside the district if: (1) the board determines that the development project will provide an economic benefit to the district; and (2) the following entities, as applicable, approve the development project by resolution: (a) the city that created the district; (b) each city in whose corporate limits or extraterritorial jurisdiction the project is located; and (c) the commissioners court of the county in which the project is located, if the project is not located in the corporate limits or extraterritorial jurisdiction of a city. (Companion bill is **H.B. 1554** by **Rogers**.)

S.B. 579 (Eckhardt) – 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. (Companion bill is **H.B. 1472** by **Bucy**.)

S.B. 591 (Bettencourt) – Public Facilities Corporations: would provide that beneficial tax treatment for a multifamily residential development which is owned by a public facility corporation created by a housing authority and which does not have at least 20 percent of its units reserved for public housing units applies only if, among other factors, the governing body of each governmental unit authorized by law to impose taxes on the property containing the development adopts a resolution approving the development. (Companion bill is **H.B. 1604** by **Murphy**.)

S.B. 593 (Hinojosa) – Annexation: would authorize a city by ordinance to annex a colonia without the consent of the residents of, voters of, or owners of land in the colonia.

S.B. 618 (Gutierrez) – Broadband: would, among other things: (1) create the Texas Telecommunications Infrastructure Board, which would be the state agency primarily responsible for telecommunications infrastructure planning and for administering telecommunications infrastructure financing for the state; (2) provide that the board has general jurisdiction over: (a) the development and implementation of a statewide telecommunications infrastructure plan; (b) the administration of the state’s various telecommunication assistance and financing programs including those created by the constitution; (c) creating a complete data set of telecommunications infrastructure, including mapping of middle-mile and dark fiber infrastructure; and (d) other areas specifically assigned to the board by statute or other law; and (3) require the board to make biennial reports in writing to the governor and the members of the legislature to include a statement of the activities of the board and its recommendations for necessary and desirable legislation, with the initial report making recommendations concerning: (a) necessary rural broadband infrastructure; (b) an analysis of back-haul or middle-mile issues in rural broadband delivery; (c) a model or map of existing middle-mile infrastructure; (d) an analysis of statewide coordination of telecommunications infrastructure; and (e) a plan to increase rural adoption and utilization of available future broadband service.

Elections

H.B. 1573 (S. Thompson) – Mobile Polling Place: would, among other things, allow movable structures to be used as polling places by the commissioner’s court of a county that participates in the countywide polling place program.

H.B. 1622 (Guillen) – Early Voting Reporting: would: (1) allow a person registered to vote in the county where the early voting clerk is conducting early voting to submit a complaint to the secretary of state stating that an early voting clerk has not delivered to the local canvassing authority a report of the early voting votes cast not later than the time of the local canvass; (2) require the secretary of state to create and maintain a system for receiving and recording complaints; and (3) require the secretary of state to maintain a record indicating which counties and early voting clerks have failed to comply with the requirements of early voting reporting.

H.B. 1669 (Thierry) – Return of Mail Ballots: would authorize: (1) a voter to deliver a marked mail ballot in person to the early voting clerk’s office or to another designated location while the polls are open on election day or during the early voting period; and (2) the early voting clerk to designate any number of suitable locations for in-person delivery of ballots. (Companion bill is **S.B. 426** by Miles.)

S.B. 598 (Kolkhorst) – Auditable Voting Systems: would, among other things, provide that: (1) a voting system that consists of direct recording electronic voting machines may not be used in an election unless the system is considered an “auditable voting system” that uses, creates, or displays a paper record that may be read by the voter; (2) an authority that purchased a voting system other

than an auditable voting system after September 1, 2014, and before September 1, 2021, may use available federal funding, and if federal funding is not available, available state funding to convert the purchased voting system into an auditable voting system in accordance with a specific schedule; and (3) the requirement to use an auditable voting system in (1), above, does not apply to an election held before September 1, 2026.

S.B. 605 (Kolkhorst) – Election Bystanders: would: (1) authorize the following people to be lawfully present in a polling place during the time the presiding judge arrives there on election day until the precinct returns have been certified and the election records assembled for distribution following the election: (a) an election judge or clerk; (b) a watcher; (c) a state or federal inspector; (d) a person admitted to vote; (e) a child under 18 years of age accompanying a parent who has been admitted to vote; (f) a person providing authorized assistance to a voter; (g) a special peace officer appointed by the presiding judge; (h) the county chair of a political party conducting a primary election; (i) an authorized voting system technician; or (j) a person whose presence has been authorized by the presiding judge; (2) authorize the following people to be lawfully present in the meeting place of an early voting ballot board during the time of the board’s operation: (a) a presiding judge or member of the board; (b) a watcher; (c) an authorized voting system technician; or (d) a person whose presence has been authorized by the presiding judge; and (3) authorize the following people to be lawfully present in the central counting station while ballots are being counted: (a) a counting station manager, tabulation supervisor, assistant to the tabulation supervisor, presiding judge, or clerk; (b) a watcher; (c) an authorized voting system technician; or (d) a person whose presence has been authorized by the counting station manager. (Companion bill is **H.B. 1128** by **Jetton**.)

Emergency Management

H.B. 1532 (Reynolds) – Residential Evictions: would provide that: (1) an officer may not execute a writ of possession relating to the eviction of a residential tenant during the period a pandemic-related state of disaster is in effect; and (2) an action to evict a residential tenant is automatically abated without a court order during the period described in (1), above.

H.B. 1557 (Martinez Fischer) – State of Disaster Extension: would provide that if the governor finds that a state of disaster requires a renewal and the legislature is not convened in regular or special session, the governor by proclamation shall convene the legislature in special session to respond to the state of disaster.

H.B. 1656 (Murphy) – Disaster Orders: would provide that, to the extent of any conflict, an executive order, proclamation, or regulation issued by the governor in response to a disaster prevails over an order, proclamation, or regulation issued by the presiding officer of the governing body of a political subdivision.

H.B. 1690 (Tinderholt) - Weapons: would eliminate the governor’s authority: (1) during a state of emergency, to issue directives on the control of: (a) the sale, transportation, and use of weapons; and (b) the storage, use, and transportation of explosives or flammable materials considered

dangerous to public safety; and (2) during a declared state of disaster to suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles.

H.B. 1691 (Tinderholt) – Religious Organizations: would provide that the governor or the presiding officer of the governing body of a political subdivision may not issue an executive order, proclamation, or regulation, as applicable, related to a declared state of disaster or local state of disaster that: (1) restricts the free exercise of religion protected under state or federal law; (2) prohibits or limits a religious service conducted in a house of worship by a religious organization established to support and serve the propagation of a sincerely held religious belief; or (3) limits the operation or operational hours of a religious organization established to support and serve the propagation of a sincerely held religious belief.

Municipal Courts

H.B. 1599 (Jarvis Johnson) – Hypnotically Induced Testimony: would provide that the testimony of a person obtained by hypnotizing the person is not admissible against a defendant in a criminal trial, whether offered in the guilt or innocence phase or the punishment phase of the trial. (Companion bill is **S.B. 281** by **Hinojosa**.)

Open Government

H.B. 1678 (Raymond) – Autopsy Records: would provide that a photograph or x-ray of a body taken during an autopsy may be disclosed to the next of kin or legal representative of the deceased.

Other Finance and Administration

H.B. 1517 (Dutton) – Alcohol Sales: would provide that the Texas Alcoholic Beverage Commission may, on the request of the chief executive officer of a city, extend the hours during which alcoholic beverages may be sold and consumed in a licensed or permitted premises located in a hotel in the city during a special event that is being held in or near the city not to exceed 72 consecutive hours.

H.B. 1547 (Gates) – County Assistance Districts: would provide that: (1) if a proposed county assistance district (CAD) includes any territory of a municipality, the governing body of the municipality may exclude the incorporated territory of the municipality and may not exclude territory in the municipality's extraterritorial jurisdiction from the proposed CAD; and (2) when a municipality requests that a CAD exclude annexed territory from the CAD, the CAD shall exclude from the CAD territory annexed for full purposes by a municipality, if: (a) the CAD has no outstanding bonds payable wholly or partly from sales and use taxes and the exclusion does not impair any outstanding CAD debt or contractual obligation; and (b) the municipality: (i) provides notice to the CAD that full municipal services will be provided to the annexed territory by a specific date; and (ii) requests that the CAD exclude the annexed territory from the territory of the CAD.

H.B. 1580 (Rosenthal) – Office of Community Violence Intervention: would, among other things: (1) create the Office of Community Violence Intervention (Office) for the purposes of, among other things: (a) providing leadership, coordination, and technical assistance to promote effective state and local efforts on reducing preventable injuries and deaths resulting from all forms of physical violence; (b) collaborating with governmental entities, law enforcement agencies, community-based organizations, business leaders, and other appropriate individuals in Texas to develop evidence-based policies, strategies, and interventions to reduce the impacts of violence in Texas; and (c) awarding grants; (2) provide that the Office, with the advice of an advisory committee, shall award grants for community violence intervention and prevention through a competitive process to counties and municipalities that are disproportionately impacted by a high incidence of violence; and (3) provide that a county or municipal recipient of a grant award under (2) must distribute not less than 50 percent of the grant money to one or more of the following: (a) a community-based organization; (b) an Indian tribe or tribal organizations; or (c) a public entity whose primary focus is community safety or gun violence prevention.

H.B. 1591 (Leach) – Funeral Establishments: would provide that the distance requirements for cemeteries or any use of land for the interment of remains from city limits would not apply to a funeral establishment licensed by the Texas Funeral Service Commission.

H.B. 1598 - Office of Independent Oversight Ombudsman: would, among other things, create the Office of Independent Oversight Ombudsman as a state agency for the purpose of monitoring the conditions of confinement and treatment of offenders, investigating, evaluating, and securing the rights of offenders, and assisting the Texas Department of Criminal Justice in improving its operations.

H.B. 1608 (Rosenthal) – Data Collection: would require the Health and Human Services Commission (Commission) to ensure that each local government entity responsible for providing data to the Commission or a health and services agency in connection with a public benefits program administered by the Commission or agency: (1) provide individuals from whom demographic data is sought the option to report certain detailed data regarding the individual's race or ethnic origin and sex or gender; and (2) collect certain data from individuals who receive, or were receiving at the time of the individual's death, benefits under a program.

H.B. 1615 (Cyrier) – Texas Parks and Wildlife Department: would, among other things, continue the functions of the Texas Parks and Wildlife Department until September 1, 2033.

H.B. 1619 (Ramos) – Personal Identification Documents: would, among other things, provide that on request of a person who is a trafficking victim, the state registrar, a local registrar, or a county clerk shall issue without fee a certified copy of the person's birth record.

H.B. 1620 (Ramos) – Abortion Providers: would repeal the law that: (1) provides, with certain exceptions, that a governmental entity may not enter into a taxpayer resource transaction or contract with an abortion provider or an affiliate of an abortion provider; and (2) provides that the attorney general may bring an action in the name of the state to enjoin a violation of (1) and may recover reasonable attorney's fees and costs in bringing that action.

H.B. 1652 (Wilson) – Farmers’ Markets: would: (1) define “food producer” as a person who grew, raised, processed, prepared, manufactured, or otherwise added value to the food product the person is selling; (2) provide that a temporary food establishment permit or permit issued by a public health district to a farmer for the sale of food directly to consumers at a farmers’ market, farm stand, or the farmer’s farm or to a food producer: (a) must be valid for a term of not less than one year; (b) may impose an annual fee not to exceed \$100; and (c) must cover sales at all locations within the jurisdiction of the permitting authority; and (3) provide that a farmer or food producer who is charged an annual fee in excess of (2)(b) or whose permit does not otherwise comply with the bill may bring an action against the governmental entity that charged the fee or issued the permit to recover: (a) the amount the farmer or food producer was charged in excess of the annual fee authorized by (2)(b); and (b) reasonable and necessary attorney’s fees. (Companion bill is **S.B. 617** by **Kolkhorst**.)

H.B. 1666 (Thierry) – Local Health Departments: would provide that the executive commissioner of Health and Human Services Commission shall establish a separate provider type for local health departments, including health service regional offices acting in the capacity of local health departments, for purposes of enrollment as a provider for and reimbursement under the medical assistance program. (Companion bill is **S.B. 73** by **Miles**.)

H.B. 1676 (Goodwin) – Child Water Safety Requirements: would: (1) provide that an organization, including a school, preschool, kindergarten, nursery school, or day camp or youth camp that takes a child in its care or under its supervision to a body of water (including a pool) or otherwise allows a child access to a body of water shall: (a) determine whether the child is able to swim or is at risk when swimming; and (b) if the organization does not own or operate the body of water, provide the owner or operator of the body of water a written or electronic disclosure that clearly identifies each child who is unable to swim or is at risk when swimming; and (2) require the organization, during the time each child who is unable to swim or is at risk when swimming has access to a body of water, to: (a) provide the child an approved personal flotation device; and (b) ensure the child is wearing the appropriate personal flotation device and the device is properly fitted for the child.

H.B. 1683 (Landgraf) – Oil and Gas Operations: would: (1) prohibit an agency of this state or political subdivision from contracting with or providing assistance to a federal agency or official with respect to the enforcement of a federal state, order, rule, or regulation purporting to regulate oil and gas operations if the statute, order, rule, or regulation imposes a prohibition, restriction, or other regulation that does not exist under the laws of Texas; and (2) provide that the prohibition in (1) may be enforced: (a) by denying state grant funds to the political subdivision; and (b) through court action by the attorney general.

H.J.R. 82 (Craddick) – Infrastructure Funding: would amend the Texas Constitution to create the Grow Texas fund and authorize the appropriation of money from the Grow Texas fund only for use in areas of the state from which oil and gas are produced and only to address infrastructure needs in the manner provided by general law in areas of the state determined by the legislature to be significantly affected by oil and gas production.

S.B. 569 (Springer) – Deceased Resident Report: would, among other things, require the local registrar of deaths to file each abstract with the voter registrar of the decedent’s county of residence and the secretary of state as soon as possible, but not later than one day after the abstract is prepared. (Note: current law authorizes the local registrar to file the abstract with the voter registrar not later than the 10th day after the abstract is prepared.) (Companion bill is **H.B. 1264** by **K. Bell**.)

S.B. 616 (Gutierrez) – Casino Gambling: would allow up to 12 casinos in this state pursuant to a county approval election. (See **S.J.R. 36**, below.)

S.B. 617 (Kolkhorst) – Farmers’ Markets: would: (1) define “food producer” as a person who grew, raised, processed, prepared, manufactured, or otherwise added value to the food product the person is selling; (2) provide that a temporary food establishment permit or permit issued by a public health district to a farmer for the sale of food directly to consumers at a farmers’ market, farm stand, or the farmer’s farm or to a food producer: (a) must be valid for a term of not less than one year; (b) may impose an annual fee not to exceed \$100; and (c) must cover sales at all locations within the jurisdiction of the permitting authority; and (3) provide that a farmer or food producer who is charged an annual fee in excess of (2)(b) or whose permit does not otherwise comply with the bill may bring an action against the governmental entity that charged the fee or issued the permit to recover: (a) the amount the farmer or food producer was charged in excess of the annual fee authorized by (2)(b); and (b) reasonable and necessary attorney’s fees. (Companion bill is **H.B. 1652** by **Wilson**.)

S.B. 621 (Gutierrez) – Nepotism: would provide that an individual may not be appointed to or hold a position or public office that is to be directly or indirectly compensated from public funds or fees if the individual has been appointed, confirmed for appointment, or voted for appointment in violation of state nepotism law.

S.J.R. 36 (Gutierrez) – Casino Gambling: would amend the Texas Constitution to allow up to 12 casinos in this state pursuant to a county approval election. (See **S.B. 616**, above.)

Personnel

H.B. 1563 (Gervin-Hawkins) – Police/Fire Personnel File: would provide that, in a civil service city: (1) information maintained in a police or fire department personnel file (commonly referred to as the “g” file) is public information subject to disclosure under the Texas Public Information Act unless the information is otherwise confidential; and (2) before the police or fire department responds to a request for information contained in the “g” file, the police or fire department, as applicable, shall provide the fire fighter or police officer with a copy of the request and written notice of the department’s intent to comply with the request.

H.B. 1589 (Davis) – Paid Military Leave: would provide that: (1) a person who is an officer or employee of the state, a city, a county, or another political subdivision and who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team is entitled to paid leave of absence for each day the person is called to state active duty by the governor or another appropriate authority in response to a

disaster, not to exceed seven workdays in a fiscal year; and (2) during the leave of absence described in (1), above, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time.

H.B. 1660 (Pacheco) – E-Verify: would, among other things: (1) require a political subdivision to register and participate in the federal electronic verification of employment authorization program in order to verify the information of all new employees; and (2) provide that an employee of a political subdivision who is responsible for verifying information of new employees is subject to immediate termination for failure to comply with the requirement in (1).

H.B. 1687 (Noble) – COVID-19 Vaccine: would, among other things, provide that an employer, including a city, commits an unlawful employment practice if the employer fails or refuses to hire, discharges, or otherwise discriminates against an individual with respect to the compensation or the terms, conditions, or privileges of employment because the individual has not received a COVID-19 vaccine.

S.B. 578 (Eckhardt) – Reproductive Discrimination: would, among other things: (1) provide that an employer commits an unlawful employment practice if the employer discriminates against an employee or a close member of the employee’s family or household on the basis of a reproductive decision including: (a) marital status at the time of a pregnancy; (b) use of assisted reproduction to become pregnant; (c) use of contraception or a specific form of pregnancy; or (d) obtainment or use of any other health care drug, device or service relating to reproductive health; (2) require an employer that provides an employee handbook include in the handbook information regarding the prohibition of discrimination based on a reproductive decision; and (3) make a mandatory arbitration agreement between an employer and an employee void and unenforceable to the extent the agreement limits the reproductive decisions of an employee or employee’s close family or household members (Companion bill is **H.B. 698** by **Rosenthal**.)

Purchasing

H.B. 1649 (Middleton) – Insurance: would: (1) provide that, regardless of whether the contract is subject to competitive bidding requirements, a city may not enter into an insurance or risk pool contract unless: (a) the city receives at least two bids or proposals from different persons for the contract; and (b) the city files the contract with the Texas Department of Insurance; and (2) except from the requirement in (1) a procurement that is available from only one source.

Transportation

H.B. 1651 (Wilson) – Pavement Consumption Fee: would require the Texas Department of Transportation to conduct a study on the feasibility of: (1) charging a pavement consumption fee for the operation of certain motor vehicles on public highways; and (2) adjusting or eliminating registration or permit fees that are used for the maintenance of highway by a governmental entity and imposed on commercial motor vehicles subject to the pavement consumption fee.

Utilities and Environment

H.B. 1534 (Reynolds) – Greenhouse Gas Emissions: would, among other things: (1) require the Texas Commission on Environmental Quality (TCEQ) to adopt, charge, and collect an annual fee on each permitted electric generating facility that is subject to federal greenhouse gas reporting requirements; (2) provide that the fee in (1) is in the amount of \$5 per ton of carbon dioxide equivalent emitted from the facility each year, unless TCEQ has adopted a rule that provides for an automatic annual increase in the amount of the fee; (3) provide that a facility in (1) shall submit an annual report required by federal greenhouse gas reporting to TCEQ, which TCEQ will use to calculate the total fee in (1) to be imposed on the facility; (4) require TCEQ to establish by rule a grant program through which electric utilities, municipally owned utilities, and electric cooperatives may receive money from the greenhouse gas emissions fee account to assist those utilities with meeting their statutory energy efficiency goals; (5) with some exceptions, require TCEQ to make grant money available to an electric utility, municipally-owned utility, or electric cooperative in proportion to the percentage of electric energy consumed by the retail customers in Texas that are served by the electric utility, municipally-owned utility, or electric cooperative; and (6) provide that a grant received by an unbundled transmission and distribution utility under (4) may be considered as part of the utility’s energy efficiency budget for the purposes of determining compliance with the required annual expenditures for the targeted low-income energy efficiency programs required by law.

S.B. 582 (Lucio) – Municipally-Owned Utilities: would provide that a municipality is not required to hold an election to authorize the sale of a municipal retail water or sewer utility system if the governing body of the municipality finds by official action that a condition exists to justify the sale.

S.B. 597 (Zaffirini) – Municipal Drainage Service Charges: would: (1) authorize a city to exempt property from all or a portion of drainage charges if the property is used as a principle residence of an individual who is a disabled veteran, 65 years of age or older, a veteran of the armed forces of the United States, or a member of the armed services of the United States on active deployment; and (2) authorize a city to impose additional eligibility requirements for an exemption under (1). (Companion bill is **H.B. 824** by **Bucy**.)

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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